

PLANNING, DESIGN AND ACCESS STATEMENT (INCORPORATING FLOOD RISK ASSESSMENT)

39 West Street, Havant,
PO9 1LA

**PLANNING APPLICATION FOR A 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
(RESUBMISSION OF APPLICATION REF:
APP/18/00706)**

**PLANNING, DESIGN AND ACCESS
STATEMENT (INCORPORATING FLOOD
RISK ASSESSMENT)**

39 WEST STREET, HAVANT, PO9 1LA

ON BEHALF OF GEO & R CARRELL PROPERTIES LIMITED

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

Prepared by: Fergus Sykes

Pegasus Group

First Floor | South Wing | Equinox North | Great Park Road | Almondsbury | Bristol | BS32 4QL

T 01454 625945 | **F** 01454 618074 | **W** www.pegasusgroup.co.uk

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester

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

CONTENTS:

Page No:

1.	INTRODUCTION	1
2.	SITE DESCRIPTION	3
3.	THE PROPOSAL	4
4.	PLANNING HISTORY	6
5.	PLANNING POLICY	8
6.	PLANNING ASSESSMENT	16
7.	FLOOD RISK ASSESSMENT	20
8.	DESIGN AND ACCESS	21
9.	CONCLUSION	23

APPENDICES:

APPENDIX 1:	DECISION NOTICE AND COMMITTEE REPORT REF: APP/18/00706
APPENDIX 2:	COMMITTEE MINUTES

1. INTRODUCTION

- 1.1 This Planning, Design and Access Statement has been prepared by Pegasus Group on behalf of Geo & R Carrell Properties Limited in support of an application for planning permission at the above address.
- 1.2 The application seeks planning permission for the change of use of the site from a former bank (Class A2) to a hot food takeaway (Class A5). It is intended that the takeaway will be occupied by Domino's Pizza once all of the necessary consents are in place. Permission is also sought for the installation of extraction/ventilation equipment in association with the takeaway and other external alterations.
- 1.3 This application is a resubmission of planning application ref: APP/18/00706 which was refused at Planning Committee on 18th October 2018 for the following reason:

"The proposed change of use of the premises would give rise to additional vehicular movements to and from the site, and due to the limited parking facilities available would be detrimental to the amenity of nearby residential properties, particularly during the evening period. It is therefore contrary to policies DM5, DM10, DM11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework."

- 1.4 A copy of the full Decision Notice and Committee Report is included at Appendix 1 of this Statement.

APPENDIX 1 – DECISION NOTICE AND COMMITTEE REPORT REF: APP/18/00706

- 1.5 This Statement sets out the justification for these proposals firstly by reviewing the site and its surroundings in terms of the planning context including the relevant planning history, and local as well as national planning policies.
- 1.6 The main justification section then explores whether the proposal is compliant with the policies in the adopted Development Plan and considers the proposal against other material considerations including the National Planning Policy Framework (NPPF), to which the appropriate weight is given.

- 1.7 Furthermore, the Statement provides further justification and evidence to demonstrate that the proposal would not have any harmful impact on amenity through the use of nearby parking spaces and therefore clearly demonstrates that the single reason for refusal attached to application APP/18/00706 is unjustified.
- 1.8 This Statement should be read in conjunction with the full planning application, including the full set of planning drawings prepared by Delta Bravo Limited.

2. SITE DESCRIPTION

- 2.1 The application site comprises the ground floor unit of a two storey building on the corner of Park Road South and West Street. It has previously been occupied by HSBC (Class A2) but has been vacant since September 2017.
- 2.2 The site lies within the Town Centre boundary of Havant. It is not within the Primary or Secondary Shopping Frontage, as designated under the adopted Local Development Plan.
- 2.3 The site is surrounded by a mixture of commercial units. The first floor of the building is in use as a separate office (Class B1a). There is a hair salon (Class A1) known as 'Headromance' adjacent to the site at the Park Road South elevation and another hair salon (Class A1) known as 'Kuru' adjacent to the site at the West Street elevation.
- 2.4 There is a McDonalds restaurant (Class A3) on the opposite side of Park Road South, approximately 25 metres to the east of the application site.
- 2.5 The site is not within a Conservation Area although the boundary of the Black Dog Conservation Area is just to the north west, on the opposite side of West Street. The site is not a Listed Building.
- 2.6 The site is located at the junction of Park Road South and West Street. There are traffic lights in front of the site (on Park Road South). There is a layby on the southern side of West Street which provides 7 no. restricted on-street parking spaces.
- 2.7 In addition, there is a large public car park within easy walking distance from the site (Bulbeck Road car park approximately 75 metres to the south east). Furthermore, the site benefits from 3 no. allocated parking spaces to the rear.
- 2.8 The site is partially located within Flood Zone 3, a location with a high probability of flooding. As such, a Flood Risk Assessment (FRA) has been included at Section 7 of this report.

3. THE PROPOSAL

Change of Use

- 3.1 This application seeks planning permission for the change of use of the site from a former bank (Class A2) to a hot food takeaway (Class A5).
- 3.2 It is intended that the site will be occupied by Domino's Pizza once all of the necessary consents are in place. Domino's are seeking to relocate from their current premises at 12-13 North Street, Havant (approximately 325 metres to the north east of the application site).
- 3.3 The proposed hot food takeaway will be open between 9am and 11pm Sunday to Thursday and between 9am and midnight on Fridays and Saturdays. No deliveries or customer collections will take place outside of these hours.
- 3.4 The customer entrance will be located at the north eastern elevation and the customer area will be at the eastern side of the building. The store will also comprise an oven and preparation area; a cold room; a washing up area; store rooms and a staff W.C.
- 3.5 There is a yard area to the rear (south west) of the property which is shared with other commercial units. 1 no. 1100 litre euro-bin will be located in this area and will be used to store the refuse and recycling.
- 3.6 There will also be 3 no. parking bays at the yard area which will be allocated to the proposed hot food takeaway. These will be used by the delivery drivers of the takeaway.

Extraction / Ventilation Equipment

- 3.7 To facilitate the use of the property as a hot food takeaway, the proposal also seeks permission for the installation of extraction and ventilation equipment.
- 3.8 An extract duct will run from the oven in the cooking and preparation area towards the rear of the building. It will run horizontally along the rear elevation before turning vertically and terminating approximately 1 metre above the ridge level of the building.

- 3.9 1 no. new cold room compressor and 1 no. new AC compressor will be installed at the rear elevation of the building. The cold room compressor will be in operation 24 hours a day to ensure that the food is stored at an adequate temperature.
- 3.10 A fresh air intake duct will penetrate through the northern elevation (facing West Street) and will terminate via a louvred grille measuring 750mm x 500mm.
- 3.11 The extract duct and fresh air intake duct will be fitted with silencers to ensure the equipment does not result in any unacceptable impact in terms of noise.
- 3.12 Further details of the ventilation and extraction system proposed are provided on the submitted plans and specification sheets included with this application. These documents provide more specific details of the noise emissions and design of the proposed equipment.

Other Alterations

- 3.13 At the eastern elevation (facing Park Road South) and northern elevation (facing West Street), the existing timber shopfront windows will be removed and replaced with PPC aluminium framed shopfront windows.
- 3.14 The existing PPC aluminium customer entrance door at the north eastern corner of the unit will be retained and repainted.
- 3.15 Any new signage will be subject to a separate application.

4. PLANNING HISTORY

Planning Application ref: APP/18/00706

- 4.1 As previously mentioned, this is a resubmission of planning application ref: APP/18/00706 which sought permission for the same development. The previous application was submitted on 9th July 2018.
- 4.2 The application was refused at Planning Committee on 27th September 2018 despite receiving a recommendation for approval by the Council's Professional Planning Officer. The application was refused for the following reason:

"The proposed change of use of the premises would give rise to additional vehicular movements to and from the site, and due to the limited parking facilities available would be detrimental to the amenity of nearby residential properties, particularly during the evening period. It is therefore contrary to policies DM5, DM10, DM11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework."

- 4.3 From the minutes of the Committee and through further discussions with the Council, it has been clarified that the Committee were referring to a perceived harmful impact on residential amenity due to a loss of available on-street parking as a result of the proposed change of use. A copy of the Committee minutes is included at Appendix 2.

APPENDIX 2 – COMMITTEE MINUTES

- 4.4 It should be noted that this decision is to be appealed by way of written representations shortly.

Other Planning History

- 4.5 Planning permission (ref: 07/72673/000) was granted on 12th December 2007 for a change of use from a shop (Class A1) to a bank (Class A2). As the permission has been implemented, this is the lawful use of the site.
- 4.6 There have been a number of applications for shopfront alterations and signage at the store.

- 4.7 Most recently, planning permission (APP/17/01186) was granted on 19th December 2017 for the replacement of shopfronts. The proposal was submitted to create 3 no. new shopfronts to facilitate the sub-division of the unit into 4 no. separate units. However, this was not implemented.
- 4.8 Advertisement consent (ref: 08/72673/002) was granted on 23rd March 2008 for the display of 2 no. internally illuminated fascia signs; 2 no. internally illuminated projecting signs; several illuminated modular window marketing units and ATM withdrawal surrounds at the front elevation.

5. PLANNING POLICY

5.1 The following policy is considered relevant.

National Planning Policy

National Planning Policy Framework (NPPF) 2018

- 5.2 The revised National Planning Policy Framework (NPPF) was published in July 2018 and sets out the Government's planning policies for the planning system to ensure that the planning system helps to achieve sustainable development.
- 5.3 The key objective of the NPPF is to achieve sustainable development and **paragraph 8** confirms there are three overarching objectives which need to be pursued, namely economic, social and environmental. The economic role should contribute to sustainable development by building a strong, responsive and competitive economy and ensuring the sufficient amount of and right type of development to support growth.
- 5.4 **Paragraph 11** confirms that a presumption in favour of sustainable development is at the heart of the NPPF and for planning applications this means proposals for development conforming to the Development Plan should be approved without delay.
- 5.5 At **paragraph 12**, the NPPF confirms that *"where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate the plan should not be followed"*.
- 5.6 **Paragraph 38** relates to decision making and confirms that *"local planning authorities should approach decisions on proposed development in a positive and creative way"* and that:

"Decision-makers at every level should seek to approve applications for sustainable development where possible".

- 5.7 **Paragraph 80** states that *"significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development"*.
- 5.8 **Paragraph 85** relates to the vitality of town centres and confirms that policies and decisions should *"support the role that town centres play at the heart of local communities"*.
- 5.9 **Paragraph 109** confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.10 **Paragraph 155** states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 5.11 Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Authorities should approach development management decisions positively – looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Securing the optimum viable use of the property and achieving public benefits are key material considerations for application proposals.

National Planning Practice Guidance (NPPG)

- 5.12 On 6th March 2014, the Department for Communities and Local Government (DCLG) launched the planning practice web based resource, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.
- 5.13 This also introduced the National Planning Practice Guidance (NPPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.

5.14 Paragraph 066 (ID: 7-066-20140306 revision date 06.03.2014) sets out the table of Flood Risk Vulnerability Classification and confirms that buildings used for hot food takeaways are classed as 'Less Vulnerable' developments.

5.15 Paragraph 067 (ID: 7-067-20140306 revision date 06.03.2014) sets out the table of Flood Risk Vulnerability and Flood Zone 'Compatibility'. This table confirms that 'Less Vulnerable' developments, such as the proposed use, are appropriate within Flood Zones 2 and 3a.

Local Planning Policy

5.16 The adopted Local Plan comprises the Havant Borough Core Strategy (adopted March 2011) and the Havant Borough Local Plan (Allocations) document (adopted July 2014).

Havant Borough Core Strategy (adopted March 2011)

5.17 **Policy CS4** states that planning permission will be granted for appropriate town centre development proposals that (inter alia):

1. Promote and enhance the following hierarchy of identified centres as shown on the Proposals Map:

- Town Centres - Havant and Waterlooville
- District Centres - Cowplain, Emsworth, Leigh Park and Mengham/Gable Head
- Local Centres - Bedhampton, Crookhorn, Grassmere Way, Hambledon Parade, Middle Park Way, Milton Road, Purbrook, Rails Lane, West Town and Widley.

2. Enhance the evening economy of the town and district centres.

5.18 **Policy CS16** confirms that planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design (inter alia) responds to, draws inspiration from and respects local context and does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.

- 5.19 **Policy CS20** confirms that development will be permitted that (inter alia) does not increase congestion and promotes better use of existing transport networks.
- 5.20 **Policy DM2** relates to the protection of existing community facilities and shops and confirms that development proposing the loss of such uses will only be permitted where it has been demonstrated, through an active marketing process that the premises or land are no longer viable for their authorised use or any other use which would provide a beneficial facility to the local community and that the facility is no longer required for a community use or that there is an easily accessible existing or new facility for the community it is intended to serve.
- 5.21 **Policy DM5** states that planning permission will only be granted for the construction of new entertainment and hot food uses falling within Use Classes A3, A4, A5 and D2 of the Use Classes Order 1987 (as amended) or the change of use of existing premises to a Class A3, A4, A5 or D2 use where it can be demonstrated that all the following criteria are met:
1. Measures are incorporated, where a proposal includes the preparation of hot food, to mitigate the effect on nearby properties.
 2. The measures proposed in respect of criterion 1 are such that the installation does not materially detract from the appearance of the building itself and the wider locality.
 3. The measures proposed in respect of criterion 1 are suitable for the range and nature of hot food to be prepared on the premises.
 4. The development includes adequate provision for the disposal, storage and collection of refuse, including litter bins for use by customers.
 5. The development would not result in indiscriminate customer parking and/or traffic movement that would be likely to create hazards for traffic or pedestrians.
 6. The development would not cause unacceptable disturbance to the occupiers of nearby residential property at times when activity in the immediate vicinity would otherwise be at a relatively quiet level.
 7. In the case of changes of use, any marketing requirements are met.

- 5.22 The supporting text to Policy DM5 states at **paragraph 10.19** that *"Outside the defined primary and secondary retail frontage zones where the concentration of residential accommodation is higher; it is acknowledged that existing levels of noise and activity can be lower. There is less likely to be a range of public parking facilities. In such locations, applications for a change of use of an existing site or building to Class A3, A4 and A5 use should also be assessed against the stricter criteria marketing requirements of other relevant development management policies. If those requirements can be met, the proposal should then be assessed against Development Management Policy DM5"*.
- 5.23 **Policy DM10** states that may cause pollution of water, air or soil or pollution through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, heat, electromagnetic radiation and other pollutants will only be permitted where the following relevant criteria can be met (inter alia):
1. The health and safety of existing and future users of the site, or nearby occupiers and residents is not put at risk.
 2. National air quality standards or objectives would not be breached.
- 5.24 **Policy DM11** states that the Council will seek to ensure that every opportunity is taken to increase integration of sustainable travel modes and availability of non-motorised modes by appropriate measures including:
1. Securing on-site and/or off-site interventions that promote integrated travel and access by non-motorised modes.
 2. Requiring safe and secure vehicular and cycle parking and turning facilities to adopted standards.
 3. Securing appropriate improvements to public and community transport (including infrastructure requirements) in accordance with the Hampshire Local Transport Plan and (where applicable) the relevant sub-regional transport strategy.
 4. Proposals for reducing opportunities for informal parking in the area surrounding the development where this would impact on the capacity, operation and safety of the local highway network and/or the amenity of the locality.

5. Ensuring that new developments are located and designed at the outset to encourage lower vehicle speeds and safe, permeable, inclusive layouts that integrate with existing pedestrian, cycle and public transport routes. This will facilitate and encourage short distance trips by cycle and walking, including to public transport interchanges.

Havant Borough Local Plan (Allocations) (July 2014)

5.25 **Policy AL3** states that 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.

5.26 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.

5.27 **Policy DM20** states that planning permission will be granted for development that conserves and enhances the historic assets of Havant Borough.

5.28 **Policy DM21** states that planning permission will be granted for shopfronts, signs, security shutters and advertisements where they are appropriate in size, scale and design to the character of buildings and their surroundings.

Draft Havant Borough Local Plan 2036 (Consultation Version)

- 5.29 The Council are working on a New Local Plan. Consultation on the Draft Havant Borough Local Plan 2036 was undertaken between 8th January and 16th February 2018.
- 5.30 The Council are now arranging further meetings with many organisations, as well as using the representations received, to update the emerging Local Plan 2036. This next edition will be the Pre-Submission Havant Borough Local Plan 2036 and it is anticipated this will go out for consultation in early 2019.
- 5.31 As such, the emerging Local Plan has only undergone one round of consultation and can therefore only be given very limited weight at this stage.
- 5.32 Draft **Policy KS1** states that within Havant Town Centre, planning permission will be granted for proposals that deliver (inter alia) a positive impact on the quality, vitality and viability of Havant Town Centre as a whole whilst respecting and enhancing the distinct character of the particular area in which the development is proposed.
- 5.33 The policy also states that within the Historic Core, the focus for smaller scale retail provision, including independent shops, cafés and restaurants and planning permission will be granted for proposals which (inter alia) enhance the vitality and viability of Havant Town Centre and enhance the evening economy offer of the centre.
- 5.34 Draft **Policy C8** states that planning permission will be granted for new building, or for the change of use of existing premises to, food, drink and entertainment uses falling within use classes A3, A4, A5, AA, D2 or sui generis where it can be demonstrated that all of the following criteria are met:
- a. Appropriate measures mitigate the effects of odour and/or noise on nearby properties;
 - b. The measures proposed in respect of a) are such that the installation does not materially detract from the appearance of the building itself and the wider locality;
 - c. The development would not cause unacceptable disturbance to the occupier(s) of nearby residential properties;

- d. The development includes adequate provision for the disposal, storage and collection of refuse, including litter bins for use by customers;
- e. Adverts and signs within and on the premises promote healthy lifestyle aspects of products; and
- f. The development does not increase the number of betting shops in the Borough.

6. PLANNING ASSESSMENT

6.1 This section of the Statement sets out the justification for the proposed change of use and extraction/ventilation equipment when considered against the relevant planning policies and other material considerations.

6.2 The key issues arising from this proposal, which this section will cover are as follows:

- a) Principle of Development;
- b) Impact on Residential Amenity; and
- c) Highways and Parking Considerations.

6.3 Each of these issues is discussed in turn below:

a) Principle of Development

6.4 The application site is located within the town centre of Havant but is not within the defined Primary or Secondary Shopping Frontage. Policy AL3 confirms that planning permission will be granted for development proposals that provide main town centre uses in the town centres and so contribute to their vitality and viability.

6.5 Policy CS4 states that planning permission will be granted for appropriate town centre development proposals that promote and enhance the Havant Town Centre.

6.6 The application site has been vacant since September 2017 and is currently generating no footfall and is detracting from the character and appearance of the surrounding area.

6.7 The proposed change of use would reintroduce an active main town centre use which would provide employment opportunities; contribute to both the evening and daytime economies; and improve the appearance of the building.

6.8 It should be noted that the principle of development was considered to be acceptable during the assessment of the previous application ref: APP/18/00706 and this did not form a reason for refusal.

6.9 Therefore, the principle of development is acceptable subject to amenity, highways and design considerations which are considered below.

b) Impact on Residential Amenity

- 6.10 The site is located within a defined district centre. There is an office (Class B1a) immediately above the site and the site is adjacent to other commercial units. The nearest residential units (Class C3) are on the opposite side of West Street, approximately 25 metres to the north of the site. There are also residential properties approximately 45 metres to the west of the site, on Brockhamton Lane.
- 6.11 Therefore, the extraction and ventilation equipment has been designed sensitively to ensure that odours are sufficiently dispersed and noise levels are not at an unacceptable level.
- 6.12 In addition to this, the proposal is for a pizza takeaway and there will be no frying or deep fat frying taking place on the site. Therefore, the odour levels produced from a pizza operator will be low in comparison to some food and drink uses e.g. Indian restaurants.
- 6.13 In the consideration of application ref: APP/18/00706, the Council previously suggested a condition should be added onto any decision preventing frying or deep fat frying to ensure residential amenity is protected. The applicant would be willing to accept such a condition on any decision.
- 6.14 The proposed opening hours of the new hot food takeaway are between 9am and 11pm Sunday to Thursday and 9am to midnight on Fridays and Saturdays. There are other operators within the vicinity of the site which open late at night. For example, the Parchment Makers bar (approximately 60 metres to the north) operates until 11pm during the week and until midnight on the weekends.
- 6.15 In terms of noise, the previous application ref: APP/18/00706 was supported by a Environmental Noise Report which was prepared by the applicant's appointed acoustic consultant, Cole Jarman. The report demonstrated that the proposed development would not result in any unacceptable increase in noise emissions provided acoustic mitigation measures were installed, such as silencers.
- 6.16 During the consideration of application ref: APP/18/00706, the Council's Environmental Health Officer reviewed all of the submitted information and had no objection to the application subject to the imposition of appropriately worded conditions.

6.17 In addition, the single reason for refusal does not relate to any harmful impact on amenity due to noise or odours from the proposed takeaway but simply in relation to parking demand and the impact this would have on residents ability to park in the area.

6.18 As such, it is considered that the proposal is acceptable with regard to its impact on amenity in terms of noise and odours.

c) Parking and Highways Considerations

6.19 The single reason for the refusal of planning application ref: APP/18/00706 was in relation to a perceived harmful increase in vehicular movements to and from the site which, due to the limited parking facilities available, the Council considered would be detrimental to the amenity of nearby residential properties, particularly during the evening period.

6.20 It is noted that this objection arose from Councillors at Planning Committee and did not arise when the Councils professional highways team were consulted. They have no objections to the proposal subject to suggested conditions.

6.21 As a result of this previous reason for refusal, the applicant has appointed a specialist highways consultant, Croft Transport Solutions, who has reviewed the proposals and has prepared a Technical Highways Note in support of this planning application. As part of the site review, a parking survey was undertaken of the area surrounding the site.

6.22 The specialist highways evidence prepared clearly demonstrates that the impact of the development on the surrounding road network and highway safety cannot be considered severe as is required by paragraph 109 of the NPPF and there is no material reason why the proposed development should not be granted planning consent on highways or transportation grounds.

6.23 The site is located within a highly sustainable town centre location and is well served by public transport and local amenities. This is where main town centre uses such as hot food takeaways are directed under National and local planning policy.

6.24 There is a parking area to the rear of the application site, which will provide up to 3 no. allocated car parking spaces for the delivery drivers working at the proposed

Domino's Pizza takeaway. This will be accessed via Park Road South. As demonstrated within the highways report, these spaces will be more than sufficient to serve the anticipated delivery drivers.

- 6.25 There are double yellow lines and white zig-zags in front of the site as well as a traffic lights. However, given the site's town centre location, there are a number of parking opportunities for customers within easy walking distance of the site.
- 6.26 There is on-street parking approximately 15 metres to the west of the site, on West Street. These spaces are restricted to 30 minutes free parking between 8am and 6pm Monday to Saturday and are unrestricted outside of these times. In addition, there are public car parks serving the area and within easy walking distance of the site. There is a large public car park approximately 120 metres to the south east of the site.
- 6.27 Finally, consideration should be given to the fall-back position that the site could lawfully be converted to a busy Class A1 retail use such as a convenience store. As demonstrated within the highways report, such a use would generate a greater amount of vehicular trips and parking demand in the surrounding area in comparison to the proposed hot food takeaway.
- 6.28 Overall, there is a sufficient amount of parking within the vicinity of the site and the proposal would not result in any dangerous parking which would be detrimental to highway safety.

7. FLOOD RISK ASSESSMENT

- 7.1 The application site is located within Flood Zone 3. As such, a Flood Risk Assessment is required to demonstrate that the proposal is appropriate in this location and that it will not increase the risk of flooding at the site or at nearby properties.
- 7.2 Paragraph 066 (ID: 7-066-20140306 revision date 06.03.2014) of the NPPG sets out the table of Flood Risk Vulnerability Classification and confirms hot food takeaways are classed as 'Less Vulnerable' developments. Leisure uses are also classed as 'Less Vulnerable' developments. Paragraph 067 (ID: 7-067-20140306 revision date 06.03.2014) confirms that such uses are appropriate within Flood Zones 2 and 3a.
- 7.3 The proposal therefore seeks permission to change the use of the building from one 'Less Vulnerable' use to another (i.e. from a Class A2 bank to a Class A5 hot food takeaway).
- 7.4 Furthermore, the proposal does not include any extensions or the alteration of any floor levels within the application site. Therefore, the change of use will not increase the risk of any vulnerable uses being subject to flooding.
- 7.5 The notes associated with the table of Flood Risk Vulnerability Classification in the NPPG confirm that the Sequential and Exception Tests do not need to be applied to minor developments and changes of use, except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site. As the proposal is for a change of use only with the inclusion of associated plant equipment, the Sequential and Exception Tests are not required.
- 7.6 Overall, it is clear that the application will not increase the flood risk at the application site or at any of the surrounding properties.
- 7.7 This was agreed with by the Council during their assessment of application ref: APP/18/00706 and no objection was raised by the Environment Agency during the course of the application.

8. DESIGN AND ACCESS

Design

- 8.1 The application is for the change of use from a vacant commercial unit which was last in use as a bank (Class A2) to a hot food takeaway (Class A5). The site is not within a Conservation Area, although the boundary of the Black Dog Conservation Area is just to the north west of the site.
- 8.2 The unit will incorporate a preparation and baking area, and a customer waiting area for those choosing not to use the home delivery option. Internally, the appearance of the building will be changed by virtue of the investment brought to it by a new hot food takeaway operator.
- 8.3 Externally, this application seeks only to make minor changes to the elevations through the installation of extraction and ventilation equipment and the replacement of the existing timber shopfront.
- 8.4 An extract duct and intake duct will terminate approximately 1 metre above the ridge level at the rear of the building. There will be 2 no. compressors at the rear elevation, facing the parking area.
- 8.5 The plant equipment will only be easily visible from within the parking area and will not be visible from Park Road South or West Street. Furthermore, as can be seen in Image 2, there is already plant equipment in this area.
- 8.6 In this context, the introduction of the new extraction/ventilation equipment will cause no harm to visual amenity or to the character and appearance of the nearby Black Dog Conservation Area.
- 8.7 This assessment was agreed with by the Council during their consideration of application ref: APP/18/00706 and no design issues were included within the single reason for refusal. Indeed, as can be seen in the Officer's report to Committee, the Council stated the following in relation to the plant equipment:

"... these structures are considered appropriate to the context of the existing building in a rear service yard, and it is not considered that they would be visually harmful to the building or setting of the site."

- 8.8 The extract and intake ducts could be finished in matt black (and a condition could be added to any decision requiring this if the Local Planning Authority felt it was necessary). This would help to further reduce the visual impact of the ducts.
- 8.9 The proposal will result in the replacement of an existing timber shopfront with a new PPC aluminium shopfront. The shopfront will be modern and will appear in keeping with the surrounding commercial units within Havant Town Centre. It will not cause any harm to the character and appearance of the nearby Black Dog Conservation Area.
- 8.10 Planning permission (ref: APP/17/01186) was granted on 19th December 2017 for the replacement of shopfronts at the site. The new shopfronts were powder coated aluminium shopfronts and the Council had no concerns with the impact of the new shopfronts on the appearance of the area.
- 8.11 Furthermore, the Council did not object to the shopfront alterations during the previous application ref: APP/18/00706 and confirmed that these were considered visually acceptable.
- 8.12 Overall, the proposed alterations will preserve the character and appearance of the area and will not cause harm to the visual appearance of the building.

Access

- 8.13 The main customer entrance is level with the pavement and is of a sufficient width to allow for easy access into and out of the store. As such, the store will be easily accessible for all customers.
- 8.14 As previously mentioned, the site is in a sustainable location (being within Havant Town Centre) and is easily accessible via foot and public transport with there being bus stops in easy walking distance.

9. CONCLUSION

- 9.1 This Statement has been prepared by Pegasus Group in support of an application for a change of use from a vacant bank (Class A2) to a hot food takeaway (Class A5); the installation of extraction/ventilation equipment and other external alterations at 39 West Street, Havant.
- 9.2 This is a resubmission of planning application ref: APP/18/00706 which was refused for a single reason relating to the impact that the proposal would have no amenity due to a lack of parking.
- 9.3 This application therefore has included further details which clearly demonstrates that the impact of the proposed development on parking demand and highway safety would not result in any unacceptable harm and therefore the previous application should have been approved.
- 9.4 It has been demonstrated that the proposed development would be compliant with both local and national planning policy. Furthermore, it has been demonstrated that the hot food takeaway will not have an adverse impact on residential amenity; the surrounding highway network or to the character and appearance of the area.
- 9.5 The proposed development will make positive use of a vacant commercial unit and will support the vitality and viability of Havant by increasing footfall and providing job opportunities for the local residents.
- 9.6 It is for the reasons set out in this Statement that planning permission should be granted.

APPENDIX 1

DECISION NOTICE AND COMMITTEE REPORT REF: APP/18/00706



Havant
BOROUGH COUNCIL

Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX

T 023 9247 4174
F 023 9248 0263

www.havant.gov.uk

To:
Mr Sykes
Pegasus Planning Group Ltd
First Floor
South Wing
Equinox North
Great Park Road, Almondsbury, Bristol
BS32 4QL

For: Geo & R Carrell Properties Limited

**The Town and Country Planning (Development Management Procedure) (England) Order
2015**
Refusal of Planning Permission

Application Number: APP/18/00706

Site Address: 39 West Street, Havant, PO9 1LA

Proposal: 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.

Further to your application received on 09 July 2018, which was valid from 10 July 2018, Havant Borough Council, as Local Planning Authority, **Refuses Planning Permission** for the above proposal.

The reason for the Council's decision to refuse planning permission is:

- 1 The proposed change of use of the premises would give rise to additional vehicular movements to and from the site, and due to the limited parking facilities available would be detrimental to the amenity of nearby residential properties, particularly during the evening period. It is therefore contrary to policies DM5, DM10, DM11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework.

In coming to its decision the Council considered plans and other documents submitted with regard to your application and the relevant policies of the Havant Borough Local Plan and other planning policy documents including the National Planning Policy Framework 2012.

Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.

Our Ref: APP/18/00706

- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pcs

Simon Jenkins

Simon Jenkins
Head of Planning (East Hampshire and Havant)

22 October 2018

Lane or between numbers 16 and 24 Park Road South where it is possible to turn right into the service yard when heading south.

- 1.5 The north side of West Street includes the 19 Fourteas tea room (an A3 use) and then reverts to predominantly residential accommodation with the former Cobden Arms being converted to flats. The old Court House has also been converted to flats such that the west side of Brockhampton Lane is also residential. This area forms part of the Black Dog Conservation Area. The site is opposite, but not within this Conservation Area. There is also a residential property at No 3 Brockhampton Lane, sited to the south west of the access into the service yard, and this dwelling is located adjacent a printers at 1b and a car tyre centre. The site is therefore closely related to the residential properties on the fringe of the town centre.

2 Planning History

99/64147/001 - Proposed cycle stand fronting West Street elevation,
PERM,09/09/1999

99/64147/000 - 2 no. internally illuminated double sided projecting signs and internally illuminated fascia sign to east elevation. 1 no. internally illuminated projecting sign and internally illuminated fascia sign to north elevation., PERM,27/05/1999

94/56137/001 - Fire escape to rear of No. 39 West Street to serve first floor offices.,
PERM,

APP/10/00990 - New manually operated swing doors on east elevation.
PERM,07/02/2011

APP/14/00372 - Change of use of first floor from mixed use A2 and B2 to use class D2, Withdrawn 30/05/2014

APP/15/00338 - Replacement of 1No. ATM machine., PERM,19/05/2015

APP/17/01186 - Proposed replacement of shop fronts., PERM,19/12/2017

3 Proposal

- 3.1 The proposal is for the change of use of the former bank (Class A2) to a hot food takeaway (Class A5), with associated installation of extraction/ventilation equipment and other minor external alterations. The proposal is for a pizza operator and when originally submitted the proposed opening times were between 9am and 1am Sunday to Thursday and between 9am and 2am on Fridays and Saturdays. This has been amended and the current proposed hours are now between 11am and 11pm Sunday to Thursday and between 11am and midnight on Fridays and Saturdays.
- 3.2 A Noise Assessment and Waste and Operational Management Plan have also been submitted as part of the additional documents for consideration. The proposed extractor duct would be sited to the rear and would run horizontally under the external staircase and then turn vertically to a height approximately 1m above the roofline. Air conditioning and cold room compressors would also be fixed to the rear elevation; and a fresh air duct would be inserted through the north elevation (West Street). The proposal also involves the replacement of the existing timber shopfronts with aluminium frames.
- 3.3 It has subsequently been confirmed that the initial proposed user is Domino's Pizza who will be re-siting from their existing North Street premises.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS4	(Town, District and Local Centres)
DM10	(Pollution)
DM11	(Planning for More Sustainable Travel)
DM12	(Mitigating the Impacts of Travel)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM5	(Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses)

Havant Borough Local Plan (Allocations) July 2014

DM20	(Historic Assets)
AL1	(Presumption in Favour of Sustainable Development)
DM21	(Shopfronts, Signs, Security Shutters and Advertisements)
AL3	(Town, District and Local Centres)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Adjacent Black Dog Conservation Area

5 Statutory and Non Statutory Consultations

5.1 Consultation responses to the original proposal of the later night opening were as follows:

Conservation Officer

The site is located outside of any conservation area and as such I have no objection to the proposals.

Crime Prevention

The town centre of Havant is an area from which we receive a high level of incident reports. Incidents reported include: assault, criminal damage and anti-social behaviour. Currently the vast majority of these incidents are between 7am and midnight. It is against this background that my comments are made.

Havant Town Centre has a number of premises; public house, etc. licensed to sell alcohol. I would be concerned that a fast food outlet with opening hours later than the closing times of the licensed premises would cause those leaving the licensed premises to migrate to the fast food outlet. The gathering of people perhaps some in drink has the potential to cause significant policing issues. Consequently, I object to this application if the opening hours are later than the opening hours of the other eating establishments within the town centre.

The application site is to the West of Park Road South, within a predominately residential area, we would be concerned if those using this facility were to cause an increase in reported levels of anti-social behaviour by residents.

I do note that the design and access statement does state that home deliveries are to be made, but does not give details as to where the delivery vehicle(s) is to be parked. There are parking restrictions on the public highway and the three parking spaces are for staff use. We would be concerned if delivery vehicles caused obstruction to the public highway, whilst undertaking deliveries.

The design and access statement makes no reference to crime, nor any mitigation measures, therefore, I must conclude that crime and its mitigation has not been considered during the formulation of this proposal.

Highways EngineerNo adverse comment

The surrounding highway is covered by double yellow and therefore the public are not allowed to park.

The existing servicing of this unit is from the rear which is private and has previously been a bank and a shop that have been historically serviced in the same way.

The lay by in front of the parade shops is not adopted highway and could be used for the pick up of takeaway orders but it's increased use would not be a reason to refuse the application with regard to highway safety.

Economic Development

None received

Engineering/Drainage

None received

Environment AgencyNo ObjectionAdvice for Applicant:

Environment Agency data shows that a main river culvert runs along the western site boundary and flows into an open channel near the rear exit of 39 West Street. The applicant is therefore likely to require an Environmental Permit for Flood Risk Activities as the applicant wants to carry out work within 8m of the Main River.

Environmental Health

The addition of an extraction system to serve a hot food take-away, could lead to a detrimental loss of amenity if not nuisance, to nearby residential properties due to odour and noise. In this case, it has been advised in the The Planning, Design and Access statement that this hot food take away will in effect be a pizza take- away and the extract / ventilation system will use utilise carbon filters, whilst in the Annex B proposed ventilation system document it is advised carbon filters are not to be utilized.

Based on the above I would suggest that if this application is to be viewed positively by the Local Planning Authority, that the usage as a pizza take-away only be conditioned to that effect.

Also there is no clear indication provided as to noise reductions or predictions of noise impact, especially in terms of BS4142:2014 in relation to the nearest residential receptors, relating to the proposed extract system, cold room compressor and air conditioning compressor.

In regard to the above I would suggest that a noise assessment be carried out to establish ambient background noise levels, to ensure that with equipment operating, especially late at night, that there is no impact on any nearby residential receptors, especially in Brockhampton Lane and West Street. Given the operating times that are being suggested, and that as extractors don't get turned off automatically when the shop closes, but usually continue to run whilst equipment cools down and kitchen areas are cleaned; plus cold room compressors will switch on and off 24/7 to maintain an operating temperature.

The proposed opening times of 09:00 to 01:00 Sunday to Thursday and 09:00 to 02:00 Friday and Saturday, is not I believe in line with the operating times of other nearby take-away facilities. This would then lead to the aggregation of people

in and around this particular store with the potential for anti-social behaviour and the generation of loud people noise, impacting on the nearest residential receptors.

Therefore, if the Committee were of a mind to approve this application I would ask that various conditions are imposed to control cooking odours; maintenance of extraction equipment; noise control from extractors and compressors scheme; deliveries to store only between 08:00 and 20:00; no deliveries of food to customers by motorised vehicle made after 23:00; opening and closing times for this take-away store be limited to maximum 23:00 closing and with a maximum one hour cleaning period added on to that.

Also request Informatives relating to Hours of Construction Work and Dust Control

Planning Policy

Principle of Development:

The site lies within the urban area as defined by Policies CS17 and AL2 of the Local Plan which seek to concentrate new development within the five-urban areas of Havant Borough. There is, therefore, a presumption in favour of sustainable development, subject to other relevant material considerations in the development plan.

Havant Town Centre

The site is in Havant Town Centre as shown in Policies CS4 and AL3 (Town, District and Local Centres), but outside of the primary and secondary frontages, as such criteria 3) and 4) do not apply. These policies generally encourage appropriate main town centre uses at ground-floor which enhance the evening economy and support small and independent businesses. Please note, a definition of "main town centre uses" is found on page 68, Annex 2, of the [National Planning Policy Framework \(NPPF\) \[July 2018\]](#).

The premises have been vacant since September 2017. However, the vacancy rate for Havant Town Centre was 5.8% in October 2017 which was far lower than the national and south-east town centre vacancy averages of 9.3% and 7.2% respectively at that time.

The site is identified as part of the 'Historic Core' as defined by emerging Policy KS1 (Havant Town Centre) in the Draft HBLP 2036. Paragraph 3.14 of the Draft HBLP 2036 outlines an opportunity to move away from a reliance on retail and encourage other uses in the Historic Core such as cafes and restaurants which attract visitors and expand the evening economy. As such, the proposal would positively contribute towards criteria o) and p) of Policy KS1.

Health:

The planning system can help promote public health through the provision of environment, facilities and initiatives which enable people to live a healthy lifestyle and take responsibility of their own wellbeing. The prevention and early intervention of key health priorities (please see below) can reduce pressure on healthcare services in the future. To achieve this, it is important to encourage healthy choices and active lifestyles when considering new development.

Paragraph 91c of the NPPF (2018) sets out that planning decisions should aim to achieve healthy, inclusive and safe places which *"enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs"*.

The [National Planning Practice Guidance \(NPPG\)](#) goes further and outlines how local planning authorities (LPAs) can have regard to certain health issues. Those of relevance for this application include:

- 1) Evidence indicating high levels of obesity, deprivation and general poor health in specific locations;
- 2) Odours and noise impact; and
- 3) Refuse and litter

Regarding 1), the Havant [Healthy Borough Assessment \(November 2017\)](#) provides evidence which indicates high levels of obesity in Havant Borough. More specifically for the Borough, around one third of adults and one fifth of Year 6 children (11 years of age) were classified as obese in 2012 and 2016 respectively. In combination with this, the assessment states that addressing health inequalities and improving the health and wellbeing of Havant Borough's population, both physical and mental, are key priorities for Havant Borough and Hampshire County Councils.

The assessment acknowledges and incorporates the information and data from the [Havant Health Profile 2017](#) (produced by Public Health England) and indicates that increasing physical activity, reducing obesity and improving mental health and wellbeing (emphasis added) are important health issues, and therefore local priorities for Havant Borough.

For the above bullet points 2) and 3), please see the "Food, Drink and Entertainment Uses" sub-section below.

Hot Food Takeaways (Land Use Class A5):

The [National Planning Practice Guidance \(NPPG\)](#) highlights that local plan policies and supplementary planning documents, can limit the proliferation of certain use classes in identified areas, where planning permission is required.

Figure 1 of the Healthy Borough Assessment shows that Havant & Bedhampton has a high number of fast food outlets compared to the rest of Havant Borough and surrounding areas.

Paragraph 3.19 of the assessment indicates that: *"these statistics point to a justification for a policy restricting fast food outlets in Havant Town Centre"*. This is reinforced by the summary table (page 11) which indicates that one way in which planning can improve public health is to *"limit fast food takeaways in certain areas"*. Whilst emerging Policy C8 in the HBLP 2036 does not currently include a restriction on A5 uses, there is a growing body of evidence which suggests that access to takeaways is associated with obesity:

"Greater access to takeaway outlets at home, work and on commuting routes has been associated with increased takeaway consumption [i]. There is also a tendency for fast-food outlets to cluster around schools, increasing children's access to and opportunities for purchasing energy-dense, unhealthy food[ii],[iii]. Research indicates that increased access to unhealthier food retail outlets is associated with increased weight status in the general population, and increased obesity and unhealthy eating behaviours among children residing in low income areas[iv],[v],[vi]. People on lower incomes or with mobility issues are more likely to be influenced by the food offer locally[vii]."

On this basis, as indicated by page 215 of the Consultation Summary Report – the Council is considering whether to restrict the density of Land Use Class A5 as part of the Pre-Submission HBLP 2036.

However, at this stage, the Plan can only be attributed limited weight. As such it is unlikely that a policy objection could be sustained on this basis. Nevertheless, the high number of fast food outlets in Havant & Bedhampton and high levels of obesity amongst adults and children is material in the determination of this application and the applicant should consider how the use would promote healthy lifestyles accordingly.

Food, Drink and Entertainment Uses:

As the proposal is for the change of use from Land Class Use A2 to A5, Policy DM5 is of relevance. Paragraph 10.17 (page 128) of the Local Plan (Core Strategy) indicates town centre locations may be more acceptable for such uses, but makes clear that residents can still expect a certain level of amenity. Amenity considerations are considered in detail below.

Food Preparation and Extraction/Ventilation Equipment

Together with Policy DM5, criteria 1e) of Policy CS16 requires development to demonstrate that it “*does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking*” (emphasis added).

Section 8 of the submitted Planning, Design & Access Statement includes details of how the extract and intake ducts, as well as the compressors and plant equipment will be situated to the rear of the site. It is also noted that a fresh air intake grill is proposed on the north-side of the site's frontage. It is recommended that the Environmental Health Team are consulted for their views accordingly.

Refuse and Litter

Criterion 4) of Policy DM5 which makes clear that planning permission will only be granted for the change of use to Land Use Class A5 where:

“The development includes adequate provision for the disposal, storage and collection of refuse, including litter bins for use by customers”.

It is recommended that details of such provision are sought from the applicant, and secured by condition as appropriate.

Opening Hours

Policies DM5 and DM10 are of relevance in precluding unacceptable disturbance to the occupiers of nearby residential property at times when activity would otherwise be at a relatively quiet level. In this respect, paragraph 10.19 (page 129) of the Local Plan (Core Strategy) acknowledges that existing levels of noise and activity can be lower outside primary and secondary frontages.

The proposal includes opening hours from 9am to 1am (Sunday) and 2am (Monday to Saturday). Given that nearby A3/A5 uses generally close between 10pm and midnight (weekdays and weekends) and that the site is opposite, adjacent and close to residential dwellings along West Street, Brockhampton Lane and Park Road South (above the Parchment Makers), the proposal would be likely to cause unacceptable noise disturbance.

As a result, the Planning Policy Team recommend that appropriate conditions are imposed to control the hours of opening.

High Quality Design and Heritage:

Criterion 5) of Policy CS4 encourages high quality, mixed-use development that

retains an active ground floor frontage.

Policies CS16, DM20 and DM21 are also of relevance in assessing whether the minor external alterations are of an appropriate design, given the north-east elevation is opposite the Black Dog Conservation Area. The Council's Conservation Officer should be consulted accordingly.

Parking:

Policy DM14 and the [Havant Borough Parking SPD](#) set out the parking standard for non-residential development in Havant Borough. The car and cycle parking requirements for eating and drinking establishments can be found on Table 8 (page 17) of the Parking SPD.

As the customer area for the proposal is 50.8 sqm, the vehicle parking requirement would be around 11 spaces; there would be a shortfall in the number of car parking spaces provided. The Parking SPD acknowledges that Havant Town Centre is the most accessible and sustainable location in Havant Borough as it provides the greatest range of alternative modes of transport. On this basis, it is considered that a deviation from the Council's vehicle parking standards may be justified.

Although a reduced requirement for vehicle parking may be justified, the applicant would still need to adhere to the minimum cycle parking/storage requirements (emphasis added).

Providing that the cycle parking/storage requirement (above) is met, it is considered that the proposal would then broadly meet the requirements of Policy DM11 given its sustainable location.

Flooding:

The site is in Flood Zones 2 and 3.

A site-specific Flood Risk Assessment has been included in Chapter 7 of the submitted Planning, Design and Access Statement. The assessment and its provision will need to adhere to Policy CS15, particularly criteria 3) and 6). The Lead Local Flood Authority will be able to provide further advice in this respect.

Developer Contributions:

As the application is for a change of use from class A2 to A5, the development would not be CIL liable and would not have to pay the Solent Recreation Mitigation Partnership (SRMP) contribution. Therefore, Policies CS21 and DM24 would not apply.

Recommendation:

No objection, subject to appropriate conditions to restrict opening hours and appropriate details from the applicant in respect of odours and noise, and refuse and litter to mitigate the odour and noise impacts associated with the proposal and the late-night opening times.

The high number of fast food outlets in Havant & Bedhampton and high levels of obesity amongst adults and children is material in the determination of this application. On this basis, the applicant should consider how the proposed use will promote healthy lifestyles.

- 5.2 Re-consultation of relevant consultees took place following the submission of amended hours of opening and additional documents, with the following responses received:

Crime Prevention

I believe that the proposed reduction in opening hours will significantly reduce the opportunities for crime and disorder.

I still have some concerns relating to vehicle parking and the number of vehicle journeys. The proposal advises there will be 3 parking spaces and at peak times up to 8 delivery vehicles, I do wonder whether there will be sufficient parking spaces. As the parking is not restricted during the evenings it maybe that the on-street parking is taken by local residents parking overnight.

There is no right turn into West Street, when travelling South on Park Road South which may cause additional journeys along West Street.

Traffic Management

This development has no associated customer parking provision despite a requirement for 10 spaces to be provided and 2 cycle spaces. The omission of this will lead to on street parking in an area that has highly restricted parking. There is a multi storey car park opposite that has limited opening hours. Any potential customers outside of these hours would congest the surrounding unrestricted streets.

If permitted then the Traffic Team would want a provision to be made for a sum no less than £5000 (plus the costs associated with advertising the proposals and any works) to be provided by the developer to be set aside to allow a TRO to be processed at any time during the period beginning from the commencement of development and ending 3 years from practical completion of the development, to ensure that any parking from the development does not interfere with the capacity, operation or safety of the local highway network.

The Traffic Team also offer to design and process a TRO for the developer, as it is anticipated that parking will be likely to occur in the surrounding area.

Environmental Health

I have read the additional enclosed documentation provided by the applicant and can provide additional comments as follows:

It is noted that glass fibre filtration system is proposed and would suggest that if this application is to be viewed positively by the Local Planning Authority, **that it remains that the usage as a pizza take-away only be conditioned to that effect.**

Based on the updated Cole Jarman Environmental noise assessment and the measurements recorded, I am satisfied that if the necessary mitigation measures are implemented as recommended in this report, in relation to equipment such as extract system, fresh air intake, air conditioning unit & the cold room compressor, there should be no adverse impact on nearby residential receptors.

Access to the rear parking area by delivery drivers via the Park Road South entrance / exit, is the expected access point as per the above report, and **should be conditioned as such.**

Recommend Conditions and Informatives

Highways Engineer

From a highway point of view the increase in activity is not within the peak hours and therefore it would be difficult to refuse on highway grounds; agree with Traffic Team with regard to any TRO which may need to be provided if permission is granted.

Planning Policy

Have continued to move forward with emerging Local Plan 2036. Previous comments

updated in relation to **Parking**:

Policy DM14 and the [Havant Borough Parking SPD](#) set out the parking standard for non-residential development in Havant Borough. However, it is important to highlight that Paragraph 1.11 (page 5) of the Parking SPD states that:

“The parking standards will apply to all developments for the provision of one or more residential units (gross) and all developments that result in the creation of non-residential floorspace” (emphasis added).

As this is a change of use application, the proposal will not have to provide additional car parking unless it is proposing an extension/alteration which involves a significant increase in area. In the instance that development is providing a floorspace extension, the car and cycle parking requirements for eating and drinking establishments can be found on Table 8 (page 17) of the Parking SPD.

Notwithstanding the above, it is still heavily recommended that the applicant provides the minimum required cycle parking and storage.

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: 15

Number of site notices: 1

Statutory advertisement: Not applicable.

6.1 Number of representations received on the original submission details:

42 letters from 40 addresses, **38 letters of objection; 3 letters of support and 1 neutral**

6.2 The **objection issues raised can be summarised as follows:**

6.3 Opening Hours

No other food outlets in the neighbourhood are open until one or two in the morning; Other food outlets more reasonable and none open beyond 11pm Sunday - Thursday and midnight Friday and Saturday ; except Domino which is 11.30 Sun - Thurs and 12.30 Fri & Sat; no justification for later than others and would set precedent for others seeking later opening times; Will attract drunks and anti-social behaviour

Officer comment: See section 7 below

Proliferation of Fast Food Outlets

Havant already has lots of fast food outlets and 3 pizza takeaways; no need for any more; already six fast food outlets offering a wide choice within 200 metres of each other; Wetherspoons opposite McDonalds so no shortage of food outlets in this part of the town precinct; this end of town centre will soon be all food outlets; in favour of promoting family-oriented night-time economy in the centre of Havant but to do this we need family-friendly restaurants -not more take-aways that don't encourage families to spend time in Havant.

Officer comment: Noted and see section 7 below

Parking and Highways

Inadequate parking; 3 spaces to rear for staff so where are customers and deliveries to

park? Spaces in West Street used regularly during day by shoppers and overnight by residents - these are not a reliable source of parking; Bulbeck multi-storey not open in the evening and charges £1.20 - closes at 9pm on Monday to Saturday and 5pm on Sundays; busy junction with nowhere to stop; junction at Brockhampton Lane is hazardous; West Street already busy, congested and suffers from speeding traffic; used as short cut from Solent Retail park; delivery mopeds will add to traffic and boy racer types; limited kerb side parking; Parking is an absolute joke, I've witnessed in the 5 years I've been here many accidents, and an actual punch up for a parking space - this fast food outlet will just cause more issues; will only increase the heavy flow of traffic, and sadly may lead to an accident one day; need to put the safety of the public first; pollution from mopeds and risk of collision in the narrow space around the site.

Officer comment: Noted and see section 7 below

Healthy Eating/Obesity

Havant has one of highest rates of obesity; recent Healthy Borough Assessment, Nov 2017 shows parts of Havant to have a high number of fast food outlets compared to other areas; enough takeaways in Havant; need healthier options; need to reduce the high levels of obesity in the borough;

Officer comment: See section 7 below

Noise and smells

Noise from delivery vehicles all night; cars pulling up; engines will be left running; scooters revving; drivers chatting; constant nauseous smell of fast food cooking;

Officer comment: See section 7 below

Litter and Rodents

Town centre already suffers from excessive litter; insufficient bins in vicinity; rats a problem and this will exacerbate rodent issue; litter impacts nearby St Faiths Conservation Area; makes Havant look filthy compared to other local towns like Petersfield, whose councils insist that fast food outlets are away from town centres; trying to keep control of the vermin is costing me £1000 a year and as a small independent business can't pay out any more money and am sure another fast food outlet will cause more vermin problems ;

Officer comment: See section 7 below

Proximity of Residential Properties

Submitted information incorrect in stating nearest residential units 45m to west in Brockhampton Lane - infact directly opposite in West Street and residential continues both sides of West Street; former pubs now converted to residential flats

Officer comment: See section 7 below

Character of West Street

Due to residential properties West Street is currently fairly quiet in evenings and overnight; the area is more residential now than it's probably ever been so why should residents be subjected to the inevitable noise pollution of an outlet such as this

Officer comment: See section 7 below

Antisocial behaviour

Will attract drunks and antisocial behaviour; intimidating behaviour; will cause disturbances; McDonalds brought with it gangs of youths - don't want to encourage more; already put up with cars damaged and the disturbance from shouting reveller's late at night; extra burden on our emergency services,

Officer comment: See section 7 below

Residential amenity

Will be harmful to quiet residential amenity; would cause unacceptable disturbance to the occupiers of nearby residential properties at times when activity in the immediate locality

would otherwise be relatively quiet; bedroom fronts onto the road, opposite the row of shops where the pizza outlet is proposed - our sleep will be disturbed as a result of the inevitable comings and goings of a fast food outlet

Officer comment: See section 7 below

Competition

Will make it difficult for other small business to survive; as a nearby business also sell pizza and proposal will clash;

Officer comment: Competition between businesses is not a valid planning consideration

Contrary to policy

Noted as being contrary to policies DM5, DM14 as well as emerging policies KS1 and C8; the NPPF identifies three components of sustainability, namely, economic, social and environmental - this application fails to contribute to the social role, namely, supporting strong, vibrant and healthy communities.

Officer comment: See section 7 below

Prime location

Unit in a prime location and should be used for shop; should encourage boutique and artisan uses; proposed use will not enhance town centre; should do better for our town; thought Havant was all about helping small business and introducing more small business, not large chains; this would be a negative addition

Officer comment: Market forces bring forward proposed users and businesses

Employment

Creation of 25 part-time jobs is hardly a selling point - these will be minimum wage, zero hours contracts jobs - great for students possibly but hardly adding the economic value that was lost when HSBC packed it in

Officer comment: Noted

6.4 In **support** of the application the following comments were made:

Opportunity

Would help to bring in more trade to the area; Havant needs more local businesses to create more jobs; West Street easily accessible for employees; would create more opportunities for the community

Residential impact

No houses nearby to be affected

6.5 Following the submission of the amended details and reduction in hours, re-notification took place and **3 further letters** have been received continuing to **object** for the following reasons:

Need planning departments support in making Havant a better place with healthier local population; despite amendments to opening hours still object; 6 parking spaces that are fully used day and night are insufficient and not available; lack of knowledge of site, site visit needed; errors in reports; close proximity of residential properties and lack of parking; double yellow lines or resident permits near site so no parking for customers; congestion and parking would be worse; don't believe deliveries will take place from rear as inadequate parking there too; need to lift Havant from its 'Chavant' reputation; with worst case of 30+ cars per hour for collections and up to 70 for deliveries then noise assessments cannot be accepted as only having a 'negligible' and 'minor' impact on background levels; always picking up rubbish outside my home – would council provide more bins

7 Planning Considerations

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 and policy context
- (ii) Impact on residential amenity
- (iii) Highways and parking considerations
- (iv) Impact on Healthy Lifestyles
- (v) Refuse and litter
- (vi) Visual Impact
- (vii) Flood risk

(i) Principle of development and policy context

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The NPPF 2018 supports sustainable development and sets out three objectives to achieving this, the economic, social and environmental roles. The decision must balance these aims.

7.3 The site is located within the defined town centre, where the NPPF requires the promotion of their long-term vitality and viability in a positive way to manage their growth and diversification. Policies CS4 and AL3 of the adopted Core Strategy and Allocations Plan are relevant which also generally support appropriate town centre uses that retain active ground floor frontages, that enhance the evening economy and support small and independent businesses. The NPPF defines main town centre uses as including restaurants, bars and pubs, nightclubs etc. Therefore, the proposed A5 takeaway use constitutes an appropriate town centre use that would provide an economic benefit to the town centre and is supported in principle.

7.4 The site falls outside of the primary or secondary frontage and as such there is no policy controlling the concentration of non-A1 units in such a wider town centre site. The detailed consideration of the proposal must therefore be assessed against adopted policy DM5 which specifically considers the Control of A3, A4 and A5 Food, Drink and Entertainment Uses. This policy is criteria based and aims to control the environmental problems associated with such uses. The more general policy DM10 is also relevant which seeks to protect occupiers of properties from pollution. These detailed issues will be considered in more detail below.

7.5 The Council is also currently preparing a new Havant Borough Local Plan 2036, but its policies have limited weight in decision-making at this stage. However emerging Policies KS1 (Havant Town Centre) and C8 (Food, Drink and Entertainment Uses) are of relevance in setting out the Council's direction of travel. Within the defined Havant Town Centre of the Draft HBLP 2016, the site lies within the 'Historic Core' where it is noted that there is an identified opportunity to move away from reliance on retail and encourage other uses such as cafes and restaurants to attract visitors and expand the evening economy. Hence the proposal would conform to this broad aim. Emerging policy C8 would replace current policy DM5 and generally repeats the criteria-based amenity protection policy.

(ii) Impact on residential amenity

7.6 The application site is located adjacent retail units to its direct south and west with offices above. These all currently operate with standard daytime opening hours. However, opposite, on the north side of West Street the character is predominantly residential with dwellings and flats fronting West Street and the corner of Brockhampton Lane. There is also a residential property to the south-west of the rear service yard

access, No 3 Brockhampton Lane. Therefore, the impact of the proposed use on the amenity of the occupiers of these nearby dwellings must be considered. Such amenity issues fall under the following sub-headings:

a) Hours of Operation

- 7.7 The original proposed opening hours of 1am Sunday to Thursday and 2am Fridays and Saturdays were considered to be excessive and much later than any other use in Havant town centre. This would have resulted in late night noise and disturbance at a time when residents could expect to enjoy quieter surroundings, detrimental to neighbouring amenity. The crime prevention officer was also concerned at the late-night opening as providing a gathering place for people leaving licensed premises which had the potential for significant policing issues.
- 7.8 Accordingly the proposed opening hours have been reduced and are now proposed as between 11am and 11pm Sunday to Thursday and between 11am and midnight on Fridays and Saturdays. This now matches the closing times of the Parchment Makers opposite and is more reflective of other town centre hours. The existing Domino's in North Street is permitted to open to the public until 23:00 with trade for deliveries only until 01:00 on Fridays and Saturdays. Regard must also be had to the fact that this is a town centre site on a busy main road where background noise levels are likely to be slightly higher than more suburban areas. The residential properties in West Street and Brockhampton Lane are close to the centre and are already in compromised positions with commercial uses nearby - the level of amenity expected is therefore considered to be typically less than in more suburban locations. Given the context of the site, the proposed reduced opening hours are therefore considered more reasonable and less likely to have any additional adverse impact on nearby residents.
- 7.9 Criterion 6 of policy DM5 requires development not to cause unacceptable disturbance to the occupiers of nearby residential property at times when activity in the immediate vicinity would be otherwise be relatively quiet. In terms of opening hours, the reduced proposal would accord with the general activity level of Havant town centre and would not encroach into the quieter times. Therefore, it is considered that this criterion is met and conditions are recommended to control the hours of opening. It should be noted that it is recommended to allow opening from 09:00 rather than the requested 11:00 to enable earlier opening during standard shopping hours without the need for a variation of condition application. The condition would also only restrict opening hours and not clearing up time - it would be permissible for staff to remain on site to clean up after the unit closes to the public.

b) Noise from comings and goings

- 7.10 There is no doubt that activity around the site, with both customers and delivery staff, would increase the comings and goings to the area. The submitted Noise Assessment has considered the impact of the proposed use (both vehicles and running of air conditioning, compressor equipment) and provided data to assess the impact. It is estimated, that at its peak, the use would generate a maximum of 70 delivery trips (from the rear of the site) with a maximum of 30 customer collections (from the front) during the hour between 19:00 and 20:00.
- 7.11 The noise of the vehicles, car doors opening, mopeds, people chatting etc would all add to the noise levels in the area. The Noise Assessment has quantified this against the existing background noise levels at 2 points – one in the rear yard adjacent 3 Brockhampton Lane, and one outside 70 West Street (see map in Appendix F). The results indicate that the noise levels from deliveries in the rear would not exceed the existing background levels; and the noise from customer collections at the front would result in a negligible increase between 19:00 and midnight. The Assessment indicates

that between midnight and 01:00 the increase would be higher, 'Minor', but it must be noted that this is beyond the reduced hours sought and demonstrates the unacceptability of later night opening.

- 7.12 The Environmental Health officer has considered the submitted Noise report and confirms that if the necessary mitigation measures are implemented then there should be no adverse impact on nearby residential receptors. He also recommends that the access for delivery drivers is conditioned to the rear. It is also now known that the applicant is Domino's pizzas which is proposed to relocate from North Street. This existing premises is also under residential flats and operates without complaint. The figures above are all worst-case scenarios and demonstrate that at capacity the activity generated would not materially increase noise levels. Accordingly, the evidence suggests that the associated noise and disturbance from the deliveries and collections would not have a discernible material impact on the amenity of nearby residents. This again indicates that clause 6 of policy DM5 would be complied with, as well as Policy DM10.

c) Noise from Equipment

- 7.13 The proposal includes installation of an extractor, cold store condenser, air conditioning unit and fresh air fan. Noise mitigation measures are proposed in the form of a silencer for the fresh air fan. The cold room condenser would need to be run at all times, but other equipment would only be operational when the store is open (plus cleaning up time). The Noise Assessment indicates that the noise from the plant, measured in both locations, would fall below the existing background levels. Therefore, it is concluded that the necessary extractors etc would be able to operate without causing noise nuisance to nearby residents. This would be in accordance with criterion 1 and 2 of policy DM5 and policy DM10.

d) Odours

- 7.14 The Environmental Health officer has advised that odours from pizzas are generally less than other takeaway uses and the extractor type proposed (glass fibre filtration system) is normally adequate for pizza cooking. However, it may not suffice for other cooking smells and any frying and as such it is recommended that a condition be imposed limiting the use to a pizza take-away only to control future uses in the interests of the amenity of neighbours. The applicant has agreed to this. The extractor type proposed would therefore meet criteria 1 and 3 to mitigate against any smells from the proposed pizza use.

e) Crime and anti-social behaviour

- 7.15 The reduction in opening hours would reduce the potential for the site becoming a magnet for people leaving pubs under the influence of alcohol. The Crime Prevention Officer has confirmed that this would significantly reduce the opportunities for crime and disorder. The Operational Management Plan also confirms that unit would be fitted with CCTV cameras both inside and immediately outside the front of the unit which would help to manage any anti-social behaviour.

(iii) Highways and parking considerations

- 7.16 The application site has 3 dedicated spaces to the rear which would provide parking for staff. It is stated that delivery drivers own their own vehicles and take them home at the end of shifts. Typically, 2 to 4 drivers would operate during the day (until 6pm), increasing to 6 to 8 drivers during the busy evening period (between 6pm and 9pm) before then reverting to 2 to 4 drivers until closing time. The collection of pizzas by drivers would take place from the rear of the site. There is however no customer parking

provided. Short stay public parking is available during the day within the spaces on the south side of West Street.

- 7.17 The site is within the town centre of Havant which is the Borough's most highly accessible location. The adopted Parking SPD recognises that within the town centre, proposals may have reduced or zero standard of vehicle parking provision. Since the application is a change of use and does not involve any additional floorspace then no new additional parking spaces are required to be provided. Nevertheless, it is accepted that some customers will drive to site to collect pizzas. After 6pm the availability of the short stay spaces in West Street would be unreliable. The surface parking at Aldi/Wickes would be available and in close proximity; Bulbeck Road multi storey closes at 21:00 (Mon to Sat) and 17:00 on Sundays; and the Meridian Centre multi storey closes at 18:00 (Mon to Sat) and 16:30 on Sundays. Therefore, parking options are limited but the parking restrictions in the form of double and single yellow lines would prevent customers from legally stopping in these areas. Any obstruction caused to the highway from an illegally parked vehicle is not a planning matter but would have to be enforced under different legislation.
- 7.18 In terms of trip generation, the increase in activity is not within the highway peak hours. Park Road South is a B classified road and the main road through the town. The Highway Engineer has advised that it would be difficult to defend a highway capacity or safety reason for refusal.
- 7.19 Given the sites town centre, highly accessible and sustainable location, with existing parking restrictions to prevent dangerous parking, the Highway Engineer raises no highway objection to the proposal. The Traffic Team have suggested that the Traffic Regulation Order for the short stay spaces on West Street is amended, potentially extending the short stay waiting limit to later in the evening to cover the opening times of the proposed takeaway, before reverting to unrestricted parking. However, whilst this could assist in providing convenient parking to serve the proposal, this would be to the detriment of the highway amenity of adjacent residents who use these spaces overnight. It is likely that any TRO to amend the timing of the short stay restriction would be opposed by local residents.
- 7.20 Criterion 5 of policy DM5 requires development not to cause indiscriminate parking or traffic movements that would create hazards for traffic or pedestrians. On balance, it is considered that in this accessible location with existing appropriate parking restrictions in force, the proposed takeaway use could function without detriment to highway safety or amenity in accordance with criterion 5. Customers would have to access the site by foot or public transport, or park further away and such factors would influence a customer's choice as to whether use the outlet or not. In planning land use terms, the proposed use is a recognised main centre town use in an accessible location and it would be difficult to refuse the application on highway or parking grounds.

(iv) Impact on Healthy Lifestyles

- 7.21 There has been considerable comment made on the Borough's level of obesity and proliferation of existing takeaways and objecting to a further takeaway use in a prime location. The NPPF does set out aims to support healthy lifestyles and the supporting Planning Practice Guidance does indicate that where supported by an evidence base, policies could limit the proliferation of certain use classes. The Havant Healthy Borough Assessment (November 2017) does provide that evidence and suggests that the Borough scores significantly worse than the England average for excess weight and Havant has a high number of fast food outlets compared to other areas. However, there is as yet no adopted policy that seeks to control the number of A5 uses and whilst work is being undertaken on the Healthy Borough Statement as part of the ongoing work on the Draft Havant Borough Local Plan, it is currently too early for any emerging policy to have

significant weight in the determination of this application.

- 7.22 It is however noteworthy that it has subsequently been confirmed that the applicant for this application is Dominos who would re-site from their existing North Street site. It is not known who would subsequently occupy that lawful A5 unit, which may or may not remain in an A5 use, but potentially this is not an additional A5 use in the town centre. At this stage it is not possible to support a planning refusal based on impact on healthy lifestyles.

(v) Refuse and litter

- 7.23 Considerable concern has also been raised by residents about potential waste and litter and therefore a Waste and Operational Management Plan has been submitted outlining measures to dispose of litter appropriately. A lidded wheeled refuse bin would be located to the rear of the unit and emptied by a private waste handling company as regularly as required – likely to be twice weekly. Cardboard is compressed, bundled and recycled. Refuse collections would take place between 06:00 and 20:00 Monday to Saturdays only and this could be conditioned. For customer rubbish an internal bin would be provided within the customer waiting area. The issue of rodents as a result of rubbish is not directly a planning matter and provided the rubbish generated by the use is appropriately managed then there is no reason for an increase in rodents.
- 7.24 The Operational Management Plan also indicates that CCTV cameras will be installed both inside and immediately to the front and rear of the premises as security measures. The proposal is therefore considered to provide adequate provision for the disposal, storage and collection of refuse, in accordance with criterion 4 of policy DM5.

(vi) Visual Impact

- 7.25 Criterion 2 of policy DM5 also requires that any mitigation measures do not materially detract from the appearance of the building itself and the wider locality. The proposed extractor flue would be a significant addition to the rear elevation, extending some 8.5m under the rear fire escape and then up 4m to project approximately 1m above the roofline. This would be a galvanised metal structure that would largely be sited beneath the existing galvanised external stairs. The air conditioning and cold compressor units would also be sited on the rear elevation. Whilst not attractive, these structures are considered appropriate to the context of the existing building in a rear service yard, and it is not considered that they would be visually harmful to the building or setting of the site.
- 7.26 The proposal also includes the replacement of the existing timber shopfronts with aluminium frames. There would be no change to window sizes, stall risers etc and the simple substitution to aluminium frames is considered visually acceptable and in accordance with policy CS16.

(vii) Flood risk

- 7.27 The site lies partly within Flood Zone 3. Both the proposed takeaway use and the former bank are classified as 'less vulnerable' uses by the NPPG. Therefore, the proposed change of use would not result in the occupation of the unit by a 'more vulnerable' use. The Environment Agency has raised no objection but notes that an Environmental Permit for Flood Risk Activities may be required. An Informative can be added to this effect.

8 Conclusion

- 8.1 The application site lies within the defined town centre boundary where the NPPF advises that Councils should take a positive approach to their growth, management and adaptation. The site has been vacant since September 2017 and this application represents an opportunity to bring this prominent unit back into beneficial use which

would contribute to the vitality and viability of the town centre. The submitted details meet the technical criteria of policy DM5. It is acknowledged that the change of use will have some impact on neighbouring amenity, mainly from additional comings and goings during the evenings. Adequate parking restrictions are already in place to prevent vehicles from unlawfully stopping in dangerous positions close to the site.

- 8.2 The affected residential properties in West Street and Brockhampton Lane are also located within the town centre, albeit on the fringe, where noise and activity levels are typically greater than suburban areas. The introduction of the proposed A5 use, with the reduced hours now proposed, is on balance considered not to result in any significant harm to existing levels of residential amenity, sufficient to justify a reason for refusal. It is considered that the social and economic benefits of the proposal outweigh the environmental dis-benefits of the proposal and therefore the application is recommended for conditional permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00706 subject to the following conditions:

- 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:

Waste and Operational Management Plan dated October 2018
Planning, Design and Access Statement (Incorporating Flood Risk Assessment) dated July 2018 as subsequently amended
letter by Pegasus Group dated 18th September 2018, as amended by email dated 03/10/2018 in relation to extraction filters
Location Plan Drawing No. DB447 - LP Rev A
Block Plan Drawing No. DB447 - BP
Proposed Elevations Drawing No. DB447 - EL05
Proposed Plan Drawing No. DB447 - GA04 Rev A
Air Handling Unit Information
Supporting Annex B Document for Proposed Ventilation System by DeltaBravo Ltd dated 19.06.18
Baffle Filter information
Extraction Details
Filtration Details

Reason: - To ensure provision of a satisfactory development.

- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (as amended) and any Town and Country Planning (General Permitted Development) Order, the premises shall be used as a pizza takeaway only and for no other food types within Class A5 of the above Use Classes Order.

Reason: In the interests of amenity as the proposed extractor equipment may not be adequate for other food types, and having due regard to Policies DM5 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the

National Planning Policy Framework.

- 4 The premises shall only be open to the public for trade or business between the hours of 09:00 and 23:00 Sunday to Thursday; and between 09:00 and 24:00 (midnight) on Fridays and Saturdays. No delivery of pizzas shall take place outside these hours.
Reason: To protect the amenities of nearby residential properties and having due regard to policy DM5 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 5 Servicing and deliveries (other than delivery of pizzas for customers) to or from the premises shall only take place between the hours of 07:00 and 20:00 Monday to Saturdays and at no other time.
Reason: In the interests of the amenities of occupiers 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.
- 6 Prior to the use hereby approved being first implemented, the approved extraction equipment shall be installed and effectively operated for as long as the use continues, and shall be regularly maintained in accordance with the Annex B Document for Proposed Ventilation System by DeltaBravo Ltd dated 19.06.18. Any failure of the extraction equipment and all cooking processes shall cease until the system has been restored to full working order. Documentary evidence including receipts, invoices and copies of any service contracts in connection with the use and maintenance of the extraction equipment, shall be kept and made available for inspection at the premises by officers of the Local Planning Authority, to facilitate monitoring of compliance with this condition.
Reason: In the interests of amenity and to protect against cooking odours outside the premises, and having due regard to Policies DM5 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 7 The noise mitigation measures detailed in the Environmental Assessment Report 18/0455/R1 2nd issue by Cole Jarman shall be fully implemented prior the hereby approved use being brought into first use. Thereafter the silencer and anti-vibration mounts and all other measures shall be maintained in full working order to the satisfaction of the Local Planning Authority.
Reason: In the interests of amenity and to protect against cooking odours outside the premises, and having due regard to Policies DM5 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Appendices

- (A) Location Plan
- (B) Block Plan
- (C) Proposed layout Plan
- (D) Proposed Front Elevations
- (E) Proposed Rear Elevations
- (F) Noise measurement locations

APPENDIX 2

COMMITTEE MINUTES

HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 18 October 2018

Present

Councillor Buckley (Chairman)

Councillors Howard, Keast, Lloyd, Patrick, Lowe and Satchwell (Vice-Chairman)

Other Councillors Present:

Councillor(s): Pike and Robinson

54 Apologies for Absence

There were no apologies for absence.

55 Minutes

The Chairman requested members to confirm their agreement with Minute 51 in view of a challenge concerning the accuracy of this minute, and members confirmed that in their view, this was a true and correct record of the debate held and decision made.

RESOLVED that the minutes of the meeting of the Development Management Committee held on 6 September 2018 were agreed as a correct record and signed by the Chairman.

56 Matters Arising

There were no matters arising.

57 Site Viewing Working Party Minutes

The minutes of the Site Viewing Working Party held on 11 October 2018 were received and it was noted that Councillor Howard had submitted apologies for absence for this meeting.

58 Declarations of Interest

There were no declarations of interest.

59 Chairman's Report

There were no matters that the Chairman wished to report to the Committee.

60 Matters to be Considered for Site Viewing and Deferment

There were no matters to be considered for site viewing and deferment.

61 Deputations

The Committee received the following deputations:

- (1) Mr Comlay and Ms Glanville-Hearson – APP/18/00706 – 39 West Street, Havant, PO9 1LA (Minute 62);
- (2) Mr Millward – APP/18/00706 – 39 West Street, Havant, PO9 1LA (Minute 62); and
- (3) Councillor Tim Pike – APP/18/00706 – 39 West Street, Havant, PO9 1LA (Minute 62).

62 APP/18/00706 - 39 West Street, Havant, PO9 1LA

(The site was viewed by the Site Viewing Working Party).

Proposal: 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 Committee considered the written report and recommendation of the Head of Planning to grant permission.

The Committee received supplementary information, circulated prior to the meeting, which gave details on the following:

- A schedule of opening and closing times for nearby takeaway establishments and the Parchment Makers public house;
- A schedule of opening and closing times for other businesses that access the rear car parking yard; and
- Details of 12 further objection letters received.

The Committee were also advised that since the supplementary information had been issued, one further letter of objection had been received.

The Committee was addressed by the following deputees:

- a) Mr Comlay and Ms Glanville-Hearson, who objected to the application for the following reasons:
 - 1) The application would result in unacceptable traffic issues due to the significant increase in vehicular movements in and around the site;
 - 2) The application would exacerbate existing parking issues;
 - 3) The opening of a takeaway would lead to an increase in litter on and around the site;

- 4) The application would contravene the adopted Core Strategy aims to promote healthy living in the Borough; and
 - 5) The takeaway would be detrimental to the visual amenity of the area.
- b) Mr Millward, the applicant's agent, who supported the application for the following reasons:
- 1) The on-site parking was sufficient as delivery vehicles would constantly rotate use of the 3 on-site spaces, while customers visiting the store would make use of multiple public transport connections to Havant Town Centre and link trips with use of the town centre facilities;
 - 2) The applicant would be willing to submit a Delivery Management Plan, to provide assurance on the route to be used by delivery drivers collecting from the store;
 - 3) The opening hours had been amended to reflect concerns raised by local residents, and the applicant was willing to accept a condition that the 11pm – midnight opening hours for Fridays and Saturdays be temporary for 12 months to see if any issues are caused at these times;
 - 4) Noise mitigation measures had been considered suitable;
 - 5) Measures had been taken to significantly reduce concerns over anti-social behaviour at the site;
 - 6) An internal litter bin would be provided, as well as CCTV cameras both in and outside of the store; and
 - 7) The takeaway was relocating from North Street and as such, would not constitute an additional takeaway store in Havant Town Centre.]
- c) Councillor Tim Pike, who objected to the application for the following reasons:
- 1) Although the Council would normally look to promote opportunities for town centre regeneration, this application would result in unacceptable parking and transport issues that would contravene DM5 and DM11 of the adopted Core Strategy;
 - 2) Parking on-site was not sufficient for staff numbers and would result in unacceptable parking issues for residents in surrounding areas; and
 - 3) The site was not suitable for heavy-duty delivery vehicles and this would cause issues in the rear car parking yard.

In response to questions from members of the Committee, the officers advised that:

- a) While the unit was inside the town centre area, it was not classed as a Primary Frontage and therefore there were no restrictions on the loss of an A1 usage;
- b) The Council's policies aimed to ensure active frontages in town centres, which in turn enhance and benefit these areas;
- c) Noise calculations had been carried out by measuring current background noise and comparing this to predicted noise levels if the application were to be successful. These had been found to create no additional noise in the AP1 testing location and negligible increases in the AP2 testing location;
- d) The site was situated in an area close to existing retail, office and industrial units; and
- e) It was confirmed that the application included 3 parking spaces in the rear car parking yard.

The Committee discussed the application in detail together with the views raised by the deputees.

Some concern was raised over the impact upon the traffic flow and highway safety. However, in view of the comments of the Highways Engineer in the written report, the Committee were advised that there was not sufficient grounds to refuse for this reason.

The majority of the Committee expressed concerns relating to the parking and delivery access to the site, and considered that this would have a detrimental impact upon nearby residential properties. It was therefore

RESOLVED that Application APP/18/00706 be refused for the following reason:

- 1 The proposed change of use of the premises would give rise to additional vehicular movements to and from the site, and due to the limited parking facilities available would be detrimental to the amenity of nearby residential properties, particularly during the evening period. It is therefore contrary to policies DM5, DM10, DM11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework.

63 APP/18/00736 - Trees r/o 19 The Parchment and 20 South Street, Havant

(The site was viewed by the Site Viewing Working Party)

Proposal: Crown raise 1No. Lime (T1) to 8m, subject to TPO 1509 and crown reduce 1No. Beech (T2) by 3m in height and 2m from laterals, subject to TPO 0797.

The Committee considered the written report and recommendation of the Head of Neighbourhood Support to grant consent.

In response to questions from the Committee, the officers advised that the proposed work would have no impact on the health or amenity value of the trees.

During the debate, the Committee expressed their support for the application, however members requested a variance to Condition 1 that sought to ensure that tree works be carried out in balanced fashion. It was therefore

RESOLVED that Application APP/18/00736 be granted consent subject to the following conditions:

- 1 The tree works for which consent is hereby granted shall not be carried out otherwise than in full accordance with all relevant content of BS 3998 (2010) and to secure a balanced crown.
Reason: In the interests of tree health and safety.
- 2 The tree works for which consent is hereby granted shall be carried out and completed no later than 18/10/19.
Reason: To control the timing of the works.

64 APP/18/00449 - Aura House, New Road, Havant, PO9 1DE

Proposal: 2-storey extension to existing property to create additional separate individual office space.

The Committee considered the written report and recommendation of the Head of Planning to grant permission subject to legal agreement.

The Committee received supplementary information, circulated prior to the meeting, which advised that Conditions 2, 7 and 8 had been updated.

During the meeting, the Committee were advised that in addition, a corrected elevation plan had been received and would be included in the list of approved plans at Condition 2.

RESOLVED that Application APP/18/00449 be granted permission subject to:

- (A) the completion of a S106 Legal Agreement to ensure that this permission is a mutually exclusive alternative to planning permission APP/17/00972; and
- (B) the following conditions:
 - 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 Drawing No. C3295-01 Rev A
Block Plan Drawing No. C3297-02 Rev B
Proposed Elevations Drawing No. C3297-6 Rev F
Proposed First Floor Plan Drawing No. C3297-3 Rev E
Proposed Ground Floor Plan Drawing No. C3297-4 Rev E
Design and Access Statement & Supporting Documentation
Revision B dated 4th October 2018

Reason: - To ensure provision of a satisfactory development.

- 3 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, the building hereby permitted shall not be converted for residential occupation.

Reason: In the interests of the living conditions of any future occupants and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 4 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and a full specification of the materials to be used externally on the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The car and cycle parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the extension being first brought into use and shall be retained thereafter for their intended purpose.

Reason: In the interests of highway safety and having due regard to policy DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has undertaken an appropriate assessment and submitted remediation method statement to the local planning authority detailing how this unsuspected contamination shall be dealt with. Written approval for the remediation method statement shall be obtained from the local planning authority prior to implementation, and the remediation shall be implemented as approved.
Reasons: To ensure that no contamination sources exist or remain on the application site that may pose an unacceptable risk to future site users, offsite residential land uses, buildings, potable supplies or other services having due regard to policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and DM17 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.
- 7 The floor levels of the proposed extension shall match those of the adjacent part of the building to which it is attached unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the amenities of the locality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 8 Any additional areas of hardstanding shall match the existing brick blockwork hardstanding areas in form colour and texture unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with the above specification or any variation that has been agreed in writing by the Local Planning Authority.
Reason: In the interests of the amenities of the locality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 9 No development shall take place until plans and particulars specifying the following matters have been submitted to and approved in writing by the Local Planning Authority:
- (i) The provision to be made within the site for contractors' vehicle parking during site clearance and construction of the development;
 - (ii) The provision to be made within the site for a material storage compound during site clearance and construction of the development.

Thereafter, throughout such site clearance and implementation of the development, the approved parking provision and storage compound shall be kept available and used only as such.

Reason: To safeguard the amenities of the locality and/or in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (as amended) and any Town and Country Planning (General Permitted Development) Order, the premises shall only be used as a B1(a) Office Accommodation; and for no other purposes within Class B of the above Use Classes Order.

Reason: In the interests of amenity and highway safety and having due regard to Policies CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, the ground floor window in the north east elevation shall be fitted with:
(i) non-opening lights, or opening restrictors the details of which are to be first agreed in writing with the Local Planning Authority; and

(ii) textured glass, which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent).

The window shall be retained in that condition at all times thereafter.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 No above ground construction works shall take place until a rear window has been installed to No.2 New Lane in the position shown on drawing no. C3297-02 Rev B.

Reason: In the interests of the residential amenities of the neighbouring property and having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

The meeting commenced at 5.00 pm and concluded at 6.46 pm

.....

Chairman

pegasusgroup.co.uk

First Floor, South Wing,
Equinox North, Great Park Road,
Almondsbury, Bristol, BS32 4QL

E Bristol@pegasusgroup.co.uk

T 01454 625 945