

Planning Application Response of Planning Policy / Urban Design

Application No:	APP/18/00706
Site Address:	39 West Street, Havant, PO9 1LA
Development:	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
Case Officer:	Mrs T Pickup
Comments by:	Lewis Ford
Date of Comments:	28 th September 2018

The Planning Policy Team originally responded to the application on 20th August 2018. Since then, further information has been submitted for this application and the team have continued to move forward with the emerging Local Plan 2036. As such, please find below our updated comments.

Policy Status:

The Adopted Local Plan

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 December 2016, is also a material consideration. The following policies and documents are of relevance:

- CS4 Town, District and Local Centres
- CS11 Protecting and Enhancing the Special Environment and Heritage of Havant Borough
- CS15 Flood and Coastal Erosion Risk
- CS16 High Quality Design
- CS17 Concentration and Distribution of Development within the Urban Areas
- DM5 Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses
- DM14 Car and Cycle Parking on Development (excluding residential)
- DM18 Protecting New Development from Pollution
- DM20 Historic Assets
- DM21 Shopfronts, Signs, Security Shutters and Advertisements
- AL2 Urban Areas Boundaries and Undeveloped Gaps between Settlements
- AL3 Town, District and Local Centres
- [Havant Borough Parking SPD](#) (July 2016)
- [Havant Healthy Borough Assessment](#) (November 2017)
- [National Planning Policy Framework \[NPPF\] \(July 2018\)](#) – Chapter 8

Havant Borough Local Plan 2036

The Council is preparing a new Local Plan and consulted on a Draft (Regulation 18) version of the [Havant Borough Local Plan 2036](#) (HBLP 2036) between 8 January to 16 February 2018. Whilst the Plan has limited weight in decision-making at this stage in the plan preparation, the Draft HBLP 2036, and particularly 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.

Please note, the Council's Local Plan Panel considered a report setting out a summary of the responses to the consultation on the Local Plan and the proposed changes to the policies moving forward. This [Consultation Summary Report](#) was published on the Council's website on Friday 22nd June 2018. A summary of the comments received, and the Council's proposed way forward, for Policies KS1 and C8 can be found on pages 15-19 and 215 of the report respectively.

The National Planning Policy Framework (NPPF):

The submitted Planning, Design & Access Statement refers to the 2012 National Planning Policy Framework (NPPF). It should be noted that the 2018 NPPF has since been introduced. As such, the statement should be re-examined to assess the compliance of the proposed development against the 2018 NPPF.

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 premise has been vacant since September 2017. However, the vacancy rate for Havant Town Centre was 5.8% in October 2017¹ 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"*.

¹ Please see paragraph 5.65 (page 29) of the [Havant Borough Annual Monitoring Report \(AMR\) 2017](#)

The [National Planning Practice Guidance \(NPPG\)](#)² 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 bullets 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 \(NPPG\)](#)³ 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 (replicated below) shows that Havant & Bedhampton has a high number of fast food outlets compared to the rest of Havant Borough and surrounding areas.

² Health and wellbeing – Paragraph 006 Reference ID: 53-006-20170728

³ Health and wellbeing – Paragraph 006 Reference ID: 53-006-20170728

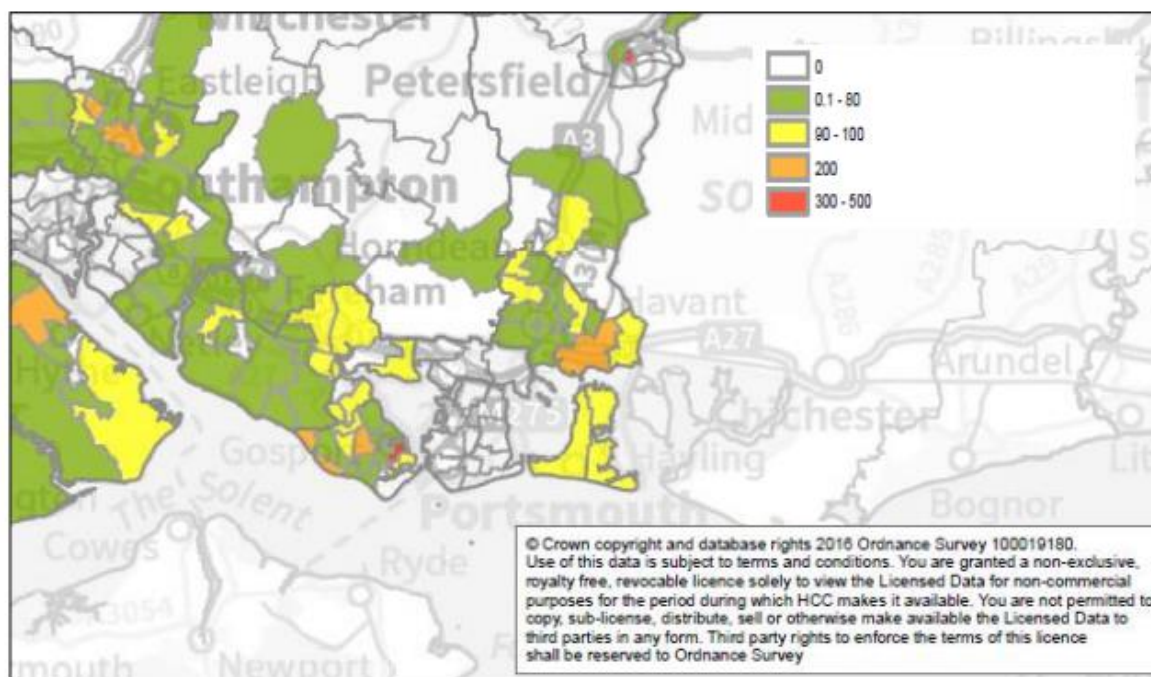


Figure 1 – Fast Food Outlets per 100,000 Population (as taken from page 9 of the Havant Healthy Borough Assessment).

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 a material consideration 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 DM18 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 11am to 11pm (Sunday to Thursday) and 11am to midnight (Friday and Saturday). It is important to note 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)⁴.

The Planning Policy Team recommend that appropriate conditions are imposed to control the hours of opening.

⁴ Please note, paragraph 6.18 on the submitted Planning, Design & Access Statement states that the nearest residential units are approximately 45m to the west of the site on Brockhampton Lane. This is not correct. There are residential units opposite and close to the site along West Street, as well as those above the Parchment Makers on the opposite side of Park Road South.

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. 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.

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 CS15⁵, 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 Excluding criterion 1) due to paragraph 164 of the NPPF (2018).

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- [i] Burgoine, T., Forouhi, N.G., Griffin, S.J., Wareham, N.J., & Monsivias, P. (2014). Associations between exposure to takeaway food outlets, takeaway food consumption, and body weight in Cambridgeshire, UK: population-based, cross-sectional study. *BMJ*, 348: g1464.
- [ii] Caraher M., Lloyd S. and Madelin T. (2014) The 'School Foodshed': schools and fast-food outlets in a London borough. *Br Food J.* 25; 116 (3): 472–93.
- [iii] Ellaway A., Macdonald L., Lamb K., Thornton L., Day P. and Pearce J. (2012) Do obesity-promoting food environments cluster around socially disadvantaged schools in Glasgow, Scotland? *Health Place*, 18 (6): 1335–40.
- [iv] Cobb, L.K., Appel, L.J., Fanco, M., Jones-Smith, J.C., Nur, A., & Anderson, C.A.M. (2015). The relationship of the local food environment with obesity: A systematic review of methods, study quality and results. *Obesity*, 23 (7), 1331-1344.
- [v] Giskes, K., van Lenthe, F., Avendano-Pabon, M., & Brug, J. (2010). A systematic review of environmental factors and obesogenic dietary intakes among adults: are we getting close to understanding obesogenic environments? *Obesity Reviews*, 12, e95-e106.
- [vi] Kent, J.L., & Thompson, S. (2014). The three domains of urban planning for health and well-being. *Journal of Planning Literature*, 1-18.
- [vii] Fuentes Pacheco A, Carrillo Balam G, Archibald D, et al. Exploring the relationship between local food environments and obesity in UK, Ireland, Australia and New Zealand: a systematic review protocol. *BMJ Open* 2018;8:e018701. doi: 10.1136/bmjopen-2017-018701.