

Havant Borough Local Plan (Allocations) July 2014

DM21 (Shopfronts, Signs, Security Shutters and Advertisements)

AL3 (Town, District and Local Centres)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Crime Prevention -Minor Apps

No response received.

Development Engineer - Highways

No response received.

Economic Development - Retail and Town Centres

No objection to this proposal.

Environmental Health Manager, Community Group

I have reviewed the documentation submitted but could not see any information relating to exhaust ventilation, noise making equipment (for fridge, A/Cs etc) so I can not really provide you with an adequate comment. However, I can confirm the requirement of this information can be provided by way of conditions.

Planning Policy, PPUD

Policy Status: The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan provide the development plan for the borough.

The following policies are of particular relevance:

- ☐ CS4 – Town, District and Local Centres
- ☐ CS6 – Regeneration of the Borough
- ☐ 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.

Principle of Development: The site lies within the urban area as defined by Policy CS17 of the Local Plan which seeks to concentrate new development within the five urban areas of the borough.

The site falls within Waterlooville Town 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 promote the vitality and viability of the identified local centres. In addition, the London Road public realm is an area of particular focus in the regeneration of the borough under Policy CS6.

Therefore, the appropriate development of a currently vacant unit is supported by these two policies.

Policy AL3 identifies the site as primary shopping frontage. Nevertheless, as the unit's existing use is not A1 and is currently vacant, the provisions of AL3 do not apply.

Policy DM5 sets out criteria for the control of food and drink uses to avoid environmental problems such as fumes, odour and litter. The application should demonstrate that all the criteria of DM5 can be met.

Shopfronts and Signs: The proposed shop front is appropriate in size, scale and

design to the character of the building and street scene as a whole. Therefore, the provisions of Policy DM21 are met.

Flooding: The site is not located in flood zones 2 and 3.

Developer Contributions: As the application is for a change of use from class A3 to A5, the development will not be CIL liable and will not have to pay the Solent Recreation Mitigation Partnership (SRMP) contribution. Therefore, Policies CS21 and DM24 do not apply.

Recommendation: No objection, providing the provisions of Policy DM5 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: 6

Number of site notices: Not applicable.

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 of the change of use on the town centre
- (iii) Impact upon local amenity
- (iv) Highway / parking considerations

(i) Principle of development

7.2 The site is located within an urban area where development is considered to be acceptable in principle subject to other development management considerations. This site is located within a designated town centre boundary and a primary shopping frontage. As such, Policy AL3 (Local, town and district centres) of the adopted Allocations Plan applies together with Policy DM5 (Control of A3, A4 and A5 uses) of the adopted Core Strategy.

(ii) Impact of the change of use on the town centre

7.3 The site falls within Waterlooville Town 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 promote the vitality and viability of the identified local centres. In addition, the London Road public realm is an area of particular focus in the regeneration of the borough under Policy CS6. Therefore, the appropriate development of a currently vacant unit is supported by these two policies. Policy AL3

identifies the site as primary shopping frontage. Nevertheless, as the unit's existing use is not A1 and is currently vacant, the provisions of AL3 do not apply.

(iii) Impact on local amenity

7.4 Policy DM5 advises on the control of Class A3, A4 and A5 food, drink and entertainment uses and this is relevant to this proposal for an A5 use. 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

7.5 Environmental Health have been consulted on the application whilst the documentation submitted did not provide details relating to exhaust ventilation, noise making equipment (for fridge, A/Cs etc), confirmation was given that this information can be provided by way of conditions.

7.6 With respect to nuisance from smells, the current authorised use of the property is A3 (food and drink) and there is an existing extract canopy and ducting in place which is to be re-used. In addition, the extract fan, grease and odour filters are to be renewed. Given the town centre location and previous restaurant use it is considered that the proposed use is not likely to lead to unacceptable nuisance, however, conditions in respect to further details for the mitigation of noise and smells are recommended.

7.7 The proposed hours of operation are considered to be acceptable as there is already an established evening trade with nearby pubs on the pedestrian section of London Road, and there is no evidence to suggest that an additional takeaway would increase anti-social behaviour and noise in this central town centre location. It is considered the proposed new shopfront would update and enhance the external appearance of the unit.

(iv) Highway / parking considerations

7.6 The proposal does not include any specified parking provision for visitors or staff. However, this is similar to the majority of other businesses within the town centre and is considered to be a sustainable location. There is a public car park to the rear of the site.

8 Conclusion

8.1 Overall it is considered that the proposal for a change of use would result in a number

of positive factors to the town centre and complies with all the relevant local planning policies and national planning policy. Therefore the application is recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/17/00213 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 external materials used shall be as stated under Section 9 (Materials) of the application form.
Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 3 The premises shall only be open for trade or business between the hours of 1130-2330 (Monday - Friday), 1130-2400 (Saturdays) and 1200-2300 (Sundays and Bank Holidays)
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.
- 4 Prior to the development being brought into use, equipment shall be installed for the filtration and extraction of fumes and smell produced by cooking and food preparation, and the equipment shall be effectively operated for so long as the use continues. Details of the equipment shall be submitted to and approved in writing by the Local Planning Authority, and the equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.
Reason: To ensure that unsatisfactory cooking odours outside of the premises are minimised in the interests of the amenities of occupiers of nearby properties and having due regard to Policies DM5, DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 5 The extraction equipment installed in pursuance of Condition 4 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 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 of this condition.

Reason: To ensure that the use does not result in excessive cooking odours outside the premises and that the amenity of occupiers of nearby properties is protected and having due regard to Policies DM5, DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 6 The change of use hereby permitted shall not commence until details of bin provision relating to the takeaway facility have been submitted to and approved in writing by the Local Planning Authority. The development should not be brought into use until a bin has been provided in accordance with the approved details.

Reason: In the interests of the amenities of the area and having due regard to Policies DM5, DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 7 No delivery vehicles (including mopeds and motorbikes) are to be used in conjunction with the hereby permitted A5 use between the hours of 2200 to 0800 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the occupiers of the neighbouring properties and having due regard to Policies DM5, DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 11 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan

Block plan

Drg No. 9253.16 Rev B Existing and proposed floor and elevations plan

Reason: - To ensure provision of a satisfactory development.