

EM/P17-2158

23 July 2025

Tina Pickup
Senior Planning Officer
Planning Department
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

Dear Tina,

Town and Country Planning Act 1990 (As Amended)
Variation of Condition 4 attached to Planning Permission APP/18/O1234 (Permanent Extension to Opening Hours)
Domino's Pizza, 39 West Street, Havant PO9 1LA
Planning Portal Ref. PP-14198349

Pegasus Group is instructed by Pure Investments to submit an application to vary condition 4 pursuant to planning permission APP/18/O1234 relating to the permitted opening hours for the existing hot food takeaway (sui generis).

This application follows the withdrawal of planning application ref. APP/25/OO238 on 16 July following discussions with the Planning Officer. The new submission is for slightly amended hours in accordance with the hours which the takeaway was open during the 2023 trial period.

Accordingly, the following documents are submitted online via the Planning Portal (ref. PP-14198349):

1. Completed application form and Ownership Certificate;
2. A copy of decision notice ref. APP/18/O1234; and
3. Operational Management Plan.

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Background and the Proposal

The opening hours for the premises are currently limited through condition 4 of planning permission ref. APP/18/01234 to 0900 to 2300 Sunday to Thursday and 09.00 to 00.00 on Fridays and Saturdays.

Planning permission was granted to vary these hours for a temporary period of 12 months through S73 permission ref. APP/23/00146. The permission allowed for the trial extension of the opening hours to allow deliveries only to take place between 09.00 and 01.00 the following day, 7 days a week.

However, following investigation by our client, it was established that due to a miscommunication the store did not operate during the full extent of the hours that were approved during the trial period, and therefore it is not evidenced that the extended hours could be approved on a permanent basis.

It has been confirmed that the store was open during the below times from at least May 2023 until the present day:

- Deliveries and collections: 09.00 to 00.00 Monday to Sunday
- Deliveries: 09.00 to 01.00 Friday and Saturday.

Therefore, it is proposed that condition 4 is amended to read as follows:

“The premises shall only be open to the public for trade or business between the hours of 09.00 and 00.00 daily. No delivery of pizzas shall take place outside the hours of 09.00 to 01.00 the following morning on Friday or Saturday.”

Site Location and Description

The application site comprises an existing hot food takeaway unit (sui generis) which lies on the corner of Park Road South and West Street and is currently operated by Domino's Pizza. The site is identified within the Town Centre boundary of Havant and forms part of an area characterised by a mix of commercial uses. The store therefore sits comfortably within its surroundings and lies in close proximity to other commercial operators. Most notably this includes a separate office (Class E) on the upper floor, hair salon to the west and women's clothing store to the south (both Class E). There is also a McDonalds fast food restaurant on the opposite side of Park Road South, 25 metres to the east and a variety of other food and drink uses (within Class E and sui generis) in the wider area.

The site benefits from good access on to West Street which in turn connects to the wider strategic network. There are also well-lit pedestrian footways throughout the local area promoting more active forms of travel. All existing ventilation and extraction equipment is situated to the rear of the unit. There are residential properties in the surrounding area, however



these are approximately 25 metres from the site and there are other commercial premises between the site and the residential dwellings.

Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for the region comprises the Havant Borough Core Strategy (adopted March 2011) and the Havant Borough Local Plan (Allocations) document (adopted July 2014). From a planning perspective other material considerations include the National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG) and supplementary planning guidance prepared by the Local Planning Authority.

The Council has started the process of preparing a new local plan (otherwise known as 'The Building a Better Future Plan'). The draft plan has been subject to initial consultation with a pre-submission draft expected to be produced for consultation in the second half of 2026. As the draft Local Plan has not yet been submitted for Examination, the draft policies carry only very limited weight as a planning consideration.

Planning Justification

Domino's Pizza is a well-known chain of hot food takeaway outlets and from a planning perspective, principally trade from sui generis premises.

As an operator, Domino's selected the application site due to its location at the heart of Havant Town Centre and inherent accessibility to daytime and night-time economies. The extended opening hours will enable the store to operate more flexibly, in line with demand to ultimately improve the commercial viability of the site.

In 2023, an application to vary condition 4 to allow the extension of the opening hours was submitted for approval. The application was supported by a Noise Impact Assessment, but the Environmental Health Officer was concerned that there were some areas which were not fully assessed as part of the NIA. As a result of this, it was agreed that, rather than seek to undertake further survey or assessment work, a trial period of 12 months could be approved to allow the acceptability of the hours to be established through the operation of the use.

Essentially, if it could be demonstrated that the use could take place during the extended hours during the trial period without harm to amenity, then this would be sufficient to demonstrate that the extended hours are acceptable and permanent permission could be approved at a later date.

Due to a miscommunication, the store's operational hours during the trial period were different to those approved, and were slightly shorter than the approved hours. As such, it could not be sufficiently demonstrated that operating to 01.00 daily would not harm amenity based on the



previous trial period. On this basis, a new application has been submitted which seeks permanent planning permission for the hours during which the store has been operating throughout the 2023 trial period and beyond.

To evidence the store's operation during this time, the number of orders taken has been retrieved from Domino's records and are set out in the table below. The number relates to the total number of orders completed during the hour of 11 pm to midnight (or midnight to 1 am on weekends) for each day of the week totalled across the month.

Domino's Havant Order Count 11pm - Midnight							
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Jun-23	1	8	8	14	64	58	3
Jul-23	9	12	10	15	50	78	11
Aug-23	32	24	24	25	60	69	23
Sep-23	11	19	21	27	74	73	13
Oct-23	12	24	25	23	50	55	26
Nov-23	16	23	19	36	75	50	20
Dec-23	15	14	30	31	56	73	22
Jan-24	13	7	25	14	47	49	20
Feb-24	17	39	13	41	66	65	20
Mar-24	20	18	31	31	74	67	38
Apr-24	24	28	24	33	69	53	12
May-24	16	16	21	38	77	61	40
Jun-24	22	23	24	36	60	70	34
Jul-24	31	37	34	28	58	52	29
Aug-24	21	15	24	37	73	71	43

Domino's Havant Order Count Midnight - 1am		
	Friday	Saturday
Jun-23	10	1
Jul-23	17	13
Aug-23	30	24
Sep-23	33	16
Oct-23	20	29
Nov-23	21	23
Dec-23	27	25
Jan-24	14	14
Feb-24	16	19
Mar-24	19	19
Apr-24	15	11

May-24	19	20
Jun-24	29	28
Jul-24	34	23
Aug-24	35	40

These figures demonstrate that the store was operational during the proposed additional opening hours of 23.00 to 00.00 (collections and deliveries, 7-days) and 00.00 – 01.00 (deliveries only, Saturday and Sunday) for over 12 months.

There were no noise complaints during this period and the trade was undertaken in accordance with the measures set out in the Operational Management Plan which has successfully ensured that the use does not cause harm to the amenity in the surrounding area.

Furthermore, despite letters being issued to local addresses, and the most recent, withdrawn application (ref. APP/2025/00238) being publicised in accordance with legislation, there was only one objection to the proposals which did not cite any concerns relating to the existing operation, only a perceived potential for new noise and disturbance which is not indicated given that the site has already been operating during the later hours. It is considered that if there was any existing noise associated with the use which was affecting residents, this would have caused any affected parties close to the site to object to an extended permission for these hours.

It is therefore clear that the Planning Officer's statement in their Report to the 2023 application, that actual harm is less than perceived harm, was correct and the extended hours have had no actual harm on the amenity of residents during this time.

Planning Practice Guidance and the NPPF require that local authorities should take a positive approach to supporting development which contributes towards sustainable economic and employment growth, whilst having regard to structural changes to the economy in terms of shopping patterns, store formats, customer demand, operating arrangements and associated business models. The proposed extension of hours would enable the existing Domino's store to continue to operate in line with the customers' needs to support the store's overall financial viability. In addition, it will allow them to serve their customers during the same times as other takeaways in Havant which operate into the early hours such as Caprino's and the Oregano Pizza which operate until 02.00.

A key objective of Policy CS4 is to create a strong evening economy in all town centres. This is further supported by Policy AL3 of the Local Plan (Allocations) Document which states that planning permission will be granted for development proposals that provide main town centre uses in the town, district and local centres and, in doing so, contribute to their vitality and viability. Although the site is not located within a Primary or Secondary Shopping Frontage, it occupies a prominent location on the corner of Park Road South and West Street and positively responds to the character of the area.

Due to the nature of the proposal, there will be no changes to the floorspace or any associated plant equipment. Furthermore, there will only be a limited change in the opening hours, taking into



account the previous temporary permission. The proposal is therefore considered to be in accordance with the aims of Policy CS4 of the Core Strategy and Policy AL3 of the Local Plan and shall positively contribute to the overall vitality and viability of Havant Town Centre, continuing to contribute to the existing nighttime economy.

Policy DM10 of the Core Strategy indicates that development proposals will be supported provided that they do not have a harmful impact on the amenity of neighbouring inhabitants through noise or other pollutants.

The trial period has been successfully completed under the currently proposed hours with no reports of adverse impacts, or objections to the previous application which cite existing noise and disturbance during the later hours.

It was always the intention that permanent permission would be applied for following a successful trial period which would be sufficient to overcome the concerns in relation to the original Noise Impact Assessment and, on this basis, it is not necessary to submit further noise evidence in the form of an updated NIA as the more robust test is the 'real life' impacts of the extension of hours.

The proposal is therefore in accordance with Policy DM10 and the aims of the NPPF and we therefore trust that the application can be approved.

Summary

This application seeks to make permanent the changes to the operating hours which have been in operation since 2023. If approved, the application would allow the permanent operation of the unit until midnight for deliveries and collections, 7-days a week and until 01.00 for deliveries only on Fridays and Saturdays.

The nearest residents are located approximately 25 metres with other commercial uses in the intervening space and there are other commercial uses around the premises which would not be affected by the later operation.

The late-night operation has already been shown to be possible at the site without harm to amenity or highway safety through the trial period as evidenced by the order numbers above and the proposals incorporate the permanent adoption of the Occupational Management Plan.

For the reasons set out above, it is considered that the proposed permanent extension to the operating hours should be considered acceptable and it is respectfully requested that planning permission is granted.



I trust that the above information is sufficient to register the application as valid, however please do not hesitate to contact me if you have any questions.

Yours faithfully

Emma Morrison

Planner

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Enc.