

- 2.1 The application site relates to part of the former HSBC bank, located on the corner of Park Road South and West Street, within Havant town centre. The site relates to the ground floor only within the two-storey flat roofed building, where there are independently accessed offices above. Being a corner unit, the ground floor has a chamfered footprint with the main access doors on the diagonal beneath a first floor overhang. Works have recently completed the subdivision of the southern section of the former HSBC bank to a separate A1 unit, which is now occupied by a dress shop, Inspire. Therefore, the application site relates to the remainder of the former bank.
- 2.2 To the rear of the site is a shared rear access service yard and parking area, accessed from Brockhampton Lane and Park Road South and the application site has 3 dedicated spaces within this rear area. Pedestrian access to the rear of the unit for staff and servicing is shared with other ground floor retail units. There is an external fire escape style, metal railing stairway serving the first-floor offices. There is also a culverted main river that goes beneath the site, which is enclosed by railings. The frontage of the site lies within Flood Zone 3.
- 2.3 The site lies within the identified Town Centre by Policy CS4 of the adopted Core Strategy, but outside the primary shopping frontage. It is understood that the bank was vacated in September 2017 and other than the subdivision, the unit has been vacant since.
- 2.4 Park Road South is the main B2149 through the town centre and the traffic lighted pedestrian crossing is located immediately to the east of the site, linking to the pedestrianised West Street. There are therefore traffic restrictions on Park Road South with zig zag road markings and pedestrian safety rails, preventing vehicles stopping on Park Road South. When heading south, there is no right turn into West Street from Park Road South. The corner heading west into West Street has double yellow lines which continue along West Street, becoming single yellow lines in Brockhampton Lane. There is an area for approximately 6 cars to park on the south side of West Street, just to the west of the application site, and these spaces are currently restricted to 30 minute waiting between 8am and 6pm Monday to Saturday. Outside of these times parking is unrestricted in these spaces. The rear service yard is accessed off either Brockhampton Lane or between numbers 16 and 24 Park Road South where it is possible to turn right into the service yard when heading south.
- 2.5 The north side of West Street includes the 19 Fourteas tea room (an A3 use) and then reverts to predominantly residential accommodation with the former Cobden Arms being converted to flats. The old Court House has also been converted to flats such that the west side of Brockhampton Lane is also residential. This area forms part of the Black Dog Conservation Area. The site is opposite, but not within this Conservation Area. There is also a residential property at No 3 Brockhampton Lane, sited to the south west of the access into the service yard, and this dwelling is located adjacent a printers at 1b and a car tyre centre. The site is therefore closely related to the residential properties on the fringe of the town centre.

3 Planning History

99/64147/001 - Proposed cycle stand fronting West Street elevation, PERM,09/09/1999

99/64147/000 - 2 no. internally illuminated double sided projecting signs and internally illuminated fascia sign to east elevation. 1 no. internally illuminated projecting sign and internally illuminated fascia sign to north elevation., PERM 27/05/1999

94/56137/001 - Fire escape to rear of No. 39 West Street to serve first floor offices., PERM

07/72673/000 - Change of use of shop (Class A1) to Retail Bank (Class A2) PERM 12/12/2007

APP/10/00990 - New manually operated swing doors on east elevation. PERM 07/02/2011

APP/14/00372 - Change of use of first floor from mixed use A2 and B2 to use class D2. Withdrawn 30/05/2014

APP/15/00338 - Replacement of 1No. ATM machine. PERM19/05/2015

APP/17/01186 - Proposed replacement of shop fronts., PERM,19/12/2017

APP/18/00706 - Change of use from a former bank (Class A2) to a hot food takeaway (Class A5); installation of extraction/ventilation equipment and other minor external alterations. Refused 22/10/2018 for the reason as set out at Paragraph 1.1 above.

4 Proposal

- 4.1 This is a resubmission of the previously refused application for the change of use of the former bank (Class A2) to a hot food takeaway (Class A5), with associated installation of extraction/ventilation equipment and other minor external alterations. The proposal is for Dominos Pizza to re-site from their existing North Street premises with proposed opening hours of between 9am and 11pm Sunday to Thursday and between 9am and midnight on Fridays and Saturdays.
- 4.2 The application is supported with a Design and Access Statement (including Flood Risk Assessment); a Technical Highway Note; a Swept Path Analysis plan; an Environmental Assessment Report and a Waste and Operational Management Plan. The proposed extractor duct would be sited to the rear and would run horizontally under the external staircase and then turn vertically to a height approximately 1m above the roofline. Air conditioning and cold room compressors would also be fixed to the rear elevation; and a fresh air duct would be inserted through the north elevation (West Street). The proposal also involves the replacement of the existing timber shopfronts with aluminium frames.

5 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS4	()
DM10	(Pollution)
DM11	(Planning for More Sustainable Travel)
DM12	(Mitigating the Impacts of Travel)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM5	(Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses)

Havant Borough Local Plan (Allocations) July 2014

DM20	(Historic Assets)
AL1	(Presumption in Favour of Sustainable Development)
DM21	(Shopfronts, Signs, Security Shutters and Advertisements)
AL3	(Town, District and Local Centres)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Adjacent Black Dog Conservation Area

6 Statutory and Non Statutory Consultations

Conservation Officer

The site is located outside of any conservation area and as such I have no objections to the proposals.

Economic Development

None received

Engineering/Drainage

None received

Environment Agency

No Objections

Note that development will require an Environmental Permit or an exemption from an Environmental permit from the EA. Any new construction within 8m of the Main River which flows beneath the adjacent property will require a Flood Risk Activity Permit from the EA.

Environmental Health Manager

I have studied the documentation provided for this application, and can advise that the comments submitted previously by me, on memo dated 3/10/2018 and related to App/18/00706 can be reiterated.

Also under the management plan it is stated bins will be collected / emptied between 06:00 & 20:00 – I would ask that the 06:00 be changed to 07:00.

Those previous comments stated:

*It is noted that glass fibre filtration system is proposed and would suggest that if this application is to be viewed positively by the Local Planning Authority, **that it remains that the usage as a pizza take-away only be conditioned to that effect.***

Based on the updated Cole Jarman Environmental noise assessment and the measurements recorded, I am satisfied that if the necessary mitigation measures are implemented as recommended in this report, in relation to equipment such as extract system, fresh air intake, air conditioning unit & the cold room compressor, there should be no adverse impact on nearby residential receptors.

*Access to the rear parking area by delivery drivers via the Park Road South entrance / exit, is the expected access point as per the above report, and **should be conditioned as such.***

Recommend Conditions and Informatives

Hampshire Constabulary - Crime Prevention

None received in connection with this application but previously commented that the reduced opening hours will significantly reduce the opportunities for crime and disorder.

Highways Engineer

The surrounding highway is covered by double yellow lines and therefore the public are not allowed to park.

The existing servicing of this unit is from the rear which is private and has previously been a bank and a shop that have been historically serviced in the same way.

The lay by in front of the parade shops is not adopted highway and could be used for the pick up of takeaway orders but its increased use would not be a reason to refuse

the application with regard to highway safety.

Planning Policy

An updated [Havant Healthy Borough Assessment](#) was published in November 2018.

Policy Status:

The Adopted Local Plan

The [Local Plan \(Core Strategy\)](#) and the [Local Plan \(Allocations\)](#), together with the Hampshire Minerals and Waste Plan, provide the development plan for Havant Borough. In addition, the [Local Plan Housing Statement](#) (LPHS) and its guiding principles, adopted December 2016, is also a material consideration. The following policies and documents are of relevance:

- CS4 Town, District and Local Centres
- CS11 Protecting and Enhancing the Special Environment and Heritage of Havant Borough
- CS15 Flood and Coastal Erosion Risk
- CS16 High Quality Design
- CS17 Concentration and Distribution of Development within the Urban Areas
- DM5 Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses
- DM10 Pollution
- DM11 Planning for More Sustainable Travel
- DM14 Car and Cycle Parking on Development (excluding residential)
- DM18 Protecting New Development from Pollution
- DM20 Historic Assets
- DM21 Shopfronts, Signs, Security Shutters and Advertisements
- AL2 Urban Areas Boundaries and Undeveloped Gaps between Settlements
- AL3 Town, District and Local Centres
- [Havant Borough Parking SPD](#) (July 2016)
- [Havant Healthy Borough Assessment](#) (November 2017)
- [National Planning Policy Framework \[NPPF\] \(July 2018\)](#) – Chapter 8

Havant Borough Local Plan 2036

The Council is preparing a new Local Plan. The [Draft Havant Borough Local Plan \(HBLP\) 2036](#) was subject to public (regulation 18) consultation between 8 January to 16 February 2018. Whilst the Plan has limited weight in decision-making at this stage in the plan preparation, the Draft HBLP 2036, and particularly emerging Policies KS1 (Havant Town Centre) and C8 (Food, Drink and Entertainment Uses), are of relevance in setting out the Council's direction of travel.

Members informally considered a report setting out a summary of the responses to the consultation on the Draft HBLP 2036 and the proposed changes to the policies moving forward. This [Consultation Summary Report](#) was published on the Council's website on Friday 22nd June 2018. A summary of the comments received, and the Council's proposed way forward, for Policies KS1 and C8 can be found on pages 15-19 and 215 of the report respectively.

The next key stage will be to consult on a Pre-Submission HBLP 2036. It is anticipated that the Pre-Submission HBLP 2036 will be subject to public (regulation 19) consultation from February to mid-March 2019. At this stage, greater weight may be given to the plan in decision-taking. It is recommended that the applicant familiarises themselves with the emerging policy requirements and standards accordingly, particularly bearing in mind the time scales for the determination of this application.

Principle of Development:

The site lies within the urban area as defined by Policies CS17 and AL2 of the Adopted Local Plan. These policies seek to concentrate new development within the five-urban areas of Havant Borough. There is, therefore, a presumption in favour of sustainable development, subject to other relevant material considerations in the development plan.

Havant Town Centre

The site is in Havant Town Centre as shown in Policies CS4 and AL3 (Town, District and Local Centres), but is outside the primary and secondary frontages. As such, criteria 3) and 4) of Policy AL3 do not apply. Policies CS4 and AL3 generally support appropriate main town centre uses at ground-floor which enhance the evening economy. Please note, a definition of "main town centre uses" is found on page 68, Annex 2, of the [National Planning Policy Framework \(NPPF\) \[July 2018\]](#).

The premise has been vacant since September 2017. However, the vacancy rate for Havant Town Centre was 5.8% in October 2017 which, at the time, was far lower than the national and south-east town centre vacancy averages of 9.3% and 7.2% respectively. As such, it is not considered that the unit's vacancy is material in the determination of this application.

The site is identified as part of the 'Historic Core' by emerging Policy KS1 (Havant Town Centre) in the Draft HBLP 2036. Paragraph 3.14 of the Draft HBLP 2036 outlines an opportunity to move away from a reliance on retail and encourage other uses in the Historic Core, such as cafes and restaurants, which attract visitors and expand the evening economy. As such, the proposal would positively contribute towards criteria o) and p) of emerging Policy KS1.

Health:

The planning system can help promote public health through the provision of environment, facilities and initiatives which enable people to live a healthy lifestyle and take responsibility of their own wellbeing. The prevention and early intervention of key health priorities (please see below) can reduce pressure on healthcare services in the future. To achieve this, it is important to encourage healthy choices and active lifestyles when considering new development.

Paragraph 91c of the NPPF (2018) sets out that planning decisions should aim to achieve healthy, inclusive and safe places which *"enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs"*.

The [National Planning Practice Guidance \(NPPG\)](#) highlights that local planning authorities (LPAs) can bring forward local plan policies and supplementary planning documents which limit the proliferation of certain use classes in identified areas providing there is a sufficient evidence base to do so. Those of relevance to this application include:

- Evidence indicating high levels of obesity, deprivation and general poor health in specific locations;
- Odours and noise impact;
- Traffic impact; and
- Refuse and litter.

Bullets 3), 4) and 5) are considered in sub-sections below.

Obesity and Poor Health

Regarding 1), Havant Borough and Hampshire County Councils have collaborated on an update to the [Havant Healthy Borough Assessment \(November 2018\)](#).

The prevalence of takeaways in Havant Borough has been broken down by ward level in terms of the number of takeaways per 100,000 population. This is shown in Figure 4.3 of the assessment .

Havant & Bedhampton has the highest proportion of takeaway outlets in Havant Borough and one of the highest proportions across south Hampshire.

Whilst emerging Policy C8 in the HBLP 2036 does not include a restriction on A5 uses, there is a growing body of evidence which suggests that access to takeaways is associated with obesity:

“Greater access to takeaway outlets at home, work and on commuting routes has been associated with increased takeaway consumption. There is also a tendency for fast-food outlets to cluster around schools, increasing children’s access to and opportunities for purchasing energy-dense, unhealthy food. Research indicates that increased access to unhealthier food retail outlets is associated with increased weight status in the general population, and increased obesity and unhealthy eating behaviours among children residing in low income areas. People on lower incomes or with mobility issues are more likely to be influenced by the food offer locally.”

On this basis, as indicated by page 215 of the Consultation Summary Report – the Council is considering whether to restrict the density of Land Use Class A5 through the Pre- Submission HBLP 2036. By the time of the application is determined, it is likely that the Pre-Submission Plan will have been published which will confirm the Council’s proposed approach towards the restriction of fast food outlets.

Food, Drink and Entertainment Uses:

As the proposal is for the change of use from Land Class Use A2 to A5, Policy DM5 is of relevance. Paragraph 10.17 (page 128) of the Local Plan (Core Strategy) indicates town centre locations may be more acceptable for such uses, but makes clear that residents can still expect a certain level of amenity. Amenity considerations are considered in detail below.

Food Preparation and Extraction/Ventilation Equipment

Together with Policy DM5, criteria 1e) of Policy CS16 requires development to demonstrate that it “*does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking*” (emphasis added).

Paragraphs 3.7 to 3.12 of the submitted Planning, Design & Access Statement include details of how the extract and intake ducts, as well as the compressors and plant equipment will be situated to the rear of the site. It is also noted that a fresh air intake grill is proposed on the north-side of the site’s frontage. It is recommended that the Environmental Health Team are consulted for their views accordingly.

Refuse and Litter

Criterion 4) of Policy DM5 which makes clear that planning permission will only be granted for the change of use to Land Use Class A5 where:

“The development includes adequate provision for the disposal, storage and

collection of refuse, including litter bins for use by customers”.

The applicant confirmed in paragraph 3.5 of the submitted Planning, Design and Access Statement that one 1100 litre euro-bin will be in the rear yard and used to store refuse and recycling. It is recommended that details of such provision are secured by condition as appropriate.

Opening Hours

Policies DM5, DM10 and DM18 are of relevance in precluding unacceptable disturbance to the occupiers of nearby residential property at times when activity would otherwise be at a relatively quiet level. In this respect, paragraph 10.19 (page 129) of the Local Plan (Core Strategy) acknowledges that existing levels of noise and activity can be lower outside primary and secondary frontages.

As set out in paragraph 3.3 of the submitted Planning, Design and Access Statement, the proposal includes opening hours from 9am to 11pm (Sunday to Thursday) and 9am to midnight (Friday and Saturday). The applicant has also confirmed that no deliveries or customer collections will take place outside of these hours. It is important to note that nearby A3/A5 uses generally close between 10pm and midnight (weekdays and weekends) and that the site is opposite, adjacent and close to residential dwellings along West Street, Brockhampton Lane and Park Road South (above the Parchment Makers).

The Planning Policy Team recommend that appropriate conditions are imposed to control the hours of opening.

High Quality Design and Heritage:

The unit is on a prominent corner site in Havant Town Centre and the Black Dog Conservation Area is opposite to the north-east.

Shopfront

Policy CS4 (see criterion 5) encourages high-quality, mixed-use development that retains an active ground floor frontage. To do this, the proposal will need to be in accordance with Policy CS16 (High Quality Design), especially criteria 1c) and 1e).

Heritage

The proposal will need to accord with the provisions of Policies CS11 (see criterion 4) and DM20. The Council's Conservation Officer will be able to provide advice on whether the replacement of existing timber frames with PPC aluminium framed shopfront windows will be appropriate in the setting of the conservation area.

Signage

The applicant has confirmed in paragraph 3.15 of the submitted Planning, Design and Access Statement that any signage will be subject to a separate application. This is supported, and the Planning Policy Team recommend that the applicant familiarises themselves with the provisions of Adopted Policy DM21 (Shopfronts, Signs, Security Shutters and Advertisements), along with emerging Policy E6 (High Quality Design).

Parking:

Policy DM14 and the [Havant Borough Parking SPD](#) set out the parking standard for non-residential development in Havant Borough. The applicant has stated in

paragraph 3.6 of the submitted Planning, Design and Access Statement that there will be three parking bays in the rear yard area which will be used by the delivery drivers of the proposed development. It is important to highlight that Paragraph 1.11 (page 5) of the Parking SPD states that:

“The parking standards will apply to all developments for the provision of one or more residential units (gross) and all developments that result in the creation of non-residential floorspace” (emphasis added).

As this application is for a change of use, the proposal will not have to provide additional car parking unless it is proposing an extension/alteration which involves a significant increase in floorspace. In the instance that development is providing a floorspace extension, the car and cycle parking requirements for eating and drinking establishments can be found on Table 8 (page 17) of the Parking SPD. Notwithstanding the above, it is still recommended that the applicant provides the minimum required cycle parking and storage.

As raised at the Planning Committee on 18th October 2018, Policy DM11 (Planning for More Sustainable Travel) is also of relevance in the determination of this application. More specifically, criteria 2 and 4.

Flooding:

The site is in Flood Zones 2 and 3.

A site-specific Flood Risk Assessment (FRA) has been included in Chapter 7 of the submitted Planning, Design and Access Statement. The assessment and its provision will need to adhere to Policy CS15, particularly criteria 3) and 6). The Lead Local Flood Authority will be able to provide further advice on the matter.

Developer Contributions:

As the application is for a change of use from Land Use Class A2 to A5, the development would not be CIL liable and would not have to pay the Solent Recreation Mitigation Partnership (SRMP) contribution. Therefore, Policies CS21 and DM24 would not apply.

Recommendation:

Since the submission and refusal of the previous planning application, under reference APP/18/00706, further evidence has been published to inform the emerging HBLP 2036 regarding the proliferation of takeaway outlets and the health of the population in Havant Borough.

At this stage, the Plan can only be attributed limited weight and it is unlikely that a policy objection could be sustained on this basis. However, by the time the application is determined, it is likely that the Pre-Submission Plan will have been published which will confirm the Council's proposed approach towards the restriction of fast food outlets.

Traffic Management

As previously referenced on an earlier application.

This development has no associated customer parking provision despite a requirement for 10 spaces to be provided and 2 cycle spaces. The omission of this will lead to on street parking in an area that has highly restricted parking. There is a multi storey car park opposite that has limited opening hours. Any potential customers outside of these hours would congest the surrounding unrestricted streets.

If permitted then the Traffic Team would want a provision to be made for a sum no less than £5000 (plus the costs associated with advertising the proposals and any works) to be provided by the developer to be set aside to allow a TRO to be processed at any time during the period beginning from the commencement of development and ending 3 years from practical completion of the development, to ensure that any parking from the development does not interfere with the capacity, operation or safety of the local highway network.

The Traffic Team also offer to design and process a TRO for the developer, as it is anticipated that parking will be likely to occur in the surrounding area.

Officer Comment - with respect to the 10 spaces mentioned above this number is incorrect - because there is no new floorspace and the proposal is simply a change of use, then according to paragraph 1.11 of the Parking SPD then no additional spaces are required for this development.

With respect to the requested funding for a TRO see paragraph 8.25 below.

7 Community Involvement

- 7.1 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: 61

Number of site notices: 1

Statutory advertisement: Not applicable.

- 7.2 Number of representations received: 41

39 letters have been received, of which **34 Object** to the proposal; **4 Support** the proposal and **1** makes some **Neutral** comments.

- 7.3 The **objection** issues raised can be summarised as follows:

Resubmission with no changes of consequence to justify different decision;

Adequacy of Highways Note/Parking Survey

One night hardly representative and the spaces in West Street more or less constantly full; single 3.5 hour survey (16.30 to 20.00) may not be typical; not statistically relevant; residents always searching for overnight parking; includes superfluous planning appeals in Welsh; inclusion of appeal decisions intended to make HBC think twice about refusing a second time and incurring costs associated with appeal; report notes 7 spaces in West Street when in fact only 6

Officer comment: 2 further surveys have been undertaken since the submission of the application - see paragraphss 8.16 to 8.26 below.

Width of Culvert Bridge & Brockhampton Lane

The culvert bridge at the rear of 39 West St is 7ft 2ins wide (the width of a normal family car). It will not be possible for delivery lorries to unload and exit at the rear of the unit. They will therefore be forced to unload in West St which has a weight limit for delivery lorries; has anyone tested culvert bridge for its strength as Dominos delivery vehicles appear to weigh between 22000 to 24000Kgs when loaded.

Officer comment: The culvert bridge width pinch point would only relate to traffic from

Brockhampton Lane - the proposal is for the 7.5 tonne delivery vans to access the rear yard from Park Road South and they would therefore not need to cross this 'bridge'

Parking/Traffic

West St already used as short cut to M&S, Halfords etc and staff noisy mopeds will add to this in night; illegal parking on double yellow lines and on pavement will occur; increased movement of traffic with delivery lorries and mopeds turning round; 10 spaces required still not met, only 3 available for staff and none for customers; significant increase in delivery traffic will impact already congested town centre; Environmental assessment report suggests up to 70 vehicles per hour will pass through site entrance, crossing pedestrian walkway and flow of traffic - this survey only covers from 7pm to closing & omits daytime; site inappropriate given restricted access and lack of parking; Burger King & KFC are purpose built with dedicated parking and drive thru facilities; in reality people will not use the retail parking spaces; visiting customers will not walk distance to collect purchases - existing North Street premises has parking outside; this end of West Street already bad enough with cars constantly parked on double yellow lines including blue badge holders and this will compound problem; human nature means people will park as close as possible for a quick collection;

Officer comment: See section 8 below.

Servicing/Highway Safety

Delivery lorries to the back of building but other shops use this and not a lot of room for lorries; believe Highways Department hasn't given sufficient thought to impact on traffic flows and pedestrian safety - HGV delivery will have to be via Park Road South and need to cut across heavy traffic flow and busy pavement used by children attending Bosmere School; distraction to motorists at key pedestrian crossing point; West Street end of Brockhampton Lane not fit for large delivery vehicles as narrow and dangerously blind to pedestrians; this is one of busiest junctions in town and traffic frequently stacked up; size of delivery lorries would mean vehicles having to be shunted several times to reach drop off points whilst trying to avoid narrow bridge and legally parked cars;

Officer comment: See tracking plan and paragraphs 8.16 to 8.26 below.

Noise/Quiet enjoyment

From moped delivery drivers at night; don't believe closing a car door softly is going to help keep noise levels down; will be open late at night and activity will ruin peace and quiet; night time noise in quiet residential street will increase;

Officer comment: See section 8 below.

Litter

extra litter; will extra bins be provided

Officer comment: See section 8 below.

Proliferation/unhealthy

Too many takeaways; not eating behaviour want to encourage when majority already so unhealthy; need Hot Food Takeaways Policy to prevent/assess such applications; inappropriate in proximity to infant school to promote unhealthy eating; obesity issue; town needs seated environment not more takeaways;

Officer comment: See section 8 below.

Character of town

not sort of clientele want to attract to our beautiful historic town; will not enhance or assist in the regeneration of this once fine town; use space for "local" business not national/international conglomerates; would downgrade a prominent position; close to St Faiths Conservation Area

Officer comment: See section 8 below.

Smell

Odours unpleasant to many people;

Officer comment: *Proposed extractors suitable for pizzas - see paragraph 8.14 below.*

Crime

Extra Youths hanging around late at night; will attract drunks

Officer comment: *See section 8 below.*

Competition

Cafe in hard time and don't need food shop opposite;

Officer comment: *Competition between businesses is not a valid planning consideration.*

Vermin

Already a problem and costs to deal with

Officer comment: *See section 8 below.*

Alternative use suggestions

Should be a gym or health club; or artisan shops;

Officer comment: *It is for market led proposals to come forward to be considered on their merit.*

7.4 The **support** comments raise the following points:

Highly visible property been vacant for over a year now causing an eyesore; better to be occupied than remain empty with entrance used for sleeping homeless and undesirable activities; given current economic climate then investment from this business should be welcomed; 3 spaces to rear would be for delivery drivers and public parking available on West Street which is exactly that, public; residents have no rights to these spaces; illegal parking matters for enforcement teams to deal with; unit could be let to a convenience store without the need for planning permission and associated vehicular movements would be in excess of current proposal; need more anchor/national brands on Havant High Street

8 Planning Considerations

8.1 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 and policy context
- (ii) Impact on residential amenity
- (iii) Highways and parking considerations
- (iv) Impact on Healthy Lifestyles
- (v) Refuse and litter
- (vi) Visual Impact
- (vii) Flood risk

- (i) Principle of development and policy context

8.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The NPPF 2018 supports sustainable development and sets out three objectives to achieving this, the economic, social and environmental roles. The decision must balance these aims.

8.3 The site is located within the defined town centre, where the NPPF requires the promotion of their long-term vitality and viability in a positive way to manage their growth and diversification. Policies CS4 and AL3 of the adopted Core Strategy and Allocations Plan are relevant which also generally support appropriate town centre uses that retain active ground floor frontages, that enhance the evening economy and support small and

independent businesses. The NPPF defines main town centre uses as including restaurants, bars and pubs, nightclubs etc. Therefore, the proposed A5 takeaway use constitutes an appropriate town centre use that would provide an economic benefit to the town centre and is supported in principle.

- 8.4 The site falls outside of the primary or secondary frontage and as such there is no policy controlling the concentration of non-A1 units in such a wider town centre site. The detailed consideration of the proposal must therefore be assessed against adopted policy DM5 which specifically considers the Control of A3, A4 and A5 Food, Drink and Entertainment Uses. This policy is criteria based and aims to control the environmental problems associated with such uses. The more general policy DM10 is also relevant which seeks to protect occupiers of properties from pollution. Policies DM11 and DM12 relate to sustainable travel and mitigating the impacts of travel. These detailed issues will be considered in more detail below.
- 8.5 The Council is also currently preparing a new Havant Borough Local Plan 2036, but its policies have limited weight in decision-making at this stage. However emerging Policies KS1 (Havant Town Centre) and C8 (Food, Drink and Entertainment Uses) are of relevance in setting out the Council's direction of travel. Within the defined Havant Town Centre of the Draft HBLP 2016, the site lies within the 'Historic Core' where it is noted that there is an identified opportunity to move away from reliance on retail and encourage other uses such as cafes and restaurants to attract visitors and expand the evening economy. Hence the proposal would conform to this broad aim. Emerging policy C8 would replace current policy DM5 and generally repeats the criteria-based amenity protection policy.

(ii) Impact on residential amenity

- 8.6 The application site is located adjacent retail units to its direct south and west with offices above. These all currently operate with standard daytime opening hours. However, opposite, on the north side of West Street the character is predominantly residential with dwellings and flats fronting West Street and the corner of Brockhampton Lane. There is also a residential property to the south-west of the rear service yard access, No 3 Brockhampton Lane. Therefore, the impact of the proposed use on the amenity of the occupiers of these nearby dwellings must be considered. Such amenity issues fall under the following sub-headings:

a) Hours of Operation

- 8.7 This resubmission proposes opening hours of between 9am and 11pm Sunday to Thursday and between 11am and midnight on Fridays and Saturdays. This matches the actual advertised closing times of the Parchment Makers opposite (which varies to the permitted hours) and is more reflective of other town centre hours. The existing Domino's in North Street is permitted to open to the public until 23:00 with trade for deliveries only until 01:00 on Fridays and Saturdays. For a comparison of other opening hours, both actual and permitted, see schedule at Appendix F.
- 8.8 Regard must also be had to the fact that this is a town centre site on a busy main road where background noise levels are likely to be slightly higher than more suburban areas. The residential properties in West Street and Brockhampton Lane are close to the centre and are already in compromised positions with commercial uses nearby - the level of amenity expected is therefore considered to be typically less than in more suburban locations. Given the context of the site, the proposed opening hours are therefore considered reasonable and unlikely to have any adverse impact on nearby residents.
- 8.9 Criterion 6 of policy DM5 requires development not to cause unacceptable disturbance to the occupiers of nearby residential property at times when activity in the immediate

vicinity would be otherwise be relatively quiet. In terms of opening hours, the proposal would accord with the general activity level of Havant town centre and would not encroach into the quieter times. Therefore, it is considered that this criterion is met and conditions are recommended to control the hours of opening. It should be noted that the condition would only restrict opening hours to the public and not clearing up time - it would be permissible for staff to remain on site to clean up after the unit closes to the public.

b) Noise from comings and goings

- 8.10 The submitted Noise Assessment has considered the impact of the proposed use (both vehicles and running of air conditioning, compressor equipment) and provided data to assess the impact. It is estimated, that at its peak, the use would generate a maximum of 70 delivery trips (from the rear of the site) with a maximum of 30 customer collections (from the front) during the peak hour between 19:00 and 20:00.
- 8.11 The noise of the vehicles, car doors opening, mopeds, people chatting etc would all add to the noise levels in the area. The Noise Assessment has quantified this against the existing background noise levels at 2 points – one in the rear yard adjacent 3 Brockhampton Lane, and one outside 70 West Street (see map in Appendix G). The results indicate that the noise levels from deliveries in the rear would not exceed the existing background levels; and the noise from customer collections at the front would result in a negligible increase between 19:00 and midnight. The Assessment indicates that between midnight and 01:00 the increase would be higher, 'Minor', but it must be noted that this is beyond the reduced hours sought and demonstrates the unacceptability of later night opening.
- 8.12 The Environmental Health officer has considered the submitted Noise report and confirms that if the necessary mitigation measures are implemented then there should be no adverse impact on nearby residential receptors. He also recommends that the access for delivery drivers is conditioned to the rear. It is noted that the existing Dominos in North Street is also located under residential flats and operates without complaint. The figures above are all worst-case scenarios and demonstrate that at capacity the activity generated would not materially increase noise levels. Accordingly, the evidence suggests that the associated noise and disturbance from the deliveries and collections would not have a discernible material impact on the amenity of nearby residents. This again indicates that clause 6 of policy DM5 would be complied with, as well as Policy DM10.

c) Noise from Equipment

- 8.13 The proposal includes installation of an extractor, cold store condenser, air conditioning unit and fresh air fan. Noise mitigation measures are proposed in the form of a silencer for the fresh air fan. The cold room condenser would need to be run at all times, but other equipment would only be operational when the store is open (plus cleaning up time). The Noise Assessment indicates that the noise from the plant, measured in both locations, would fall below the existing background levels. Therefore, it is concluded that the necessary extractors etc would be able to operate without causing noise nuisance to nearby residents. This would be in accordance with criterion 1 and 2 of policy DM5 and policy DM10.

d) Odours

- 8.14 The Environmental Health officer has advised that odours from pizzas are generally less than other takeaway uses and the extractor type proposed (glass fibre filtration system)

is normally adequate for pizza cooking. However, it may not suffice for other cooking smells and any frying and as such it is recommended that a condition be imposed limiting the use to a pizza take-away only to control future uses in the interests of the amenity of neighbours. The applicant has agreed to this. The extractor type proposed would therefore meet criteria 1 and 3 to mitigate against any smells from the proposed pizza use.

e) Crime and anti-social behaviour

- 8.15 The proposed opening hours are typical of other town centre hours and would reduce the potential for the site becoming a magnet for people leaving pubs under the influence of alcohol. The Crime Prevention Officer has confirmed that this would significantly reduce the opportunities for crime and disorder. The Operational Management Plan also confirms that unit would be fitted with CCTV cameras both inside and immediately outside the front of the unit which would help to manage any anti-social behaviour.

(iii) Highways and parking considerations

- 8.16 The application site has 3 dedicated spaces to the rear which would provide parking for staff. It is stated that delivery drivers own their own vehicles and take them home at the end of shifts. Typically, 2 to 4 drivers would operate during the day (until 6pm), increasing to 6 to 8 drivers during the busy evening period (between 6pm and 9pm) before then reverting to 2 to 4 drivers until closing time. The collection of pizzas by drivers would take place from the rear of the site. There is however no customer parking provided.
- 8.17 Regard must be had to the fact that the site lies within the town centre of Havant which is the Borough's most highly accessible location. The adopted Parking SPD recognises that within the town centre, proposals may have reduced or zero standard of vehicle parking provision. Since the application is a change of use and does not involve any additional floorspace then no new additional parking spaces are required to be provided.
- 8.18 In considering the last application it was the impact from additional comings and goings to and from the site, from both customers and deliveries, with limited parking, that Members concluded would be harmful to neighbouring residential amenity. This submission has provided a Technical Highways Note that provides additional information to counter this concern. In terms of trip generation, the submitted information compares the trips from an A5 take-away unit with an A1 convenience store. (The lawful use of the site is a Class A2 unit which could convert to an A1 retail unit without planning permission - this fall-back position is relevant to the consideration of the application). Using the TRICS database the figures provided indicate that an A5 unit of 172 sqm would generate 141 arrivals and 141 departures daily; compared to an A1 convenience store of the same floor area which would generate 184 arrivals and 183 departures.
- 8.19 The submitted document also notes that it is known from the Dominos franchise model that typically 61% of the total trade are deliveries whilst 39% of trade are store collections. Based on the experience of other Dominos stores, the worst case scenario in terms of parking demand would be a requirement for 2 to 3 spaces at any one time - and these include both delivery drivers and customers. Since the site benefits from 3 spaces to the rear for delivery drivers, then it is anticipated that the worst case demand for customer parking to be between 1 or 2 spaces at any one time. The submitted information also indicates that on average a delivery driver's visit to a store is between 2 to 3 minutes and therefore the likelihood of there being more than 2 delivery vehicles on site at the same time will be rare.

- 8.20 To demonstrate the availability of sufficient on street parking within a short walk of the application site, adequate for the likely demand, three parking surveys have been undertaken. These were each undertaken between 1630 and 2000 hours on Friday 9th November 2018, Saturday 5th January 2019 and Tuesday 8th January 2019. The surveys covered 4 locations - see Appendix I. These include the southern section of the Central Retail Park car park (next to Carphone Warehouse & Solent Cleaners) (Zone A) which is within easy walking distance (about 145m) and does not rely on the unlit Boys Brigade Garden Path as the street lit footpath of Park Road South runs parallel. The use of these spaces for customer collection of pizzas is therefore considered reasonable and acceptable.
- 8.21 The parking surveys indicate that as expected the 6 spaces adjacent the application site in West Street (Zone B) are generally parked up but do have the occasional space available as turnover is quick with vehicles often only parked for between 15 and 30 minutes. However, the area in the Central Retail Park car park has up to 17 spaces available and at all times within the survey periods (4.30pm to 8pm) this area only had between 2 and 13 vehicles parked, leaving a minimum of 4 spaces available - see survey results in Appendix J. Two areas further along West Street that are subject to double yellow lines were also surveyed (Zones C and D) to ascertain whether illegal parking already occurs. The results indicate that vehicles displaying blue badge permits were found to park on the north side of the road, with a few incidents of other illegal parking. The enforcement of illegal parking is not a planning matter to influence this decision.
- 8.22 Considering it is known that the expected demand for customer parking would be between 1 and 2 spaces at any one time, then the submitted parking surveys demonstrate that sufficient capacity exists within reasonable walking distance from the site to meet this parking demand.
- 8.23 Members were also previously concerned about access to and from the site by HGVs and the perceived poor and congested rear service and parking area. To address this issue a Tracking Plan has been provided that shows the swept path analysis for a 7.5 tonne lorry - see Appendix F. This size of vehicle is smaller than standard, and the applicant has liaised with the Dominos servicing team and agreed that a 7.5 tonne van can be used to service this site. The tracking plan indicates that Park Road South would be used to enter and leave the rear service yard. Many of the third-party objections raise the highway safety concerns of lorries crossing the footpath between Ian's Barbers and Rothmans Accountants. However, this is an existing well used access road serving all the businesses fronting Park Road South. It is not considered that the additional vehicular movements would result in a material increase sufficient to resist the application on highway safety grounds. The NPPF at para 109 makes it clear that developments should only be refused on highway grounds if "*there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe*".
- 8.24 In terms of trip generation, the increase in activity is not generally within the highway peak hours. Park Road South is a B classified road and the main road through the town. The Highway Engineer has advised that it would be difficult to defend a highway capacity or safety reason for refusal.
- 8.25 Given the site's town centre, highly accessible and sustainable location, with existing parking restrictions to prevent dangerous parking, the Highway Engineer raises no highway objection to the proposal. The Traffic Team have suggested that the Traffic Regulation Order for the short stay spaces on West Street is amended, potentially extending the short stay waiting limit to later in the evening to cover the opening times of the proposed takeaway, before reverting to unrestricted parking. However, whilst this could assist in providing convenient parking to serve the proposal, this would be to the

detriment of the highway amenity of adjacent residents who use these spaces overnight. It is likely that any TRO to amend the timing of the short stay restriction would be opposed by local residents.

- 8.26 Criterion 5 of policy DM5 requires development not to cause indiscriminate parking or traffic movements that would create hazards for traffic or pedestrians. This revised application with additional Highways Technical Note and Tracking Plan demonstrates that the site can be serviced adequately and there is sufficient nearby parking availability within 150m of the site for the anticipated number of customers. The site is within the identified main town centre and within an accessible location with existing appropriate parking restrictions in force, and as such it is considered that the proposed takeaway use could function without detriment to highway safety or amenity in accordance with criterion 5 and policy DM11.

(iv) Impact on Healthy Lifestyles

- 8.27 There has been considerable comment made on the Borough's level of obesity and proliferation of existing takeaways and objecting to a further takeaway use in a prime location. The NPPF does set out aims to support healthy lifestyles and the supporting Planning Practice Guidance does indicate that where supported by an evidence base, policies could limit the proliferation of certain use classes. The Havant Healthy Borough Assessment (November 2017) does provide that evidence and suggests that the Borough scores significantly worse than the England average for excess weight and Havant has a high number of fast food outlets compared to other areas. However, there is as yet no adopted policy that seeks to control the number of A5 uses and whilst work is being undertaken on the Healthy Borough Statement as part of the ongoing work on the Draft Havant Borough Local Plan, it is currently too early for any emerging policy to have significant weight in the determination of this application.
- 8.28 It has also been confirmed that the applicant for this application is Dominos who would re-site from their existing North Street site. It is not known who would subsequently occupy that lawful A5 unit, which may or may not remain in an A5 use, but potentially this is not an additional A5 use in the town centre. At this stage it is not possible to support a planning refusal based on impact on healthy lifestyles.

(v) Refuse and litter

- 8.29 Concern has also been raised by residents about potential waste and litter and therefore a Waste and Operational Management Plan has been submitted outlining measures to dispose of litter appropriately. A lidded wheeled refuse bin would be located to the rear of the unit and emptied by a private waste handling company as regularly as required – likely to be twice weekly. Cardboard is compressed, bundled and recycled. Refuse collections would take place between 07:00 and 20:00 Monday to Saturdays only and this could be conditioned. For customer rubbish an internal bin would be provided within the customer waiting area. The issue of rodents as a result of rubbish is not directly a planning matter and provided the rubbish generated by the use is appropriately managed then there is no reason for an increase in rodents.
- 8.30 The Operational Management Plan also indicates that CCTV cameras will be installed both inside and immediately to the front and rear of the premises as security measures. The proposal is therefore considered to provide adequate provision for the disposal, storage and collection of refuse, in accordance with criterion 4 of policy DM5.

(vi) Visual Impact

- 8.31 Criterion 2 of policy DM5 also requires that any mitigation measures do not materially detract from the appearance of the building itself and the wider locality. The proposed

extractor flue would be a significant addition to the rear elevation, extending some 8.5m under the rear fire escape and then up 4m to project approximately 1m above the roofline. This would be a galvanised metal structure that would largely be sited beneath the existing galvanised external stairs. The air conditioning and cold compressor units would also be sited on the rear elevation. Whilst not attractive, these structures are considered appropriate to the context of the existing building in a rear service yard, and it is not considered that they would be visually harmful to the building or setting of the site.

- 8.32 The proposal also includes the replacement of the existing timber shopfronts with aluminium frames. There would be no change to window sizes, stall risers etc and the simple substitution to aluminium frames is considered visually acceptable and in accordance with policy CS16.

(vii) Flood risk

- 8.33 The site lies partly within Flood Zone 3. Both the proposed takeaway use and the former bank are classified as 'less vulnerable' uses by the NPPG. Therefore, the proposed change of use would not result in the occupation of the unit by a 'more vulnerable use'. The Environment Agency has raised no objection but notes that an Environmental Permit for Flood Risk Activities may be required. An Informative can be added to this effect.

9 Conclusion

- 9.1 The application site lies within the defined town centre boundary where the NPPF advises that Councils should take a positive approach to their growth, management and adaptation. The site has been vacant since September 2017 and this application represents an opportunity to bring this prominent unit back into beneficial use which would contribute to the vitality and viability of the town centre. The submitted details are considered to sufficiently address the previous reason for refusal and the Waste and Operational Management Plan has been updated to reflect the amendments of this revised application, in particular the use of a 7.5 tonne van only via Park Road South for servicing deliveries. The Highways Technical Note also includes copies of other similar appeals for Dominos planning applications elsewhere in the country where parking and highway safety concerns were the main issues. Whilst these are of some relevance it is noted that these sites do not appear to be in such close proximity to residential properties and every application is different and needs to be considered on its own merits. They therefore have limited weight in this decision. Some regard must however be had to the fact that the fall-back position for the site is an A1 convenience store which would generate more trips than the current proposal.
- 9.2 It is considered that the revised proposal meets the technical criteria of policy DM5 and the introduction of the proposed A5 use specifically for Dominos, would, on balance, not result in any significant harm to existing levels of residential amenity sufficient to justify a reason for refusal. It is considered that the social and economic benefits of the proposal outweigh any environmental dis-benefits of the proposal and therefore the application is recommended for conditional permission.

10 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/01234 subject to the following conditions:

- 1 The development must be begun not later than three years beginning with the

date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by 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:

Waste and Operational Management Plan dated January 2019
Highways Technical Note 02 (2472) by Croft Transport Planning & Design,
received 11/01/2019

Swept Path Analysis Plan Drawing number: 2472-SP01 Rev A
Planning, Design and Access Statement (Incorporating Flood Risk
Assessment) dated November 2018

Environmental Assessment Report 18/0455/R1 by Cole Jarman dated 26th
September 2018

Location Plan Drawing No. DB447 - LP Rev A

Block Plan Drawing No. DB447 - BP

Proposed Elevations Drawing No. DB447 - EL05

Proposed Plan Drawing No. DB447 - GA04 Rev A

Air Handling Unit Information

Supporting Annex B Document for Proposed Ventilation System by DeltaBravo
Ltd dated 19.06.18

Baffle Filter information

Extraction Details

Filtration Details

Reason: - To ensure provision of a satisfactory development.

- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (as amended) and any Town and Country Planning (General Permitted Development) Order, the premises shall be used as a pizza takeaway only and for no other food types within Class A5 of the above Use Classes Order.

Reason: In the interests of amenity as the proposed extractor equipment may not be adequate for other food types, and having due regard to Policies DM5 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 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 24:00 (midnight) on Fridays and Saturdays. No delivery of pizzas shall take place outside these hours.

Reason: To protect the amenities of nearby residential properties and having due regard to policy DM5 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Servicing and deliveries to or from the premises shall only take place between the hours of 07:00 and 20:00 Monday to Saturdays and at no other time, in accordance with the Waste and Operational Management Plan, dated January 2019.

Reason: In the interests of the amenities of occupiers of nearby residential properties and having due regard to policies DM10, DM11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 The hereby approved extraction equipment shall be installed and effectively operated for as long as the use continues, and shall be regularly maintained in accordance with the Annex B Document for Proposed Ventilation System by DeltaBravo Ltd dated 19.06.18. Any failure of the extraction equipment and all cooking processes shall cease until the system has been restored to full working order. Documentary evidence including receipts, invoices and copies of any service contracts in connection with the use and maintenance of the extraction equipment, shall be kept and made available for inspection at the premises by officers of the Local Planning Authority, to facilitate monitoring of compliance with this condition.
Reason: In the interests of amenity and to protect against cooking odours outside the premises, and having due regard to Policies DM5 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 7 The noise mitigation measures detailed in the Environmental Assessment Report 18/0455/R1 2nd issue by Cole Jarman shall be fully implemented prior the hereby approved use being brought into first use. Thereafter the silencer and anti-vibration mounts and all other measures shall be maintained in full working order to the satisfaction of the Local Planning Authority.
Reason: In the interests of amenity and to protect against cooking odours outside the premises, and having due regard to Policies DM5 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Appendices

- (A) Location Plan
- (B) Block Plan
- (C) Proposed Layout Plan
- (D) Proposed Front Elevations
- (E) Proposed Rear Elevations
- (F) Servicing Vehicle Tracking Plan
- (G) Comparison of Opening Hours
- (H) Noise measurement Locations
- (I) Parking Survey Locations
- (J) Parking Survey Results – 9 November 2018
- (K) Parking Survey Results – 5 January 2019
- (L) Parking Survey Results – 8 January 2019