
Site Address:	23 London Road, Cowplain, Waterlooville, PO8 8DF		
Proposal:	Change of use from retail (use class A1) to Ice Cream Parlour, (use class A3), incorporating alterations to shop front.		
Application No:	APP/14/00292	Expiry Date:	28/05/2014
Applicant:	Mr Matthews	Team:	Team 2
	Relentless Bar and Grill		
Agent:	Mr Knight	Case Officer:	Tina Pickup
	Knight Architectural Design		
Ward:	Hart Plain		

Recommendation: **GRANT PERMISSION**

1 Site Description

The site is located on the west side of the London Road at the southern end of the parade of shops. It is currently a vacant A1 unit (former Blockbusters video hire) and is a flat roofed single storey building.

Immediately to the south is the three storey building on the corner with Silvester Road which comprises a ground floor A1 carpet shop with residential flats above. Some of these flats have windows and an outlook north ie directly over the flat roof of the application site. To the north the parade comprises a two storey building with Curves gym adjacent. Within this parade is Lidl supermarket.

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 serving the Silvester Road flats and Curves gym.

2 Planning History

None

3 Proposal

The application seeks a change of use from A1 to an ice cream parlour i.e. an A3 use. The proposal also involves a new shop front including the resiting of some new double entrance doors to the south-west end of the shop front with the remainder being fully glazed bi-fold doors.

A new non-illuminated fascia sign is also shown on the submitted plans, but this is Deemed Consent and does not require a formal application for Advertisement Consent.

4 Policy Considerations

National Policies
NPPF

Core Strategies 2011 forming part of the HBLDF
<SQLPoID

Saved Policies of HBDWLP 1996 - 2011 forming part of HBLDF TC6

also Havant Borough Allocations Plan -
Policy AL3 and DM21

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

5 Statutory and Non Statutory Consultations

Environmental Health Manager, Community Group - as an ice cream parlour no significant impact; but could be any A3 use in future which could have potential negative effect and so object. Six mitigating conditions suggested re noise, lighting, waste and smells.

Development Engineer - no adverse comments

Crime Prevention - bi-fold doors should be certified to LPS1175 SR2 & should not obstruct public highway when open

Havant Area Disability Group - disabled toilet does not meet standards; counter needs low height area with knee space; seats and tables need to be moveable

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: 38

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

Summary:

Comment:

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 built up area where the principle of development is acceptable, subject to standard development control criteria.

(ii) Policy Considerations

7.3 The saved policies of the Havant Borough District-Wide Local Plan are still operating simultaneously with the adopted Core Strategy policies until the Development Delivery (Allocations) Plan is formally adopted. Within the HBDWLP the site falls within a defined Primary Frontage and as such Policy TC6 applies. This policy allows for Class A3 uses provided it would not result in the concentration of non-retail uses and the test of this policy is 60% A1 measured by linear shopfronts. The emerging policy from the Allocations Plan, policy AL 3 relates to Town, District and Local Centres and this site falls within a primary frontage for the purposes of this policy too. The criteria of this policy requires the retention of at least 50% of A1 units in an unbroken run, and is measured as unit counts.

7.4 Within the immediate parade of shops the measured frontage totals 77m. If the mixed sui generis/A1 unit (a nail bar) is included then the measured A1 frontage, excluding the application site, is 51m which is 66%. This complies with the adopted TC6 policy. For the emerging unit count policy, there are 8 units within the parade, comprising 3 x A1 units; 1 x mixed sui generis & A1 use; 2 x A5 units and 1 x D2 unit and the application site. If the mixed use is counted then the proposal does comply with this policy; if it is excluded then it wouldn't. However regard must be had to the fact that as a nail studio it is attracting customers during normal shopping hours and furthermore the parade includes Lidl supermarket which is a significant A1 user. Furthermore, the emerging policy AL3 allows a lower percentage of A1 units and the proposal would accord with this.

7.5 Overall 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 9am and 11pm and as such would be open and active during standard shopping hours 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.

7.6 It is also noted that under the 2013 GPDO, Class D gives temporary Permitted Development rights to allow an A1 premises less than 150 sq m, to be used for A3 purposes for two years, without the need for planning permission. Since this site has a floor area of 94.5 sq m then the proposed change of use could be implemented for 2 years.

(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. However, there is no hot cooking and extraction proposed for the ice cream parlour which would only serve waffles, crepes etc with snacks such as baguettes, coffee and cold drinks. Therefore it is considered that this particular use of the site could operate without detriment to neighbouring residential amenity.

7.8 However, if permitted the site could be used in the future for any A3 use i.e.

restaurant or cafe which would undertake cooking and sale of hot food and require an extraction system. Since the site is single storey only with the adjacent Silvester House flats directly overlooking the roof area then any extraction system is likely to have a significant detrimental impact on the amenity of these residents. Any future flue would be both visible and likely to result in some residual odours, as well as being potentially noisy. It is considered that any future user that would be cooking 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 their design to be appropriate in size and scale. The proposal is for a modern, fully glazed shop front, without any traditional stall riser. However the existing Blockbuster shopfront has already lost its stall risers so the visual change is minimal. The proposal would result in a rejuvenated shop front which can only benefit the visual appearance of the street scene. Some of the detailed concerns raised by the Crime Prevention Officer and Disability Group would be covered by Building Regulations. An informative can be used to draw attention to access requirements interests for people with disabilities

8 Conclusion

- 8.1 It is considered that the use of the site for an ice cream parlour with associated snacks and drinks complies with policy and would have no detrimental impact on neighbouring residential amenity. 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/14/00292

(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 No food or drink which requires the installation of externally visible or audible plant, machinery or structures for ventilation or filtration purposes shall be prepared or sold from the site unless this has first been approved separately in writing by the Local Planning Authority and no such plant, machinery or structures shall be installed at the site until and unless details of the same,

including its external appearance and acoustic performance, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of occupiers of neighbouring residential properties and having due regard to policies CS16, DM5 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 3 The ice cream parlour hereby permitted shall not open to the public before 09:00 hours or remain so open after 23:00 hours daily.

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

Location Plan KAD 01 A SK1

Existing & Proposed Plans & Elevations KAD 01 A SK1

Existing & Proposed Elevation KAD 01 A SK1

Reason: - To ensure provision of a satisfactory development.