
Site Address: 343 Milton Road, Cowplain, Waterloooville, PO8 8LH
Proposal: Variation to Condition 4 of Planning Permission 90/55532/000 to allow trading hours on Sunday - 17:00 until 22:00.
Application No: APP/16/01090 Expiry Date: 15/12/2016
Applicant: Mr D Fan
Agent: Case Officer: Emma Chisnall
Ward: Hart Plain

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site relates to a ground floor chinese takeaway premises 'North Garden' which is situated in a block of commercial units with residential apartments above at first floor level. The premises is situated in Cowplain Waterloooville which is characterised by a mixture of commercial units including a Pharmacy, Hairdressers, Fish and Chip shop and Tandoori.. To the front and rear of the commercial block there is a mixture of detached, semi detached and terraced residential dwellings. The site is accessed from the front and parking is available off Milton Road in selected bays. There is car park located to the rear of the commercial block which serves the apartments and commercial units. Two bins are present to the front of the commercial units along Milton Road.
- 1.2 The premises of A5 uses within the terrace have been permitted to operate during Sunday evening hours and therefore the Chinese at 343 Milton Road is applying for the same permission.

2 Planning History

90/55532/000 - Change of use from shop (A1) to hot food takeaway (A3)., PERM,31/01/1991
91/55532/001 - Erection of an external extraction ducting at rear, PERM,19/09/1991
APP/11/01210 - Temporary siting of 2No. 2.4m x 6m containers (part retrospective). , TPP,08/12/2011

3 Proposal

Variation to Condition 4 of Planning Permission 90/55532/000 to allow trading hours on Sunday - 17:00 until 22:00.

Unit 343 currently has permission to trade from 11:00 until 23:00 Monday to Saturday but is not permitted to trade on Sunday hours.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)
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)
DM21 (Shopfronts, Signs, Security Shutters and Advertisements)
AL3 (Town, District and Local Centres)

Havant Borough Design Guide Dec 2011

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environmental Health Comment:

In light of the other premises in the same area being opened on Sundays and with the lack of report from local residents I can only recommend that this premises is also allowed opening on Sundays. I would suggest that 22:00 would be acceptable.

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: 28

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Summary: I would like to ask that if this does get passed the owner picks up the litter that we have to contend with up the Lovedean lane 71 through to 65 . This litter ie polystyrene cases, drink bottles , fish wrapping, paper is increasing as people have no regard for their surroundings together with the numerous takeaway outlets being allowed to open. If passed by the council surely they need to insure that they are also responsible for the rubbish and clearing the neighbouring areas regularly especially after weekend.

Planning Officer Comment: Section 7 of the report under 'Planning Considerations'.

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 residential amenity

- (i) Principle of development

- 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 proposal involves a modest increase in opening hours which would only impact Sundays. Therefore the variation is considered acceptable, subject to planning conditions.

(ii) Impact upon residential amenity

- 7.3 The application originally proposed being open on Sundays between 17:00 and 23:00 but due to the opening hours of other commercial units with the block and the impact this could have on public amenity the times were amended to reflect that the premises would be open between 17:00 and 22:00 instead.
- 7.4 Whilst there are residential properties nearby including dwellings opposite Milton Road there is considered to be an acceptable distance between the premises and the dwellings to ensure amenity levels are not significantly impacted. Environmental Health have been consulted regarding the proposal and have commented that no reports of concern have been received from the public regarding the premises and have therefore concluded that being open from 17:00 until 22:00 is an acceptable proposal.
- 7.5 Comments have been made regarding the litter generated from the units along Milton Road. The dropping and cleaning up of litter is not something which can be appropriately covered by a planning condition, however after performing a site visit two bins were noted to be in place in front of the units along Milton Road which is considered an acceptable amount to have in order to store and contain any litter generated.
- 7.6 The Council notes that it has a duty to permit reasonable operation hours to commercial units and as it is now common practice for A5 uses to be open on Sunday evenings it is felt the times proposed are acceptable and due to the other units with the block already operating during these hours No 343 would not be setting a precedent for Sunday operation hours and therefore the proposal of variation is not considered to create a significantly greater impact to the already approved hours of operation.

8 Conclusion

- 8.1 The proposal is not considered to result in detriment and therefore approval is recommended.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/01090 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 premises the subject of this permission, if used for the purposes of a hot

food and takeaway (Class A5), shall not open to the public before 11:00 hours or remain so open after 23.00 hours Monday to Saturday and shall not open to the public before 17:00 or remain so open after 22:00 on a Sunday.

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 2012