

Recommendation: **GRANT PERMISSION**

3 Proposal

- 3.1 Variation of Condition 3 of Planning Permission 98/52768/001 to allow the premises to trade for delivery sales only until 0100 hours on Fridays and Saturdays from the front of the premises only.
- 3.2 Planning Permission APP/14/00341 approved the late night opening hours but only for a temporary period of one year, hence the submission of this revised application. This was so the potential impact for noise and disturbance could be assessed.

4 Policy Considerations

National Policies

National Planning Policy Framework 2012

Core Strategies 2011 forming part of the HBLDF

CS16 (High Quality Design)

CS4 ()

DM10 (Pollution)

DM5 (Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses)

Listed Building Grade: Not applicable.

Conservation Area: St Faiths

5 Statutory and Non Statutory Consultations

Environmental Health:

I've checked our records, and can confirm that EH has not received any noise, odour, light ,or other alleged nuisance complaints in relation to 12-13 North Street Arcade over the period for which the temporary permission was in force.

I would conclude therefore that the operation has not represented a detriment to the local amenity of the area, and that it's continuation is unlikely to cause any particular problems. I have no adverse comment to make, and raise no objection.

Crime Prevention -Minor Apps:

No comments

Development Engineer:

No objections

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: 35

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1 x letter of support from the Havant United Reformed Church to advise that there has been no disturbance from late night deliveries over the past year.

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) Impact on the vitality and viability of the town centre
- (ii) Impact on the residential amenity
- (iii) Highway considerations

(i) Impact on the vitality and viability of the town centre

7.2 The site is located within a secondary shopping frontage within Havant Town Centre. The slightly longer opening hours are considered not to affect the vitality and / or viability of the shopping frontage as the existing opening hours during the day would be retained. As such, the proposal would meet the requirements of saved Policy TC7 (Secondary frontages) or Policy CS4 (Town Centre Uses) of the Local Plan.

(ii) Impact on the residential amenity

7.3 Policy DM5 of the Local Plan is concerned with the control of Class A3, A4 and A5 Food, Drink and Entertainment Uses. The policy advises that such development should not cause unacceptable disturbance to the occupiers of nearby residential property at times when activity in the immediate vicinity would otherwise be at a relatively quiet level. This is reinforced by the more general policy DM10 which seeks to protect occupiers of properties from pollution.

7.4 The site has been operating the later opening hours on Friday and Saturday night granted under APP/13/00341 with deliveries from the front of the building since June 2013. Environmental Health have responded that no complaints have been received over the past year and that the operation has not represented a detriment to the local amenity of the area, and that it's continuation is unlikely to cause any particular problems. Furthermore, no objections have been received from any local residents. Therefore it is considered that the proposal to permanently extend the hours until 0100 on Fridays and Saturday nights is not considered to result in an adverse level of noise or disturbance to the amenity of the local residents.

iii. Highway Considerations

7.5 The Highways Officer has not raised any objections on highways grounds for the extension of time to allow for deliveries.

8 Conclusion

The application is considered to be acceptable for the reasons explained above and is recommended for approval.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/00557 subject to the following conditions:

- 1 The premises shall only be open between the hours of 0900 and 2300 and cleaning up shall not take place after 2400 hours, except for Fridays and Saturdays when the premises shall be open, for delivery sales only, until 0100 hours the following day.

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 plans:

Site Location Plan - P1

Block Plan - P2

Reason: - To ensure provision of a satisfactory development.