
Site Address:	14 Market Parade, Havant, PO9 1QF		
Proposal:	Change of use of property from A1 Retail to A3/A5 (Grill, Milkshake and ice cream parlour).		
Application No:	APP/15/00269	Expiry Date:	18/05/2015
Applicant:	Mr Ahmed	Team:	Team 1
Agent:	Mr Perryer	Case Officer:	Heather Lealan
	The Martin Ralph Group		
Ward:	St Faiths		

Recommendation: **GRANT PERMISSION**

1 Site Description

The site is located on the west side of Market Parade positioned centrally within a parade of shops with residential flats above. It is currently a vacant A1 unit that had temporary consent as a Information/Rescue Centre for elderly people.

Immediately to the south is a ground floor A1 hairdressers with residential flats above. To the north of the site is an Iceland food store.

The red line application site relates to the building alone with no curtilage or parking and servicing area etc. To the rear of the site however is a parking area with further parking on street and adjacent to the rail station.

2 Planning History

96/59625/001 - Temporary permission for change of use from A1 to Information/Rescue Centre for elderly people - Permitted

3 Proposal

The application seeks a change of use from A1 retail to a A3/A5 Grill, Milkshake and ice cream parlour.

4 Policy Considerations

National Planning Policy Framework 2012

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
CS4	()
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))
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)
AL3	(Town, District and Local Centres)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environmental Health Manager

Extraction measures and opening hours should be conditioned.

Development Engineer

The Highway authority has no adverse comment to this application

Crime Prevention

No comments

Economic Development

This may help with a bit more footfall on Market Parade and may increase the employment in the area so no issues.

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: 20

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: A petition was received with 450 signatures, the main reasons for objection can be summarised as follows.

Summary:

(a) Too many food shops within Havant, need more variety of shops to support existing trade *The principle of the change of use must be considered against the requirements of policy AL3. This does not impose any quotas on particular types of shops, merely seeks to limit non-retail uses in primary and secondary shopping frontages*

(b) Will impact the trade of the existing ice cream parlour within Market Parade *This is not a material planning consideration*

(c) The use is not needed *A3 and A5 uses are regarded as town centre uses which are appropriate in this location*

(d) Local small businesses should be supported over multi-nationals *This is not a material planning consideration*

(e) Havant needs bigger shops like Primark, H&M and JD etc. *The proprietor of a store is not a material consideration for an application of this type*

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) Policy Considerations
- (iii) Amenity issues
- (iv) Shopfront Design

(i) Principle of development

7.2 The site falls within the defined Havant Town Centre area in a defined Secondary shopping frontage where the principle of development proposals that provide main town centre uses such as restaurants is acceptable, subject to considering the concentration of non-retail uses and other standard development control criteria.

(ii) Policy Considerations

7.3 Policy AL3 of the adopted Local Plan (Allocations) is relevant to this proposal. AL3(4) requires that at least 25% of the units in an unbroken run of secondary frontage, as defined on the policies map, must remain in a A1 retail use. The site falls within a defined Secondary Frontage and as such a review of the current uses was undertaken on the 9 April 2015 and it was found that there were 16 units within the parade (Iceland is a double unit) and 50% were classified as an A1 use, 37.5% as A3/A5 and 12.5% as A2. Therefore, if this unit changes from an A1 use 43.47% A1 premises would remain within this frontage and as such the proposal is in accordance with policy AL3 and is acceptable in principle. The concerns expressed in the petition objecting to this proposal have been noted, however the Council's adopted planning policies do not attempt to control the nature or proprietor of non-retail uses in town centres, and it is not considered that this proposed use, which is acknowledged to echo to some extent another non-retail use in the locality, could be successfully resisted given the policy background.

7.4 In terms of the land use principles, therefore, it is considered that the proposal would comply with policies regarding the retention and protection of the high street A1 retail function. The current proposal, for an ice cream parlour, would be open between 12:00 and 24:00 and as such would be open and active over the lunch time period and into the evening generating pedestrian activity serving visiting members of the public. A shop window display is also encouraged as part of these policies and whilst there would be no actual traditional 'display', by virtue of the full glazing the view of the tables and chairs and customers inside would create the interesting facade and street scene which is the aim of this element of the policy.

(iii) Amenity issues

7.7 The adopted Core Strategy policy DM5 considers the amenity/pollution aspect of changes of uses to Classes A3, A4 and A5 and requires mitigating extraction systems etc for the cooking of food. An extraction system has been proposed and should be conditioned to be installed prior to operation.

7.8 However, if permitted, the site could be used in the future for any other A3/A5 use which could undertake cooking of different hot foods that may require a different extraction system. It is considered that a future user that would be cooking an alternative range of hot foods and require an extraction system should not benefit from this permission, but need to re-apply to enable adequate future control to protect the

residential amenity of neighbours. Therefore a condition limiting the cooking of any foods requiring the installation of an extraction system is proposed.

iv) Shopfront Design & Access

- 7.9 Policy DM21 of the allocations plan specifically considers shop fronts and requires that their design to be appropriate in size and scale. No changes to the shop front have been shown and a change of signage can be installed without an application so long as it accords with the Advert PD Regs . The proposal would result in a rejuvenated a currently empty shop which can only benefit the visual appearance of the street scene.

8 Conclusion

- 8.1 It is considered that the use of the site for an grill/ice cream parlour with associated snacks and drinks complies with policy and would have no detrimental impact on neighbouring residential amenity and it accords with the requirements of Policy AL3. The concerns of those parties supportive of an alternative local A3/A5 use are acknowledged, but the prevailing planning policy position is such that the application cannot reasonably be resisted on those grounds. Therefore, with conditions controlling the future use of the site, it is recommended to grant permission.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/15/00269 subject to the following conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The Grill, Milkshake and Ice Cream Parlour use hereby permitted shall not be commenced until equipment is installed to suppress and disperse fumes or smells produced by cooking in accordance with the submitted details, and the equipment shall be effectively operated for as long as the use continues. At all times thereafter the equipment shall be maintained in full working order.
Reason: To protect the amenities of occupiers in adjoining properties from undue fumes and smells and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 3 Unless otherwise agreed in writing with the Local Planning Authority, the premises shall not open to the public other than between the following times:
 - (i) 0700 - 2400 hours on Monday to Saturday;
 - (ii) 0800 - 2230 hours on Sunday or any recognised Public Holiday.**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.

- 4 The range of food sold at the premises shall be in accordance with the written details received 23 March 2014 and there shall be no change in the range of food sold unless appropriate measures are undertaken and agreed in writing by the Local Planning Authority to the extraction system approved under Condition 2 of this consent.

Reason: To protect the amenities of occupiers of adjoining properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

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

Ventilation Statement submitted 23 March 2015

Supporting Statement submitted 23 March 2015

Site Plan, Existing Elevations and Existing Floor Plans Drwg.No 15/056/SP-existing submitted 6 March 2015

Proposed Floor Plans and Elevations Drwg.No 15/056/SP- Proposed submitted 6 March 2015

Proposed Section Drwg.No 15/056/SP- Proposed submitted 23 March 2015

Reason: - To ensure provision of a satisfactory development.