
Site Address: 5 Middle Park Way, Havant, PO9 4AB
Proposal: Application to vary conditions 2 and 3 of Planning Permission 07/67983/001 to allow A3/A5 use during the hours of 16.30-23.30 Sunday-Thursdays and 16.30 to midnight Friday-Saturday (as previously varied by Planning Permission 09/67983/003).
Application No: APP/14/00375
Applicant: Mr A A Khan
Agent: Mr M Gillings
Ward: Barncroft

Expiry Date:	02/06/2014
Team:	Team 2
Case Officer:	Heather Lealan

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site is included within a small shopping parade on the corner of Middle Park Way and Purbrook Way. The shopping parade includes commercial and retail units on the ground floor and residential flats on the first floor. There is a parking area to the front of the parade and a servicing area at the rear, along with the entrances to the first floor flats.
- 1.2 The unit is currently under use as a restaurant during the day with an A3 use and then serves as an Indian takeaway in the evening with only A5 use. It has a glazed frontage with an entrance door and a door at the rear of the unit, which is accessed from the service area. Within the parade there is a total of 8 units including, 6 x A1 uses and 2 x A3 / A5 uses.

2 Planning History

03/67983/000

Change of use from A1 to A3. Permitted - 16/9/03

07/67983/001

Change of use to A3 and A5 mixed use. Permitted - 21/6/07

07/67983/002

Variation of Condition 4 of Planning Permission 07/67983/001 to permit use of a motor car as a delivery vehicle in conjunction with permitted A5 use between the hours of 16:30 - 22:30. Refused - 22/11/07

09/67983/003

Variation of Conditions 2 and 3 to Planning Permission 07/67983/001 to allow the A3 use to continue into the evening up until 22:30. The proposal also includes a new shopfront to the premises. No additional extraction equipment is proposed - Permitted

3 Proposal

- 3.1 The proposal is to Application to vary conditions 2 and 3 of Planning Permission 07/67983/001 to allow A3/A5 use during the hours of 16.30-23.30 Sunday-Thursdays and 16.30 to midnight Friday-Saturday (as previously varied by Planning Permission

09/67983/003).

4 Policy Considerations

National Policies

The National Planning Policy Framework, 2012

Core Strategies 2011 forming part of the HBLDF

CS16 (High Quality Design)

DM10 (Pollution)

Saved Policies of HBDWLP 1996 - 2011 forming part of HBLDF

TC1 (Hierarchy of Centres)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Economic Development -

No objection

Environmental Health:

Whilst I normally would have no objection to the extension of trading hours to the times proposed, I would be concerned that if by extending the opening hours of this particular premises, it then remained open longer than similar businesses in the complex and / or in the local area.

Comment - This would not be the case, Unit 7b is a takeaway and is open to midnight thus setting a precedent for this parade

Crime Prevention -

No comments

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: 11

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

(i) Principle of development

7.2 The site is within the urban area and a primary frontage within a local shopping centre. The principle of the mixed use was established by the previous planning permission and this application considers the extension of the hours of use. In principle this is acceptable as it is a mixed use area and no object has been raised from crime prevention. This principle is subject to the consideration of the planning matters below.

(i) Effect on Residential Amenity

7.3 The proposal will not change the nature of the use of the premises, just extend the hours of operation. This will have an effect to a more detrimental extent on the residential amenity of the occupiers of the premises than the other existing takeaway facility has in terms of noise disturbance and this unit (No.7b) has operated until 24:00 hours. Therefore, the current proposal would not cause people to be congregating outside the premises as they would be at present.

8 Conclusion

8.1 The proposal is considered to be acceptable and is recommended for permission.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/00375 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 development hereby permitted shall be carried out in accordance with the following approved plans:

Information within submitted application form

Reason: - To ensure provision of a satisfactory development.

3 The premises shall not open to the public before 16:30 hours or remain so open after 24:00 hours on Friday and Saturday and before 16:30 hours or

remain so open after 23:30 hours Sunday to Thursday.

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.