

Recommendation: **GRANT PERMISSION**

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environmental Health:

I am concerned about the potential loss of amenity to local residents from customers arriving/leaving the premises in a noisy manner, the continuation of food preparation (noise from emptying bins, noise and odour from the kitchen ventilation) through the late night opening of the takeaway. However I understand that the application is only to regularise the current operating hours, and Environmental Health have no records of complaints relating to late night opening of the takeaway.

I therefore have no objections to the application, however would request that the applicant takes all reasonable steps to minimise noise, such as reminding customers to leave quietly and not putting bins out late at night.

Development Engineer:

Approve - no conditions

Crime Prevention -Minor Apps:

Having considered the application I have no comments to make with reference to crime prevention at this time.

Economic Development:

Economic Development raise no objections to this change.

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: 18

Number of site notices: 1

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) Impact on residential amenities of nearby residents
- (iii) Impact on crime and disorder

- (i) Principle of development

7.2 The site is located within Havant Town Centre in a secondary frontage. The proposal

would extend opening hours to the public until 2330hours. This would be reasonably related to other opening times in the town centre (in respect of which the applicant has supplied evidence in the form of published menus) and there is no objection in principle subject to amenity and crime and disorder issues considered below.

(ii) Impact on residential amenities of nearby residents

- 7.3 The take away operates on the ground floor of the western run of units in Market Parade. There are residential maisonettes above the unit. The main impact is therefore to the first/second floor premises in the pedestrianised part of Market Parade.
- 7.4 In this regard the Local Planning Authority has to balance the business needs of the applicant with the residential amenities of nearby occupants. A previous appeal decision in 1994 refused an application to extend opening until 24.00hrs. The main issues being identified as the impact on residents including from customers potentially using the precinct to eat takeaways and cause late night disturbance. It has to be recognised that with changes to licensing laws and the encouragement of night time economy in town and city centres a more flexible approach to opening hours has been encouraged in more recent years. Nevertheless the requirement to protect amenity remains a requirement of the NPPF.
- 7.5 The original application requested opening hours to be extended until 00.30hrs. Following an assessment of other town centre opening hours permitted and bearing in mind the location of the unit and its relationship with residential flats, this opening time for customers visiting the premises was considered by officers to be unacceptable due to potential for noise and customer nuisance. The opening hours were subsequently discussed with the applicant and a revised description agreed. The proposal has been amended to allow opening to the public to 23.30. On balance these hours are considered acceptable and would strike a balance between residential amenity whilst providing more flexibility for the business. Whilst the applicant is understood to operate from 17.00hrs, the original consent allowed opening from 10.00 and it is not considered necessary or reasonable to restrict hours at the start of the day.
- 7.6 Given the nature of the food it is not anticipated that the extended hours would lead to increased litter problems in the vicinity of the takeaway.

(iii) Impact on crime and disorder

- 7.7 In relation to crime and disorder, no objections have been received from Hampshire Constabulary and the hours as amended are reasonably consistent with other opening hours for A3 uses in the town centre. It is not anticipated that the development would result in increases in crime and disorder.

8 Conclusion

- 8.1 In conclusion, the proposed hours are now considered acceptable in terms of the residential amenities of nearby residents and are unlikely to result in an increase in crime and disorder issues.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/13/01143 subject to the following conditions:

- 1 The premises shall not open to the public before 10.00 hours or remain so open to the public after 23.30 hours on Monday to Sunday.
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.

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

Letter dated 12th November 2013
Description Amended 8th January 2013

Reason: - To ensure provision of a satisfactory development.