
Site Address: 12 Park Parade, Havant, PO9 5AD
Proposal: Change of use from A1 to a mixed A1/A3/A5 use for Tex Mex
takeaway food outlet with ancillary use as Sui Generis tattoo studio.
Application No: APP/15/00474 Expiry Date: 24/06/2015
Applicant: Mr Joines Team: Team 2
 The Buritto Man
Agent: Case Officer: Daphney Haywood
Ward: Battins

Recommendation: **GRANT PERMISSION**

1 Site Description

The site is located in Park Parade, which is a mixed use development of ground floor commercial units and upper floor residential units, purpose built in the 1950s. The building is three storey in height and fronts directly onto the pedestrian high street. To the rear is Bordon Road and a large servicing area. The unit was until recently occupied by a pop-up cafe and a tattoo studio.

2 Planning History

APP/12/00637 Installation of pay and display parking ticket machine in private car parking area. Permit August 2014.

3 Proposal

Change of use from A1 to a mixed A1/A3/A5 use for Tex Mex takeaway food outlet with ancillary use as Sui Generis tattoo studio. The submitted plans indicate new signage, however, this has been assessed as not requiring an application for planning permission.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)
CS4 (
DM10 (Pollution)
DM2 (Protection of Existing Community Facilities and Shops)
DM5 (Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses)

Havant Borough Local Plan (Allocations) July 2014

LP3 (Leigh Park Mixed Use Allocations)
AL3 (Town, District and Local Centres)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

Economic Development, No objection

Crime Prevention -Minor Apps No comments received

Environmental Health Manager, Community Group-Although the details are not that great, if you want to allow this development, we can, (if complaints arise) deal with it/them with the Environmental Protection Act . It only means that for the developers, this may cost more to rectify. However, they were advised of this

Development Engineer - Highways no adverse comment

Planning Policy

Policy Status: The Local Plan now comprises of the Core Strategy (2011) and the recently adopted Allocations Plan (2014).

The planning history for the site indicates the authorised use of the premises to be Use Class A1 Shops. This proposal is for change of use from a pop up cafe to a new takeaway food outlet. The premises of 12 Park Parade are also presently occupied by a sui generis use (tattoo parlour) which the applicant states has been in business for five years. The proposed use of the unit is mixed A1/A3/A5 use as a Tex Mex takeaway food outlet with an ancillary use as Sui Generis tattoo studio.

Policy AL3 Town, District and Local Centres supports proposals that provide main town centre uses in district centres, and thus contribute to their vitality and viability. The proposal is a main town centre use in accordance with the National Planning Policy Framework's definition. The site is not located within a primary or secondary shopping frontage, so there is no need to apply either of the concentration tests in Policy AL3 to the proportion of remaining units in A1 use or of vacant units with permission for A1 use.

Promoting Havant Borough's Economy:

The site is within Leigh Park District Centre. Policy CS4 Town, District and Local Centres is supportive of proposals for mixed-use development in designated centres that retain active ground floor frontages and enhance the evening economy of district centres. A change of use at this location would fulfil these criteria.

The site falls within the boundary of a mixed use site allocation under Policy LP3 Leigh Park Mixed Use Allocations (Site L138). Site L138 is allocated for a mix of 62 dwellings and main town centre uses. A takeaway is classified as a main town centre use as stated above.

The criteria of Core Strategy Policy DM5 Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses, would need to be addressed, through use of appropriate conditions and the applicant would need to also provide evidence to demonstrate that the application addresses criteria (1) - (6) of this policy. There is a high existing concentration of takeaways in Park Parade and further takeaways may need to be considered against the impact for the amenity of the area; on the positive side the majority of other takeaways in Park Parade are located close to the highway at the east and west ends of the parade, which seems appropriate in terms of public accessibility. This site is also located near the highway towards the easternmost end of the parade.

Spatial Distribution and Strategic Sites:

Policy CS17 Concentration and Distribution of Development within the Urban Areas aims to concentrate new leisure and other types of development in the urban areas including Leigh Park. The proposal would utilise previously developed land and buildings and provide employment.

Other:

Policy DM21 Shopfronts, Signs, Security Shutters and Advertisements, may also apply in relation to the installation of any new sign advertising the premises which could have an adverse effect on the local street scene, or illumination from such a sign that may result in light pollution or adversely affect the amenity of the area.

Core Strategy Policy DM10 (Pollution) should also be considered in relation to potential fumes and noise that may emanate from a takeaway.

Principle of Development: No objection.

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: 15

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) Effect of the change of use on the character of the District Centre
- (iii) Effect of the A5 use of the nearby residential amenity
- (iv) Highways and access

(i) Principle of development

7.2 The site is located within a defined urban area whereby development is considered to be acceptable subject to other relevant national and local plan policies and development management considerations.

(ii) Effect of the change of use on the character of the District Centre

7.3 The site lies within the District Centre but outside the primary and secondary frontages, which are now reduced to the main Greywell Precinct, and part of the

western end of Park Parade. Policy AL3 advises that retail should be concentrated in primary shopping frontages and states:-.

AL3 (Town, District and Local Centres)

Planning permission will be granted for development proposals that:

1. 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.
2. Promote and enhance the primary shopping areas of the town and district centres.
3. Retain at least 50% of the units in an unbroken run of primary frontage as defined on the Policies Map in retail (A1) use.
4. Retain at least 25% of the units in an unbroken run of secondary frontage as defined on the Policies Map in retail (A1) use.
5. Generate pedestrian activity within the primary shopping area by being open during the day to visiting members of the public.
6. Provide a shopfront within the primary shopping area with a well designed and appropriate display window.

Exceptions to parts (3) and (4) 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.

- 7.4 As the site does not form part of the primary or secondary frontage and is a town centre unit it would fall under criteria 1, and whilst there are a relatively high number of hot food outlets in Park Parade, there are also a high number of vacant shops. A large number of empty shops may indicate that a centre is in decline and in need of change to adapt to the future.
- 7.5 The findings in the Town Centres, Retail, and Leisure Study (2009) suggest that occupancy rates for units in the district centre have been declining for some time and that the nature and demand of shoppers has changed. There is already an established loss of footfall which may not be solely the result of the number of takeaways which exist within the shopping centre. The shopping centre was built at a time when the internet did not exist and car ownership was less and therefore communities depended on large and vibrant shopping centres within close distance to fulfill shopping needs. Since then the retail industry has changed considerably and as a result large district shopping centres and some high streets have declined with regards to their retail function. The consideration therefore is whether it is more viable to retain an empty retail unit in the hope that they will be occupied in the future, or allow another use, such as a takeaway in the case of this application, to occupy the unit and retain an active shop frontage and attract some degree of footfall, custom and employment into the shopping area.
- 7.6 Policy AL3 suggests that the latter is the preferred option as the proposed change of use would provide an active, publicly accessible, use at ground floor level. This would increase levels of natural surveillance and deter anti-social behaviour as the unit is occupied as opposed to being vacant. This along with the removed designation of the shopping frontage in the Allocations Plan, suggests that it would be unreasonable to refuse the application in the hope that the unit would one day be taken up as a retail unit when evidence suggests this is unlikely to happen.
- 7.7 In respect to the A3/A5 use it is noted that there are around sixty units currently trading in the District Centre of which 15 premises sell hot food. Nine of these are hot food take away and of these most of them are in Park Parade. The proposal would constitute a further hot food premises in Park Parade and these are fairly evenly

spaced, with several other shops in between each of them. It is not considered that the proposal would give rise to excessive over-concentration of hot food/take away premises in Park Parade but it remains possible that it would displace some custom from the existing hot food outlets in Park Parade, which is currently more reliant on the presence of hot food premises, and contains the greatest concentration of vacancies.

- 7.8 However, in terms of policy AL3, whether any negative impact could be regarded as a failure to contribute to the vitality and viability of the District Centre overall is hard to evidence and is open to speculation. By contrast, it can be said that the proposal will provide full occupation of an existing partly vacant unit, leading to associated footfall and viability in Greywell Road.

(iii) Effect of the A5 use of the nearby residential amenity

- 7.9 Policies CS16, DM10 and DM5 refer to the consideration of neighbouring amenities and matters such as noise and odour. The last of these policies requires that measures are incorporated in the development of hot food premises to mitigate effects on nearby residents.
- 7.10 In terms of noise, which may be of concern to residents of flats above and close to the application site, it is noted that other traders are open in the evening in Park Parade. Whilst the proposal would add to activity in the area the Crime Prevention officer has been consulted but has not commented, and with several hot food premises already established and trading in the evening in the District Centre it is not considered that a strong case could be made to support concerns about the risk of additional noise.
- 7.11 In terms of odour, it is proposed to fit extraction and ventilation equipment which would terminate to the rear some 15m from the upper flats and the Environmental Health Officer has accepted this for the proposed use, but such measures may require modification for other A3/A5 uses and therefore a personal condition is recommended.
- 7.14 It is also noted that separate Environmental Health powers could be used to address excessive odour, for example, if filters are not regularly cleaned or a higher standard of extraction equipment proves to be needed.

(iv) Highways and access

- 7.15 The highway engineer has raised no objection. In this it is acknowledged that the existing premises has a retail use, which could cover a range of activities and goods and the associated need for loading. The proposal is not considered to be demonstrably or significantly different in this respect.

8 Conclusion

- 8.1 Whilst the A3/A5 use may affect other hot food businesses and footfall in Park Parade, which has a higher number of vacancies than Greywell Road, there is no compelling evidence as to the effect on the viability and vitality of the District Centre overall, as set out in policy AL3, but such evidence is hard to come by for development of this small scale.
- 8.2 The Crime Prevention officer has not raised any objection. The hours of the A3/A5 use can be controlled and this would also be appropriate for the tattoo shop given the

upper floor flats, and there is no objection from the Highway officer.

- 8.3 In terms of odour, it is impossible to remove all risk however, the proposal incorporates measures to deal with this and subject to a personal condition this aspect of the proposal is considered reasonable.
- 8.4 Whilst acknowledging the potential impact of the proposed A3/A5 use both in terms of the vitality and viability of the District Centre, and on neighbouring amenities, these are not considered to be so clearly negative or significant in degree as to justify refusal, but planning conditions are recommended.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/15/00474, 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 A3/A5 permission shall enure for the benefit of The Buritto Man only and shall not enure for the benefit of the land and the A3/A5 use hereby permitted shall be discontinued on the date when The Buritto Man cease(s) to occupy the land.
Reason: To safeguard the amenities of the locality and having due regard to policies DM10 and DM5 of the Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 3 No development hereby permitted shall commence until a specification of the provision to be made for the storage and disposal of refuse following the commencement of the use hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This must also include a scheme for the dispose of customer refuse and litter. The use hereby permitted shall not commence until the implementation of such provision for refuse has been completed in full accordance with such an approved specification.
Reason: To safeguard the amenities of the locality and having due regard to policies DM10 and DM5 of the Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 4 The development hereby permitted shall not open to the public before 0900 hours or remain so open after 2400 hours.
Reason: To protect the amenities of nearby residential properties and having due regard to policies DM5 and 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:

Site location plan
Block plan
Floor plan and route of extraction unit.

Photograph of front elevation

Photograph of rear elevation

Reason: - To ensure provision of a satisfactory development.