

EM/P17- 2158

26 March 2025

Planning Department
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

Dear Sir/Madam

Town and Country Planning Act 1990 (As Amended)
Variation of Condition 4 attached to Planning Permission APP/18/01234 (Permanent Extension to Opening Hours)
Domino's Pizza, 39 West Street, Havant PO9 1LA
Planning Portal Ref. PP- 13887753

Pegasus Group is instructed by Pure Investments to submit an application to vary condition 4 pursuant to planning permission APP/18/01234 relating to the permitted opening hours for the existing hot food takeaway (sui generis).

Accordingly, the following documents are submitted online via the Planning Portal (ref. PP- 13887753):

1. Completed application form and Ownership Certificate
2. A copy of decision notice ref. APP/18/01234
3. Operational Management Plan; and
4. Noise Impact Assessment dated February 2023

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.

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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.

Following the successful operation during the 12-month trial period, permanent planning permission is now sought for an extension to the opening hours for deliveries only. Taking into account the increased late-night activity in the surrounding area, as discussed in the letter below, it is proposed that Condition 4 is amended to read:

“The premises shall only be open to the public for trade or business between the hours of 09.00 and 23.00 Sunday to Thursday and between 09.00 and 00.00 on Fridays and Saturdays. No delivery of pizzas shall take place outside the hours of 09.00 to 01.00 the following morning on Sunday to Thursday and 09.00 to 02.00 Friday and 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 and 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.

Although the Council has started the process of preparing a new local plan (otherwise known as 'The Building a Better Future Plan'). This is currently at a relatively early stage in development, with Regulation 19 consultation due to start in May 2025. As the draft Local Plan cannot yet be submitted for Examination, the draft policies carry only very limited weight as a planning consideration and is not repeated here.

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.

Extended opening hours for deliveries has been successfully trialled at the site, whereby deliveries were undertaken until 01.00 daily under the S73 permission ref. APP/23/00146. The Officer's Report to the 2023 permission confirmed the reason behind the approval of temporary permission only for the extended hours, stating:

"Until the later opening hours are in use it cannot exactly be anticipated whether there really would be such an increase in delivery drivers for the additional 1 hour of Fridays and Saturdays and 2 hours on Sundays to Thursdays, that really would cause a material increase to the noise in the area affecting amenity. Since the premises has operated without much complaint to date, then it would appear that actual harm is less than perceived harm."

There were no noise complaints during the trial period and the trade was undertaken in accordance with the Operational Management Plan which has successfully ensured that the use does not cause harm to the amenity in the surrounding area. It is therefore clear that the Planning Officer's statement 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.

Based on the store's performance during this trial period, the applicant believes that there is sufficient demand to trade over an additional hour on their busiest days (Friday and Saturday) and it is therefore proposed to permanently extend the opening hours in line with the temporary permission, and with a further weekend extension to cease deliveries at 02.00 on Fridays and Saturdays only.

It should be noted that while it is expected that there is sufficient trade to support the later weekend opening, if trade diminishes to a point where it is not worth remaining open for deliveries, the unit will close, and staff depart the site before 02.00.



By maintaining the existing opening hours for customer collections, the proposals will ensure that there is no harm to amenity during the extended period by way of customers congregating outside the site.

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 operate more flexibly in line with the customers' needs to support the store's overall financial viability.

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 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 site occupies a location within Havant Town Centre, close to other commercial operators including restaurant, takeaway and public houses. Many of these undertake similar activities to the application site. There are no residential uses in the immediate area, with the nearest located to the north east of the site, across West Street.

In the north eastern side of the town centre, there are various takeaway and restaurant uses which open late into the evening. These have a close relationship with residential dwellings, including at 32 North Street which has a separate dwelling above and advertises opening times until 02.00 Sunday to Thursday and 03.30 Fridays and Saturday. In addition, the adjacent unit, Caprino's at 30 North Street opens until 01.00 Sunday to Thursday and 02.00 on Fridays and Saturdays.

A Noise Impact Assessment was prepared by Suono to accompany the application for the previous variation to opening hours, granted in 2023. This is attached again for information. The



silencer recommended in the NIA has been installed and therefore this now confirms that the operation is acceptable in amenity terms until 01.00.

In relation to the addition 1 hour delivery extension at weekends, the noise levels associated with the operation would not increase beyond those set out in the NIA. It is not considered that the background noise environment would change significantly between 01.00 and 02.00 and certainly not to the point where the limited activity at the site would cause harm to amenity.

To ensure that there is no increase in noise levels beyond those experienced during the trial period, the Operational Management Plan which was agreed in 2023 has been updated to reflect the latest proposed hours and will be permanently implemented if planning permission is approved. This can be secured by a suitably worded condition.

It should also be noted that the additional level of highway movement that would be generated is not considered to increase significantly. The site is located on the corner of a busy B-road which allows easy access onto the highway network without frequent use of quieter residential streets. Additionally, the level of activity associated with vehicles operating to and from the store would not result in a notable increase above and beyond the current circumstances.

It is clear, therefore, that the proposed extension of hours will not cause harm to amenity or highway safety, but will help the store to trade at its optimum level.

Summary

This application seeks to make permanent the changes to the approved delivery hours which were set for a temporary 12-month period under planning permission ref. APP/23/00146 and extend slightly to allow for pizza deliveries to take place from the premises until 02.00 at weekends. If approved, the application would therefore allow the permanent operation of the unit until 01.00 Sunday to Thursday and 02.00 on Fridays and Saturdays. The store will continue to open to customers between 09.00 and 23.00 Sundays to Thursdays and 09.00 to 24.00 Fridays and Saturdays as well as offering deliveries during these hours.

The nearest residents are located approximately 25 metres from the application site and other uses around the premises are commercial and unlikely to be affected by the extended hours.

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 for deliveries until 01.00 and the additional hour of operation at weekends, when there is a generally higher level of activity in the wider area is not considered to add any unacceptable disturbance, particularly taking into account 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



Enc.