
Site Address:	3 Market Parade, Havant, PO9 1PY		
Proposal:	Change of use from Class A1 (retail) to Class A5 (hot food takeaway) with associated extract duct to rear.		
Application No:	APP/15/00271	Expiry Date:	04/06/2015
Applicant:	Mr Ahmed	Team:	Team 1
Agent:	Mr Perryer	Case Officer:	Stephen Andrews
	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. The fully glazed ground level A1 unit is currently vacant.

Immediately to the south is a ground floor A1 florists and to the north the Rowans Hospice charity shop both with residential flats above.

The wider shopping area is characterised by various retail uses and includes several A5 uses, although most are concentrated on the opposite side of Market Parade. The immediate area also has a high number of vacant premises.

The red line application site relates to the building alone with no curtilage or parking. However, there is a servicing area to the rear of the site. There is also time restricted on-street parking along Market Parade at the front.

2 Planning History

00/64702/000 - Change of Use from shop to centre for the provision of physiotherapy services. Permitted - 27/06/2000.

3 Proposal

Planning permission is sought to change the use of the existing vacant A1 shop to an A5 take away with associated extract duct to the rear.

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

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

Waste Services Manager - No response received

Environmental Health Manager, Community Group - No objection

Crime Prevention -Minor Apps - No response received

Economic Development, Regeneration & Development - No objection

Development Engineer - Highways - 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: 20

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Summary:

The smell of fried food that the extractor fan will produce at the rear of the property on a daily basis will only be approx 12 meters away from our property, we only have a small area to sit and hang washing out and I fear this extraction fan will reduce the quality of air and affect the clean washing that is drying on the line.

The noise that the extractor fan generates every day and evening would be a terrible nuisance, again our balcony is situated only a short distance away and our bedroom is also the same side as the fan, the constant drone from this would make sleeping an impossible task. We already have to deal with a dull hum that Market Parade take aways are producing from the numerous amounts of extractor fans that each take away has.

You must also take into consideration the incredible number of fast food outlets in Market Parade which all have their own delivery drivers and park in the street every evenings. From dusk till dawn they clog up both sides of the road! Rev up their engines, slam shut car doors and play music at high levels, none of these drivers have any consideration to the residence that live here, and not to mention the customers who pick up their own take away these also come in their cars, double park, play loud music and so on. It may only be for a short period of time for them but it is a continuous nuisance for us.

We have no protection from the noise and pollution that is directly below us. The winter months are not so bad as our windows are closed, but the summer can be a

living nightmare especially on the weekends where all of the above is tripled!

We live 2 doors away from the proposer and as a home owner this would also affect the value of our property.

Comment:

Full details of the extraction fan are required by planning condition and will be imposed to ensure that there is no adverse impact on the amenities of adjoining residents; with particular regard to odour and noise disturbance. The change of use will not be able to be implemented without the approval of the full specification of the system from the Council's Environmental Health team.

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, it merely seeks to limit non-retail uses in primary and secondary shopping frontages. Further A5 uses are regarded as town centre uses which are appropriate in this location.

The devaluation of property prices is not a material planning consideration.

7 Planning Considerations

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 & Access

(i) Principle of development

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 take aways is acceptable, subject to considering the concentration of non-retail uses and other standard development control criteria.

(ii) Policy Considerations

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 of the officer site visit 6 of the row of 7 units were used for retail purposes (including the vacant premises the subject of this application). The only non-retail use was a nail salon (sui-generis).

Therefore, if this unit changes from an A1 use to A5 the current row of seven units would still have an A1 retail function above 50%; as such the proposal is in accordance with policy AL3 and is acceptable in principle.

The concerns expressed in the letter received 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 other non-retail uses in the locality, could be successfully resisted given the above policy background.

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.

A shop window display is also encouraged as part of the policy requirement for AL3 and whilst there would be no actual traditional 'display', by virtue of the full glazing the view of the seated waiting area and customers would retain an active frontage compliant with the broad principles of policy AL3.

(iii) Amenity issues

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. A new extraction system has been proposed for the development and it should be conditioned that full technical specification must be provided for the system prior to the commencement of the take away use to ensure that it meets acceptable odour and noise levels; particularly due to the proximity of the site to residential flats above.

Subject to the above condition it is considered that the development can be operated without causing unacceptable disturbance to neighbour amenity; as supported by the Environmental Health consultation response received. It is noted that concern was raised in respect of the activity generated from the site into the evening, however, it is expected that town centre locations will have an element of evening activity that contributes towards its overall viability and vitality.

The applicant has stated in the supporting statement that the operating hours will be between 12:00pm to 22:00pm Monday to Saturday, which would be well within the current opening times for similar uses. However, to ensure that the operation remains consistent with the overall operating times within the area a condition will be attached to restrict operating times between 08:00am and 23:00pm. This would ensure that the use of the site is consistent with other uses and will prevent extended opening into un-neighbourly periods. The hours specified will also allow some flexibility for the business in line with the immediate area and commensurate with a town centre location.

It is therefore considered that the hours of operation condition would assist in protecting neighbouring amenity beyond those hours of operation that may otherwise be harmful within a town centre location.

iv) Shopfront Design & Access

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 subject to its accordance with the advertisement regulations .

The proposal would see the current empty shop which re-used which is considered to be of benefit to the overall visual appearance and function of the street scene.

8 Conclusion

Having regard to the above information it is considered that the change of use from A1 to A5 would contribute to the vitality of the local area and would not result in unacceptable harm to the character and appearance of the area or highway safety. Subject to appropriate conditions the development would also not result in unacceptable harm to neighbour amenity.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/15/00271

(A)

(B) 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 Prior to the installation of any extraction or ventilation equipment in connection with the development hereby approved, full plans, specification and technical data for the extract/ ventilation equipment shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed the development shall be implemented in accordance with the approved detail.
Reason: To protect the occupants of nearby residential properties from noise, vibration and/or odour nuisance, in accordance with policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 3 Noise resulting from the use of plant, machinery or equipment (including extraction system) shall not exceed a level of 0dB(A) to the existing background level (LOEAL) however, if there is a particular tonal quality, impulsiveness, to the plant/equipment, the level target must be at the NOEL when measured according to British Standard BS4142-2014.
Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to residential amenity and in accordance with policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 4 The premises, the subject of this application, shall not open to the public before 08:00 hours or remain so open after 23:00 hours.
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.

- 5 Deliveries shall only be taken and/or dispatched from the site between the hours of 07:00am – 20:00pm Monday to Friday and 07:00am – 19:00pm Saturdays and not at all on Sundays and recognised Public 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 2012.
- 6 Prior to the commencement of development a clear statement explaining the method of waste management which will be used for the change of use shall be submitted to and approved in writing by the local planning authority.
Reason: To prevent contamination to land and smell nuisance in accordance with policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 7 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No. 15/057/SP - Proposed
Drawing No. 15/057/SP - Proposed - Scale 1:50

Reason: - To ensure provision of a satisfactory development.