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

Date: 14th December 2017

Dear Sir / Madam

On behalf of Domino's Pizza UK & Ireland

Application for Change of Use from restaurant (Class A3) to a Hot Food Takeaway (Class A5) and ground floor extension at the rear along with associated works, including new shopfront, extraction and ventilation equipment, and ancillary works.

51 London Road, Cowplain

On behalf of Domino's Pizza UK & Ireland please find enclosed a full planning application in respect of the above site. The application comprises the following;

- Application forms duly completed and signed;
- Certificate A and Agricultural Holding Certificate duly completed and signed;
- Site Location Plan (drawing no. B9862-AEW-PJ000773-XX-DR-0005-A);
- Block Plan (drawing no. B9862-AEW-PJ000773-XX-DR-0006-A);
- Existing GA Plan (drawing no. B9862-AEW-PJ000773-00-DR-0001);
- Existing Elevations (drawing no. B9862-AEW-PJ000773-XX-DR-0002);
- Proposed GA Plan (drawing no. B9862-AEW-PJ000773-00-DR-0003);
- Proposed Elevations (drawing no. B9862-AEW-PJ000773-XX-DR-0004);
- Annex B (ref. B9862-AEW-PJ000773-XX-SP-0001);
- Annex C (ref. B9862-AEW-PJ000773-XX-SP-0002);
- Purified Air Specification and Defra Report;
- Plant Noise Assessment (to follow).

A cheque for the requisite planning application fee of £385.00 will be submitted under separate cover.

Site Description

The application site comprises a two-storey building, located at the southern end of a frontage of eight adjoining units along London Road. The site is currently vacant and has been for around 2 years, however, the unit's previous use was a Class A3 Restaurant (Broncos) with ancillary takeaway use. Therefore, the lawful use of the unit is considered to be a Class A3 (Restaurant). The first floor of our unit is being used as residential.

The site falls within the Cowplain District Centre, and falls within the Primary Shopping Frontage. In terms of surrounding uses, there are no other Class A5 uses within this frontage of 8 units., however there is a Bangladeshi Restaurant which offers an ancillary takeaway service – ‘Pasha Restaurant’. The nearest Class A5 use is ‘Good View Chinese Takeaway’ located at 63a London Road. In terms of the Centre as a whole, there are three Class A5 uses (out of a total of around 43 units).

The unit benefits from one car parking space within the existing garage accessed from King’s Road. There is a public pay and display car park available directly behind the unit, which can be accessed along King’s Road to the south of the unit and Durley Avenue to the north of the unit, which is chargeable between 8.00am and 6.00pm Monday – Saturday and is free outside these hours (30 mins. stay £0.50 and 1 hour stay £0.80). There is also on-street lay-by car parking just north of the unit along London Road, which is restricted to a maximum stay of 1 hour between 8.00am – 5pm (no return within 1 hour), outside of these hours, there is no restriction.

Application Proposal

The proposed Class A5 use would occupy the ground floor of the existing building at 51 Portland Road. The application also seeks consent for a small single storey rear extension, minor alterations and enhancements to the exterior of the building. The proposed changes comprise the following:

- Proposed new 26.2m² extension at rear;
- Proposed new 2m high palisade metal fence and gates at the rear;
- Proposed 500mm diameter oven extract duct to match location of existing duct and run vertically terminating 1m above eaves line and fitted with rain proof hood;
- 400mm diameter fresh air intake duct at high level on side elevation;
- Proposed new solid core timber door at rear;
- 2no. 1100 litre euro-bins;
- A/C and cold room compressors floor mounted within rear yard;
- Proposed new aluminium shopfront and entrance doors;
- Proposed Opening Hours:
 - 11.00 – 00.00 Every day.

Sustainable Economic Development and Job Creation

The use of the unit as a takeaway will, if consented, be realised at the earliest opportunity resulting in the re-use of a unit for permanent use within an identified Centre and ensuring additional economic activity. On this point, the National Planning Policy Framework (NPPF) states:

“The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.”

Significantly, the ‘NPPF’ states that all main town centre uses – including retail development, leisure and entertainment facilities – constitute ‘economic development’ in their own right.’ It is, therefore, considered that the application proposal will help to promote sustainable economic growth – a key objective of national and local planning policy.

Relevant Planning Policy

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) requires that planning applications be determined in accordance with the Statutory Development Plan, unless material considerations indicate otherwise.

The site falls within the administrative boundary of Havant Borough Council where the statutory Development Plan comprises:



- Havant Borough Core Strategy (2011); and
- Havant Borough Local Plan (Allocations) (2014).

In terms of the Core Strategy, the following policies are relevant to this application proposal:

Policy CS4 designates various Centres within the Borough and establishes a hierarchy of centres. The policy designates Cowplain as a 'District Centre'. The policy confirms that planning permission will be granted for appropriate town centre development proposals that:

- *Promote and enhance the hierarchy of identified centres as shown on the Proposals Map, including Cowplain District Centre;*
- *Enhance the evening economy of the town and district centres;*
- *Retain and enhance local markets;*
- *Support small and independent businesses; and*
- *Encourage high quality, mixed-use development in designated centres that retain active ground floor frontages.*

Policy DMS states planning permission will only be granted for the change of use of existing premises to a Class A3, A4, A5 use where it can be demonstrated that all the following criteria are met:

- Measures are incorporated, where a proposal includes the preparation of hot food, to mitigate the effect on nearby properties;
- The measures proposed in respect of the above are such that the installation does not materially detract from the appearance of the building itself and the wider locality;
- The measures proposed in respect of the first bullet point are suitable for the range and nature of hot food to be prepared on the premises;
- The development includes adequate provision for the disposal, storage and collection of refuse, including litter bins for use by customers;
- The development would not result in indiscriminate customer parking and/or traffic movement that would be likely to create hazards for traffic or pedestrians;
- 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; and
- In the case of changes of use, any marketing requirements are met.

The amplification text for this policy provides additional clarification, confirming that:

- Applications for Class A3, A4 and A5 uses that would be detrimental to the existing level of amenity by means of increased odour levels, noise, activity and parking will normally be resisted;
- In considering applications for food, drink and entertainment uses, the council will take into account the need for conditions such as, controlling the hours of opening, the type of food for sale (a sample menu may be requested); and
- Arrangements to be made for the protection of amenity.

In terms of the Local Plan (Allocations), the following are relevant to the application proposal:

Policy AL3 states planning permission will be granted for development proposals that:

- 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;
- Promote and enhance the primary shopping areas of the town and district centres.
- Retain at least 50% of the units in an unbroken run of primary frontage as defined on the Policies Map in retail (A1) use.
- Retain at least 25% of the units in an unbroken run of secondary frontage as defined on the Policies Map in retail (A1) use.
- Generate pedestrian activity within the primary shopping area by being open during the day to visiting members of the public.
- Provide a shopfront within the primary shopping area with a well designed and appropriate display window

- Retain at least 25% of the units in an unbroken run of secondary frontage as defined on the Policies Map in retail (A1) use.

Exceptions to the third and fourth bullet point 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.

The supporting text of the above policy states, '*a concentration test will be applied to the unbroken runs of frontage, as shown on the Policies Map. The test will relate to unit counts rather than linear measurements and only applied to ground floor premises. It must have been completed in the three months prior to the application being submitted to ensure that it is up-to-date*'.

Policy DM18 states planning permission will be granted for development provided that projected levels of air, noise, vibration, light, water or other pollution do not have significant negative affect on the amenity of future occupiers or users of the proposed development.

Policy DM21 states 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;
- They will not result in a cluttered appearance either on individual buildings or on the street scene as a whole;
- They do not have a detrimental impact upon public safety. In particular, advertisements and signs must not negatively impact upon highway safety for both vehicular and pedestrian movements; and
- The level of illumination proposed does not result in significant levels of light pollution and does not have a detrimental impact upon the amenity of the local area. In the interests of amenity and public safety, individually illuminated letters may be preferable over entirely illuminated signs.

Community Infrastructure Levy

This is a proposal for retail type use within a designated, accordingly under the adopted charging schedule, no CIL is payable.

Planning Assessment

Principle of Development

As identified above, the site is located within the Cowplain District Centre as allocated by policy CS4 of the Core Strategy. One of the main considerations relevant to this proposed change of use is the fact that this unit has been vacant for almost 2 years, with little or no formal interest in its re-occupation. Accordingly, the unit has been severely detracting from the character of the area, both from an amenity perspective, but also from a vitality and viability perspective.

One of the key criteria of Policy CS4 seeks to ensure that any proposal should enhance the evening economy of the Centre. The proposed re-use of this unit, which has been vacant for almost 2 years, will not only bring enhancement to the evening economy of the area, it will also bring significant enhancement to the vitality and viability of the Centre along with the significant associated jobs created by such a use.

Policy DM5 of the Core Strategy confirms that changes of use to Class A5 is acceptable, subject to meeting a number of criteria – these criteria relate mainly to design, amenity and highway considerations. All of which will be dealt with in detail below.

The main relevant policy to the determination of this application in planning principle terms is therefore policy AL3 of the Local Plan (Allocations). Given that the unit is located within the primary frontage for this Centre, criterion 3 of the policy is most relevant. This seeks to retain at least 50% of the frontage within Class A1 retail use. It is important to note at this stage, that this proposal seeks the change of use of a non-A1 retail unit within the Centre. Accordingly, there will be no change in the number of Class A1 uses within this Centre. Whether the Centre benefits from at least 50% of the uses in Class A1 uses is therefore irrelevant to the consideration of this application, and the remaining criteria need to be addressed.



Criterion 5 of the policy seeks to ensure that any proposed change of use would create pedestrian activity by being open during the day to visiting members of the public. The proposed opening times of the unit will be between 11.00 am and 00.00 (midnight) – thereby creating activity during the day and night. In contrast, the existing use as a Class A3 restaurant, would only likely be open during the evening and part of the day, thereby not generating as much footfall or pedestrian activity as the proposed use as a Domino's Pizza operation.

In terms of the final criterion, no.6, the proposal includes a large glazed shopfront which will provide activity to the Centre and will be in keeping with the designs of other units within the Centre.

Overall, therefore, and subject to being acceptable in terms of noise, odour, and highway safety, the proposal is considered to be in line with the Local Plan policies which seek to protect and enhance shopping centres within the Borough. The re-use of a unit which has been vacant for almost 2 years will bring significant benefit to the vitality and viability of the Centre, as well as job creation.

Amenity - Noise

The site is located within a designated Centre. The character of which is very much commercial in nature with some residential accommodation located on first floor levels. In terms of the location of the nearest residential properties, there is a residential unit located above the unit, and it would appear, there are residential units located above adjoining ground floor premises. There are also residential properties located to the rear of the site on King's Road.

Given the proximity of residential properties to the unit, the Applicant has commissioned a Plant Noise Assessment. This assessment seeks to establish the potential impact from noise from plant. At the time of submitting this application, this assessment was being carried out. Notwithstanding this, the proposed air conditioning units and cold room compressors are proposed to be located at the rear of the unit, beyond the new extension and at ground level. Accordingly, it is not anticipated that the noise generated by the plant will cause any material harm to the residents of adjoining residential properties, subject to any potential mitigation. As soon as the Assessment is complete, this will be submitted to the Council for review.

In terms of opening times, it is proposed that the unit will be open 11.00 – 00.00 (midnight). The Havant Borough Council website confirms that the previous use, Broncos, had a premises licence to operate until midnight every day of the week.

In terms of other nearby food and drink uses within the Centre the nearest premises have the following opening hours:

- Pasha Restaurant – open until 23.00 Sunday to Thursday and until 00.00 on a Friday and Saturday.
- Good View Chinese Takeaway: open until 22.30 Tuesday to Thursday and Sunday, and 23.00 on Friday and Saturday (closed Monday);
- Sorrento Restaurant: open until 22.00 Tuesday to Thursday, 22.30 Friday and Saturday, 17.00 Sunday and closed Monday.

Evidently, the proposed hours of operation until 00.00 (midnight) every day of the week would be wholly in line with the closing times of the existing premises, and largely in line with other premises in the area. Accordingly, it is not expected that the opening hours will result in any material harm to the amenity of adjoining residents.

Amenity - Smells and Odour

In terms of smells and odour, the application is accompanied by an Annex B, Annex C and Purified Air Defra Report. These documents assess the types of cooking that is proposed to take place, against the size of the kitchen and its location to residential properties.

Based on the score from this assessment, the ventilation and extraction has been designed to ensure that the proposed system will all but eliminate any odour resulting from the cooking of pizzas at the site.

In line with the above, and subject to conditions to secure the delivery of such a system, it is considered that no material impact would arise from smells and odour to nearby residential properties, in line with Policy DM5 of the Core Strategy.

Highways

As this is a designated and established Centre, it is considered to be a sustainable location, with good public transport links allowing staff to come to work without needing to use a car. Beyond the designated Centre are residential areas which allow a number of collections to be undertaken by foot, rather than the private car.

In terms of the home delivery service, it is envisaged that the rear yard will be utilised for parking of vehicle associated with this service – providing space for 4 vehicles. The unit benefits from a single garage, which could accommodate a vehicle. In addition, during the evenings, the rear car park can be utilised for parking vehicles. Finally, if the on-street parking bays off London Road are available, these could be used for parking home delivery vehicles.

In terms of customer collections, again the public car park and parking bays at the front of the unit could be utilised. Both of which would provide suitable locations to pick up orders, thereby avoiding the potential for illegal and indiscriminate parking.

Accordingly, it is considered that there are sufficient parking both within the site and the Centre generally which would enable the use to successfully operate without causing harm to traffic congestion or highway safety – in line with policy DM5 of the Core Strategy.

Conclusion

In summary, the site is sustainably located within a District Centre. Given that the use is a 'main town centre use', the proposed use would contribute to the vitality and viability of the area, particularly given that the unit currently contributes nothing to the vitality and viability of the Centre. In addition, the introduction of around 20 jobs would provide a significant and important boost to the economy. In addition, the fact that the change of use would not result in a change away from a Class A1 use, means that the level of class A1 use within the Centre will not change.

Subject to the outcome of the Plant Noise Assessment, it is not envisaged that the proposal would result in any material harm from a noise perspective, and given the proposed state of the art extraction and ventilation system, not material harm is expected from smells and odour.

We conclude, therefore, that the application proposal is entirely compliant with national and local planning policy and will positively contribute towards sustainable economic development which represents a key policy objective. As a result of this, the planning balance is clearly in favour of the proposed development and planning permission should be granted accordingly.

I trust the enclosed information is sufficient to allow the prompt registration of the application. However, should you have any queries or require additional information, please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Osian Roberts'.

Osian Roberts
Principal Planner
DPP
D: 02920 660 265