
Site Address: 7B Middle Park Way, Havant, PO9 4AB
Proposal: Variation of Condition No. 6 of Planning Permission 09/73212/000 to allow opening of premises from 8am to midnight.
Application No: APP/13/00994 Expiry Date: 02/12/2013
Applicant: Mr A Ali Team: Team 2
Agent: Case Officer: Richard Nash
Ward: Barncroft

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site comprises a takeaway food outlet forming part of a parade located on the western side of Middle Park Way, to the north of the roundabout forming a junction with Purbook Way. The parade comprises a variety of commercial units at ground floor level with residential use on the first floor. There is a parking area to the front of the parade and a servicing area to the rear. The site is located within Middle Park Way Local Centre as defined within the emerging Local Plan (Allocations) document, beyond which the locality is predominantly characterised by medium to high residential development.

2 Planning History

09/73212/000

Change of use from Class A1 to Class A5. New extract ducting to rear. Approved.

09/73212/001

Discharge of conditions of 09/73212/000. Approved.

APP/12/01021

Variation of Condition 6 of Planning Permission 09/73212/000 to extend opening hours from 8.00am to 12.00 midnight. Approved for a Temporary Period.

3 Proposal

The application proposes the variation of Condition 6 of planning permission 09/73212/000, in order to allow the premises to operate from 8.00am to Midnight each day, and effectively seeks a permanent renewal of the temporary approval granted under reference APP/12/01021.

4 Policy Considerations

National Policies

National Planning Policy Framework

Core Strategies 2011 forming part of the HBLDF

CS16 (High Quality Design)
CS6 (Regeneration of the Borough)
CS8 (Community Safety)
DM10 (Pollution)

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

Havant Borough Local Plan (Allocations) Publications Version 2013

AL3 Town, District and Local Centres

Listed Building Grade: Not applicable

Conservation Area: Not applicable

5 Statutory and Non Statutory Consultations

Environmental Health Manager:

Assume application is intended to bring Applicant's premises in line with other food related businesses - this is in relation to Applicant's comments, in which he states it will allow him 'to compete fairly with other existing businesses'. As this office has received no recent complaints regarding operating times etc at this premises, including during the period of temporary permission, it raises no adverse comments.

Development Engineer:

No adverse 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: 7

Number of site notices: 1

Statutory advertisement: Not applicable

Number of representations received: None

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) Impact on neighbouring amenities

- (i) Principle of development

The principle of the use of the premises for A5 purposes was established under planning permission 09/73212/00. The temporary approval granted under reference APP/12/01021 was intended to allow the Council to review the actual impact, if any, of the extended opening hours on neighbouring amenities.

- (ii) Impact on neighbouring amenities

The proposal has the potential to impact on neighbouring amenities - particularly of those residential properties located at first floor level within the parade - principally

through noise emanating from the extended use of the premises, and this mainly from customers arriving and leaving on foot or by vehicle.

Condition 6 of planning permission 09/73212/000 allowed the premises to operate from 12:00 to 22:00 each day. In imposing this condition, careful consideration was given to its precise limitations. Concerns had been raised at that time over social problems occurring in the parade as a result of congregating youths, and the fear that this would worsen with the then proposed closing time of 23:00.

It was acknowledged that the business would not be the only late opening premises in the locality. However, a view was taken that the nature of the food items proposed to be sold would be generally of a lower cost than those available at other premises, and thus more attractive to youths. The proposed food items were also felt likely to be easier to consume immediately outside the premises, which might lead to an increase in youths staying in the shopping parade for longer periods.

Notwithstanding the above, the premises has now been in operation for some time and neither its original nor more recently extended level of use has provoked any objections to the current proposal from local residents. Furthermore, both the Development Engineer and the Environmental Health Officer have expressly stated they have no adverse comments on this proposal. In the light of this there would appear to be no sustainable reason for resisting the continuation of the extended opening hours.

8 Conclusion

The principle of the use of the premises has been established by a previous planning permission, and there is no evidence that the temporary period of extended opening hours has resulted in a detrimental impact on the amenities of neighbouring properties. The planning application should therefore be approved.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/13/00994, subject to the following condition:

- 1 The premises shall not open to the public before 0800 hours or remain so open after midnight (00.00 hours).
Reason: To protect the amenities of nearby residential properties and the amenities and safety of the area having due regard to policies DM5, DM10, CS6 and CS8 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.