
Site Address:	2-4 Park Parade, Havant, PO9 5AD		
Proposal:	Change of use from Bank (Use Class A2) to a hot food takeaway (Use Class A5) plus associated minor external alterations.		
Application No:	APP/18/00415	Expiry Date:	20/06/2018
Applicant:	Mr Virk Papa John's (GB) Ltd		
Agent:	Miss Butterfield WYG	Case Officer:	Karen Wooden
Ward:	Battins		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site a purpose built three storey business unit with residential accommodation above, located with at the eastern end of Park Parade precinct in Leigh Park. Being a corner plot the building fronts both Park Parade and Somborne Drive. The front of the building is pedestrianised and Bordon Road to the rear provides rear access to the units, and access to the residential flats of both Park Parade and Greywell.

- 1.2 The area consists of a purpose built precinct of units of varying uses at ground floor with separate residential accommodation above.

2 Planning History

02/65868/001 - Display of internally illuminated shop fascia sign, projecting sign, ATM sign and surround and various non illuminated information signs to front (south elevation). Display of internally illuminated projecting sign, fascia sign and ATM sign to side (east) elevation., PERM,10/10/2002

00/65868/000 - Installation of a 60cm grey satellite dish, PERM,01/02/2001

APP/15/00514 - Installation of externally accessed security door and relocation of 2No. ATMs with illuminated surrounds., PERM,02/07/2015

APP/15/00515 - Display of 2No. illuminated ATM surrounds, PERM,02/07/2015

APP/16/00859 - Proposed change of use of part ground floor into 2No. A1/A2/A3 mixed use units, part rear ground floor into 1No. 1bed flat and 1no. 2 bed flat, proposed conversion and part new build at second floor to form 2No. 2 bed flats and 2No. 3 bed flats., PERM,16/12/2016

APP/16/00860 - Prior notification for change of use from a retail use (class A1/A2) or a mixed retail and residential use to C3 residential use subject to prior approval covering flooding, highways and transport issues, contamination and impact on adequate provision of services falling within A1/A2 and sustainability of the shopping area, where applicable; additionally any operational development necessary for conversion is subject to prior approval of design and external appearance., PAYA,26/10/2016

APP/16/01157 - Display of 2No. internally illuminated ATM surrounds., PERM,22/12/2016

APP/17/00092 - Application for non-material change to Planning Permission
APP/16/00859 relating to alterations to fenestration to front and east elevation.,

PERM,13/04/2017

APP/18/00384 - Display of 2No. internally illuminated fascia signs., PERM,07/06/2018

3 Proposal

- 3.1 Change of use from Bank (Use Class A2) to a hot food takeaway (Use Class A5) plus associated minor external alterations.

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

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS4	()
CS6	(Regeneration of the Borough)
DM10	(Pollution)
DM5	(Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM18	(Protecting New Development from Pollution)
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: Not applicable.

5 Statutory and Non Statutory Consultations

Crime Prevention -Minor Apps

No comments received

Economic Development

No comments received

Environmental Health Manager, Community Group

I've gone through the noise assessment that was submitted for the above app. I'm satisfied that the mitigation measures that have been indicated on the assessment with regard to the extraction unit & the cold room condenser unit, if implemented as depicted and installed as suggested, should ensure no adverse impact on nearby residents.

The extract system as shown on the drawings provided should suffice in terms of extraction capability, and the use of pre-filtration and thereafter carbon filtration should reduce the odour output to acceptable levels as long as the recommended change-out periods are adhered to.

I would raise no further objection to this application.

However I would ask that if the that conditions be applied to any consent that may be granted.

Planning Policy, PPUD

The [Local Plan \(Core Strategy\)](#) and the [Local Plan \(Allocations\)](#), together with the [Hampshire Minerals and Waste Plan](#), provide the development plan for Havant Borough. In addition, the [Local Plan Housing Statement \(LPHS\)](#) and its guiding principles, adopted in December 2016, are also a material consideration.

The following policies are of relevance:

- CS4 – Town, District and Local Centres
- CS17 – Concentration and Distribution of Development within the Urban Areas
- DM5 – Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses
- DM21 – Shopfronts, Signs, Security Shutters and Advertisements.
- AL2 – Urban Area Boundaries and Undeveloped Gaps between Settlements
- AL3 – Town, District and Local Centres

The site falls within Leigh Park District Centre within the primary shopping frontage as defined by Policies CS4 and AL3. These policies support the development of main town centre uses within the borough's town, district and local centres in order to promote their vitality, viability and footfall. Main town centre uses are defined in Annex 2 on page 53 of the [National Planning Policy Framework \(NPPF\) \(2012\)](#).

Policy DM5 sets out criteria for the control of food and drink uses to avoid environmental problems such as fumes, odour and litter. The proposals should demonstrate compliance with Policy DM5 in order to safeguard the amenity of the properties to the rear of the site and that of the tenant(s) living on the first floor of the building. By meeting the requirements of Policy DM5, the provisions of Policies DM10 (Pollution) and DM18 (Protecting New Development from Pollution) would also be met.

Shopfronts and Signs:

The proposed shop front would need to be appropriate in size, scale and design to the character of the building and the street scene. Moreover, the provisions of Policy DM21 would need to be met.

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 in principle provided the provisions of Policies DM5 and DM21 are met.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 9

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

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
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

The site falls within Park Parade, a part of the Leigh Park District Centre, but is not allocated primary or secondary frontage. The key consideration is whether the occupation of the currently vacant unit within this district centre use would contribute to the vitality and viability of Leigh Park. The Planning Policy team are supportive of the proposed use of the premises and there are no planning policy objections to the proposal. Therefore, in principle, the change of use within this district centre is considered appropriate. The current application would ensure a use in the current vacant , improving the viability of the ground floor use and enhancing the local economy.

(ii) Impact upon the character and appearance of the area

7.4 The unit is currently vacant and it is considered that the proposed use complements the district centre and would provide a service for local residents. As such it is considered a sustainable development that is appropriate to the character and appearance of the area.

7.5 The development would result in minor changes to the appearance of the front of the building, including revised signage which has been approved under a separate application (APP/18/00384) .

- 7.6 The proposed change of use would maintain the existing and original footprint of the unit with access remaining at ground floor fronting the pedestrianised Park Parade.
- 7.7 The site falls within Leigh Park District Centre as defined by Policy CS4. This policy encourages appropriate town centre development proposals which support small and independent businesses; moreover, Policy CS4 seeks to encourage high quality, mixed use development in designated centres that retain active ground floor frontages. In addition, the Leigh Park centre is an area of particular focus in the regeneration of the Borough under Policy CS6. Therefore, the appropriate re-use of current vacant units are supported by these two policies.

(iii) Impact upon local amenity

- 7.8 The proposed A5 Restaurant would be located within the shopping centre which includes a variety of business uses including cafes and restaurants, along with residential units. Within such mixed use areas there is a balance to be considered between commercial activity expected in a shopping centre and the impact on residents. Policy DM5 of the Local Plan sets out criteria in relation to such uses.
- 7.9 Policy DM5 advises on the control of Class A3, A4 and A5 food, drink and entertainment uses. The policy advises that planning permission will only be granted where the following criteria are met:
1. Measures are incorporated to mitigate the effect of the preparation of hot food on nearby properties
 2. The installation of equipment in relation to hot food does not materially detract from the building and the wider locality
 3. The measures proposed in respect of 1 above are suitable for the range and nature of the hot food to be prepared on the premises
 4. Adequate provision for the disposal, storage and collection of waste are in place
 5. There would be no adverse impact on parking and traffic movement that would be likely to create hazards
 6. The development would not cause unacceptable disturbance to the occupiers of nearby residential properties
 7. Any marketing requirements are met
- 7.10 With regard to the first criteria, a Noise Assessment was submitted as part of this application and the Environmental Health officer is satisfied that the mitigation measures that have been indicated on the assessment with regard to the extraction unit & the cold room condenser unit, if implemented as depicted and installed as suggested, would ensure no significant adverse impact on nearby residents.
- 7.11 The second criteria relates to the appearance of extract equipment. Details shown on the elevation drawing propose the installation of an external ductwork and flue, along with a condensing unit. Due to their position to the rear of the unit, along with other neighbouring units uses and equipment, it is not considered that the external equipment would be visually harmful to the building or wider locality.
- 7.12 Given the location and examples of A3/A5 uses within Park Parade it is considered that the proposed use is not likely to lead to unacceptable nuisance, however, a condition is recommended to ensure equipment shall be installed to suppress and disperse fumes and/or smell produced by cooking and food preparation, and such equipment must be maintained and in working order.

- 7.13 The proposed hours of operation are 10.00am to 23.00 daily with the exception of Saturday nights whereby they will close at 00.00. Due to the location these hours are considered to be acceptable as there is already an established evening trade with other A3/A5 uses nearby. There is also no evidence to suggest that an additional cafe/restaurant would increase anti-social behaviour and noise in this location.
- 7.14 The fourth criteria relates to refuse and a condition relating to commercial waste provision is recommended. There is an area to the rear of the unit, accessed via Bordon Road for the storage of waste bins along.
- 7.15 The fifth issue relates to parking/traffic impacts. There is a layby on Somborne Drive close to the eastern elevation of the unit. The highways engineer has raised no concerns with regard to highway issues.
- 7.16 The final criteria relates to marketing requirements. It is noted that no evidence of marketing was received as part of this application. However it is acknowledged that there are various units or varying sizes currently vacant within Park Parade and the adjacent shopping area of Greywell. On balance, it is not considered expedient to insist on a further 12 month period of monitored marketing for this prominent unit, and its occupancy would be more beneficial to Leigh Park District Centre. Furthermore no objection has been received from the Planning Policy team.

(iii) Adequacy of parking/access

- 7.17 There is a layby to the side of the unit and public car parks to the north, and south of the site. The site is situated within a highly accessible location and due to the number of public car parks in the area and its proximity to a bus corridor, it is considered that no parking provision would be required for this proposal. This Council's Development Engineer has been consulted on the proposal and has raised no objection.

8 Conclusion

- 8.1 In conclusion, the proposed change of use is considered to be acceptable and subject to conditions would represent an appropriate use whilst ensuring that any environmental impacts for residents are minimised. The hours and scale of business is considered appropriate to the area with residential flats above but should be conditioned to prevent any significant extension of opening hours later into the night which could be harmful to residential amenity. The proposal also complies with Policies CS4 and DM5 of the Core Strategy as well as AL3 of the Allocations Plan. Therefore the application is considered to represent sustainable development and is recommended for permission.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00415 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:

Existing floor plans and external elevations - PJ/HAV/01(rev a)

Proposed scheme plans and elevations - PJ/HAV/02 (rev a)

Plant Noise Assessment Report 18/0273/R1

Reason: - To ensure provision of a satisfactory development.

- 3 Prior to the commencement of use the equipment hereby proposed shall be installed to suppress and disperse noise, fumes and/or smell produced by cooking and food preparation in accordance with the Plant Noise Assessment Report 18/0273/R1. The equipment shall be effectively operated for so long as the use continues, including the installation of the noise and other mitigation measures outlined in paragraph 6.2 of the Plant Noise Assessment Report 18/0273/R1, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the use does not result in excessive cooking odours outside the premises and to protect the amenity of occupiers of nearby properties in terms of noise in accordance with policy DM18 of the Havant Borough Local Plan (Allocation) 2014

- 4 The extraction equipment installed in pursuance to Condition (No.3) above shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority and shall not be resumed 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 the Local Planning Authority, to facilitate monitoring of compliance with this condition.

Reason: To ensure that the use does not result in excessive cooking odours outside the premises and to protect the amenity of occupiers of nearby properties in accordance with policy DM18 of the Havant Borough Local Plan (Allocation) 2014

- 5 The premises the subject of this permission, if used for the purposes of a restaurant (Class A5), shall not open to the public before 10.00 hours or remain so open after 23.00 hours Monday to Sunday, excluding Saturdays when it shall not be open to the public before 10.00 or remain so open after 00.00.

Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018