

FS/P17-2158

18 September 2018

Planning Services
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

Dear Sir/Madam

Application Reference: APP/18/00706
39 West Street, Havant, PO9 1LA

Pegasus Group has prepared this letter in support of an application (ref: APP/18/00706) for the following development at the above address:

"Change of use from a former bank (Class A2) to a hot food takeaway (Class A5); installation of extraction/ventilation equipment and other minor external alterations."

The application was submitted to Havant Borough Council on 9th July 2018 and is currently under consideration.

Throughout the consultation period there have been comments from third parties who are opposed to the scheme. These comments raise concerns with a number of issues and this letter responds to these comments as well as responding to a number of queries which have been raised by the Planning Officer.

Impact on Residential Amenity

A large number of comments have been received stating that the proposed change of use would result in an unacceptable impact on amenity through additional noise and disturbance and odours from the use of the site as a takeaway and the installation of plant equipment.

Originally, the proposed opening hours of the hot food takeaway were between 11.00am and 01.00am Sunday to Thursday and between 11.00am and 02.00am on Fridays and Saturdays.

However, the applicant has noted the concerns raised by the local residents in relation to this matter and has therefore agreed to reduce the proposed opening hours to between 11.00am and 11.00pm Sunday to Thursday and between 11.00am to midnight on Fridays and Saturdays.

PLANNING | **DESIGN** | **ENVIRONMENT** | **ECONOMICS**

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The application site is located within the defined town centre of Havant and is therefore within a mixed area and is surrounded by commercial uses, including units which open throughout the proposed opening hours of the new hot food takeaway.

For example, the Parchment Makers bar is approximately 40 metres to the north east and operates until 11.00pm Sunday to Thursday and until midnight on weekends. There is a large Tesco approximately 250 metres to the south west which operates 24 hours a day. In addition, the site is adjacent to a busy road leading to the Havant Bypass (A27) which experiences a significant level of vehicular traffic throughout the day and night.

As such, there is already clearly a significant level of activity in the centre and the surrounding area during these hours and the opening of a hot food takeaway (Class A5) during the times proposed will not cause any unacceptable increase in noise and disturbance.

In addition, there will not be a high level of deliveries or movements during the later opening hours (e.g. between 11.00pm and midnight) as the busiest times for the proposed takeaway are anticipated to be during meal times. However, the opening hours until midnight on weekends are sought to service the small amount of demand which does exist during these times.

An application (ref: APP/14/00557) was granted on 22nd July 2014 for a variation of condition to allow Domino's Pizza (approximately 325 metres to the north east of the site) to operate until 01.00am for deliveries on Fridays and Saturdays. This site is immediately beneath residential properties and clearly demonstrates that the Council have accepted even later opening hours within the town centre.

If the Council felt it necessary, a condition could be added to any decision notice confirming that the opening hours after 11.00pm on weekends would only be approved for a temporary period of 12 months and that the applicant would need to apply to make these opening hours permanent at the end of this timeframe. Therefore, if any significant disturbance or noise issues arose during the temporary time period then the hours could be reconsidered by the Council.

In relation to the noise from the activities at the site and the proposed plant equipment, the applicant has appointed an acoustic consultant (Cole Jarman) to carry out a full noise assessment. This is included with this letter and demonstrates that provided acoustic attenuation measures are included, the noise emissions from the plant equipment will be kept to an acceptable level and will cause no adverse impact on the nearest noise sensitive properties.

The acoustic mitigation measures which will be installed include the installation of silencers within the extract and fresh air intake ducts.

In relation to the extraction of fumes from the premises, the system has been carefully designed to ensure no unacceptable impact is caused to residential amenity in terms of odours. Indeed, the system has been fitted with carbon filters to treat any odours and reduce the potential for any harmful smells or odours.

The application has been reviewed by the Council's Environmental Health Officer who has advised that they do not have any specific objection but recommend that if permission is granted, a condition is added restricting the use of the site as a pizza takeaway only. The applicant would be willing to accept such a condition.

Concerns have also been raised in relation to a perceived increase in waste and litter as a result of the takeaway. Therefore, the applicant has prepared a waste and operational management plan detailing where the waste will be stored, how and when it will be collected and how employees of the store will ensure waste does not get left in unsightly locations which could harm the appearance of the area. This management plan is enclosed with this letter.

Highways and Parking Considerations

There have been numerous objections received on the basis that the proposal will result in additional parking and an increase in traffic in the surrounding area.

In terms of the number of vehicles which would be associated with the business, the precise number cannot be known until the store is operating and the volume of sales is established. However, based on other similar operations there would typically be 2-4 drivers operating during the day (until 6pm) and 6-8 drivers during the busy evening period (between 6pm and 9pm). After this time, the level of trade would reduce and the number of drivers would likely revert to 2-4 until closing time.

The drivers will only be making very short stops and will be out delivering pizzas for the majority of the time. Therefore, it is very unlikely that there would be more than 2 drivers needing to park near the store at the same time and the 3 spaces to the rear of the premises will provide ample space for the delivery drivers (this is where they will park to collect the pizzas).

In terms of the type of vehicles that would be used, these would be cars which would be owned by the delivery drivers themselves and would therefore be taken home at the end of each shift.

In terms of customer parking, the site is in a highly sustainable location and a number of customers would either walk to the site from the surrounding residential areas or collect their orders as part of linked trips to the town centre. Notwithstanding this, the majority of customers will use the delivery service. For customers driving to the store to collect orders, they will use the surrounding on-street spaces.

The hot food takeaway would likely be busiest outside of the time when the on-street spaces are restricted, i.e. during the early evenings.

Appropriate weight should also be given to the lawful use of the site and the 'fall-back' position. The application site is lawfully a Class A2 bank and could be used as a Class A1 shop without the need for planning permission (as well as a bank). A Class A1 shop would generate a similar amount of vehicle movements and parking demand as the proposed hot food takeaway use and this needs to be taken into consideration in assessing the merits of this proposal.

Finally, it should be noted that the proposed change of use has been reviewed by the local highways authority who have confirmed that the proposal would not result in any adverse impact to highway safety and therefore have no objection to the application.

The Principle of Development

A number of comments highlight that there are a number of existing food and drink uses within the vicinity and that there is no need for another hot food takeaway (Class A5). The issue of need or competition is not a planning issue and should not form a reason for refusing the application.

Whilst it is appreciated that harmful concentrations of similar uses can cause issues in terms of the cumulative impact on amenity or the vitality and viability of the area, it is not considered that the proposed change of use would result in a concentration of Class A5 uses which would cause significant harm to the retail function of the area in this instance. It has already been demonstrated above that the application will not result in any harm to amenity.

There is no specific guidance set out in the Council's adopted policy documents on what would constitute a harmful over-concentration of Class A5 hot food takeaways in a particular frontage or in the centre as a whole. The Planning Policy team's comments dated 20th August 2018 highlight the potential for the emerging Local Plan to restrict the number of hot food takeaways but in its current form there is no policy in the emerging Local Plan seeking to restrict a specific amount of takeaways or setting out any guidance on where these should be restricted.

The application site is located on the corner of Park Road South and West Street. It is immediately adjacent to hairdressers (Class A1) to both the south and west. It is not adjacent to any other hot food takeaways and there are no takeaways within the specific frontage in which the site sits, although there is a McDonald's restaurant (Class A3) on the opposite side of Park Road South.

This cannot be considered to constitute a harmful concentration that would negatively impact upon the vitality and viability of the centre, particularly given that the proposal is not contrary to any adopted or emerging local planning policies.

Appropriate weight should be given to the benefits of bringing the unit back into an active commercial use and providing a service to local residents. The site is currently vacant and has been so since September 2017, a period of 12 months.

The proposed change of use would allow for the re-occupation of the site by a new hot food takeaway operator who would generate a good amount of footfall and make positive use of a vacant commercial unit. This would enhance the vitality and viability of the Havant Town Centre.

The proposed takeaway would allow customers to make their orders at the store as well as collecting orders and offering a delivery service. It would maintain an active frontage and would be open during the daytime and evenings. Therefore, the proposed use would continue to generate a good amount of footfall as well as contributing to the evening economy.

Furthermore, it is anticipated that the proposal would generate approximately 22 full and part time jobs. There would be approximately 6 full-time positions at the store and these would include the store manager and an assistant manager. The full-time employees would work around 40 hours per week with part-time members of staff working between 10 and 20 hours per week. The applicant typically aims to recruit as many locally-sourced staff as possible.

As such, the proposal would result in bringing a vacant commercial unit back into an active employment generating use and would improve the vitality and viability of the town centre as well as the character and appearance of the surrounding area.

Impact on Healthy Lifestyles

The Planning Policy team's comments highlighted a concern that there were high levels of obesity amongst adults and children and requested details of how the application would affect healthy lifestyles accordingly.

The application site is located within the defined shopping centre of Havant Town Centre. This is an appropriate location for main town centre uses, such as Class A5 hot food takeaways. Indeed, main town centre uses are directed towards the defined centres by local and National policy.

In designated centres, where most of these uses are expected to be located, it is clear that there will already be access to similar foods that could be provided within the proposed takeaway (i.e. pizzas) as convenience stores and restaurants will exist in such locations. There are also existing hot food takeaways. As such, the addition of the proposed takeaway would not result in a significant impact on eating habits or healthy lifestyles.

Furthermore, it is clear that a variety of food including what may be considered to be 'unhealthy' food can just as easily be purchased from Class A1 convenience stores or coffee shops e.g. sweets and crisps at prices which would be affordable for school children. This is more likely to encourage unhealthy lifestyles than if the site were a restaurant or a hot food takeaway, which would likely sell food that is less affordable for school children.

Young people are far more likely to purchase 'unhealthy' food from a Class A1 convenience store. Indeed, a young person is much more likely to purchase a fizzy drink or a chocolate bar to/from school rather than a meal from a hot food takeaway given the respective prices.

In summary, it is not felt that the proposal would result in any harmful impact on healthy lifestyles given it is an appropriate location for a Class A5 hot food takeaway and would enhance the vitality and viability of the centre through bringing a vacant unit back into an active use and contributing to both the daytime and evening economy.

I trust that the above and attached is useful and will be taken into account in the determination of this planning application. Should you have any queries in relation to this additional documentation, then please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read "F Sykes", written in a cursive style.

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