
Site Address:	Unit D 44-54 West Street, Havant		
Proposal:	Change of use of Unit D from E use class to a betting shop (sui generis use class).		
Application Type:	Change of Use		
Application No:	APP/23/00476	Expiry Date:	27/07/2023
Applicant:	Done Brothers (cash betting) Ltd		
Agent:	Mrs Chandler ID Planning	Case Officer:	Denise Sheath
Ward:	St Faiths		

Recommendation: **GRANT PERMISSION**

1 Site Description

Unit D 44-54 West Street, Havant is one of 4No. ground floor units within a three storey within the West Street pedestrianised retail area.

2 Planning History

01/53643/004 - Demolition existing stores and erect new single storey rear extensions to 44 - 54 West Street with new external stairs to first floor. Conversion of ground floor of buildings to form three shops (Re-submission). S106 - 15/07/2002

04/53643/006 - 14 No. 1 and 2 bedroom flats resulting from alterations to existing first floor and provision of two additional floors (third floor rooms in roof) together with alterations to rear service/ parking areas. (Revised application)., REF,04/03/2005

05/53643/007 - Demolition of existing shops and flats. Construction of 4 storey mixed use building providing 1,025sq.m of retail (Class A1) and 14no. apartments (12 x 2 bedroom and 2 x 1 bedroom) with associated car parking (7 cars), cycle and bin stores. S106 - 01/02/2006

08/53643/008 - Discharge of Condition 7 of Planning Permission 05/53643/007. REF - 08/07/2008

08/53643/009 - Discharge of Conditions No's. 4, 5, 7 and 13 of Planning Permission 05/53643/007. SPL - 15/10/2008

09/53643/011 - Discharge of Condition No's 5, 7 and 13 of Planning Permission 05/53643/007. SPL - 18/05/2009

09/57719/021 - Renewal of Planning Permission 04/57719/015 and 04/57719/020 for street market to operate on Tuesdays and Saturdays in West Street Havant Precinct and on Tuesdays only outside St. Faiths Church plus for occasional use of specialist markets on other days. TPP - 14/12/2009

APP/10/00992 - Demolition of existing shops and flats. Construction of a three storey mixed use building providing 650sqm of retail (Class A1) and 14No. 2 bed flats with associated car parking (5No. spaces), cycle and bin stores. PERM - 25/02/2011

APP/13/01236 - Discharge of Conditions No's 2, 4, 5, 6, 7, 8, 10 and 15 of Planning Permission APP/10/00992. PERM - 23/01/2014

APP/14/00995 - Renewal of Planning Permission 09/57719/021 for street market to operate on Tuesdays and Saturdays in West Street, Havant precinct, and on Tuesdays only outside St. Faiths Church, and for occasional use of specialist markets on other days. TPP - 21/11/2014

APP/17/01358 - Application for non-material change to planning permission APP/10/00992 relating to revisions to roof plan, fenestration and second floor rear balconies. PERM - 14/02/2018

APP/19/01260 - Variation of plans approved under extant Planning Permission APP/10/00992 (Demolition of existing shops and flats. Construction of a three storey mixed use building providing 650sqm of retail (Class A1) and 14No. flats with associated car parking (5No. spaces), cycle and bin stores), as amended by non-material amendment APP/17/01358 - variations relate to revisions to layout and external appearance of building. PERM - 24/03/2020

APP/22/00022 - Change of use at ground floor level to create 4No. A1 units and 1No. Class E (office) unit; revised car parking, servicing, cycle and bin stores to rear; and alterations to northern and southern elevations (retrospective application - revisions to scheme originally approved under APP/19/01260). PERM - 25/03/2022

APP/23/00477 - Display of 2No. illuminated fascia signs and 1No. projecting sign. Current Application

3 Proposal

Change of use of Unit D from E use class to a betting shop (sui generis use class).

4 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

CS16	(High Quality Design)
CS4	(Town District and Local Centres)
DM2	(Protection of Existing Community Facilities and Shops)
DM10	(Pollution)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL3	(Town, District and Local Centres)
DM21	(Shopfronts, Signs, Security Shutters and Advertisements)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Conservation Officer, Development Control

This site is located between two conservation areas, but in closer proximity to the boundary with St Faiths. The application site is contained within a new building with commercial units on the ground floor.

There is no objection from a heritage perspective with regards to the proposed use of the building.

Crime Prevention -Minor Apps

Thank you for your letter of the 5th July 2023 and the opportunity to comment upon the application. Having considered the application I have the following comments to make with reference to the prevention of crime and disorder (Anti-Social Behaviour (ASB)).

The National Planning Policy Framework makes clear the Government's continuing commitment to "create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience".

National Planning Practice Guidance advises, that planning has a role in preventing crime and malicious threats. It reminds Local Authorities of their obligations under Section 17 of the Crime and Disorder Act 1998 (as amended), specifically "to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder."

The guidance advises: "Planning provides an important opportunity to consider the security of the built environment, those that live and work in it and the services it provides." It continues, "Good design that considers security as an intrinsic part of a masterplan or individual development can help achieve places that are safe as well as attractive, which function well and which do not need subsequent work to achieve or improve resilience." "Good design means a wide range of crimes from theft to terrorism are less likely to happen by making committing those crimes more difficult."

The location is below a number of apartments. The proposed plan shows a door into the premises from the residential corridor. Such connectivity compromises the security of the both the residential and commercial aspects of the building. This increases the opportunities for crime and disorder. To reduce the opportunities for crime and disorder the residential and commercial uses of the building must be entirely separate. The door should be removed and the opening should be infilled with a suitably robust brick wall, of the same thickness as the surrounding wall.

To reduce the opportunities for crime and disorder:

1. A monitored intruder alarm should be fitted, with appropriate sensors to detect an attack during the early stages. Panic buttons should be provided to enable the staff to summon help should the need arise.
2. A Closed Circuit Television (CCTV) system should be installed within the premises. Cameras should be deployed to provide images of the access doors, the main counter and the customer area.

Crime Prevention -Minor Apps - Further Comments following receipt of amended layout and change to internal door

The modification to the plans and the security rating of the door, does improve the security of the retail premises, which will reduce the opportunities for crime and disorder.

These features will be acceptable.

I would recommend that the alarm sensors are fitted to detect an attack on the door at the earliest opportunity.

Economic Development

No comments received

Environmental Health Manager, Community Group

No comments received

Hampshire Highways

In regard to application APP/23/00476, having reviewed the information contained within the application pack, there would be no objection to the proposals from a highways perspective.

The location is accessible for future users, and when taking into account elements such as linked and passby trips, with the site being in a central retail area, it is not anticipated that there would be a significant change in associated trip rates.

Access in and out of the site from the highway is unchanged, and there is adequate public parking in the vicinity.

Planning Policy

Policy Status

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan form the development plan for the borough.

Change of Use

The site lies at the heart of Havant Town Centre, in the pedestrian precinct of West Street.

It is in an area defined as primary shopping frontage. Policies CS4 and AL3 of the Local Plan apply. These policies seek to protect the vitality and viability of the town centre by supporting main town centre uses. The proposed use of betting shop is not listed specifically as a main town centre use in the NPPF definition, but it is considered to be a use appropriate to a town centre.

It is also noted that the proposed occupier already operates from a location near to the application site, which they propose to relocate from if this application is successful.

Policy AL3 indicates that at least 50% of the units in an unbroken run of primary frontage, where this unit is located, should be retained in retail use (formerly A1). The proposal site is a vacant shop with an A1 permission.

Since Policy AL3 was written the Use Classes Order has been amended and now sees a number of former uses, including A1, combined uses into the new use class E. As such it is no longer possible to strictly implement policy AL3. In any case, the proposed sui generis use would not result in the permanent loss of a town centre commercial unit (when contrasted, for example to a residential conversion) and could revert to another retail or business use in the future. Overall, the change of use is considered acceptable in principle under this provision.

Policy DM2 of the Local Plan contains a marketing requirement for local shops and community facilities. Although benefiting from an A1 permission, it is not considered that a local shop is being lost in this case, and as such it is not suggested that the applicant needs to comply with the provisions of this policy. Nevertheless, it is noted that the applicant has stated that the unit has been marketed since 2020 and no retail occupier has been found.

Overall, the change of use is considered acceptable, the proposed use providing an occupier for a town centre retail unit, adding to footfall and activity in a key part of the town centre.

Shop Front

The application includes details of the proposed frontage. These should be judged against policy DM21

Councillor Rason - Emsworth

Concerns regarding a betting shop within the primary frontage of the pedestrianised area.

Officer Comment - See Section 7 of report.

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: 37

Number of site notices: 1.

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Highway / parking considerations

(i) Principle of development

7.2 The application site is situated within the pedestrianised area of Havant Town Centre. This section of the High Street classified as a Primary Frontage on the Council's Local Plan Policies Map.

7.3 In terms of the principle of the proposed change of use the application has been assessed against the policies of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework (NPPF).

7.4 Betting Offices are classed as a Sui-Generis (one off use) in the Town and Country Planning (Use Classes) Order 2020 (as amended), therefore planning permission is required for a change to such a use.

7.5 The NPPF states that '*At the heart of the NPPF is a presumption in favour of sustainable development*'. For decision makers this means '*approving development proposals that accord with the development plan without delay*'.

In relation to Town Centres '*planning policies should be positive, promote town centre environments and set out policies for the management and growth of centres over the*

plan period'. The extent of the Town Centres and primary and secondary frontages should be set and policies should make clear which uses will be permitted in such locations.

- 7.6 Havant Borough Local Plan (Core Strategy) policy CS4 relates to Town, District and Local Centres and states that *'Planning Permission will be granted for appropriate town centre development proposals that'* amongst other matters:

1. Promote and enhance the hierarchy of identified centres as shown on the Proposals Map:

Town Centres - Havant and Waterloooville.

2. Enhance the evening economy of the town and district centres.

3. Support small and independent businesses.

- 7.7 In this case the Betting Shop use is considered to constitute a use that would be appropriate in principle within a town centre subject to detailed assessment against the requirements of the Primary and Secondary frontage requirements to ensure that the viability and vitality of the town centre is appropriately considered. It should be noted that the site is currently vacant and is understood to have been so since its construction in 2020. As such the unit is clearly currently failing to add to the economy or vitality of the Town Centre.

- 7.8 The proposal seeks to open until 10.00pm and would provide an evening destination within the town centre if permitted which may be complementary to other evening uses within or close to the town centre.

- 7.9 As the proposed end user (understood to be Betfred) is not a small independent business additional support for the proposed use from this element of the policy is not relevant.

- 7.10 The Havant Borough Local Plan (Allocations 2014) policy AL3 relates to the Town, District and Local Centres and sets detailed criteria for considering proposed changes of use. Policy AL3 indicates that at least 50% of the units in an unbroken run of primary frontage, where this unit is located, should be retained in retail use (formerly A1). The proposal site is a vacant shop with an A1 permission. Since Policy AL3 was written the Use Classes Order has been amended and now sees a number of former uses, including A1, combined uses into the new use class E. As such it is no longer possible to strictly implement policy AL3. It is therefore considered that the proposed sui generis use would not result in the permanent loss of a town centre commercial unit (when contrasted, for example to a residential conversion) and could revert to another retail or business use in the future. Overall, the change of use is considered acceptable in principle under this provision.

- 7.11 The applicant has provided Marketing information relating to the application site. It is considered that the marketing undertaken by the marketing agents have been significant and extensive since the construction of the unit in 2020. Whilst there has been some interest shown by potential occupiers of the premises this has been limited and has not led to rental of the unit.

- 7.12 In conclusion the premises has been empty since the construction of the premises in, the change of use to a non-retail use would be acceptable in principle in terms of the town centre Primary and Secondary frontage policy AL3 and in addition the agent has demonstrated that the premises has been suitably and extensively marketed but without success. It is therefore considered that the proposed change of use is

acceptable in principle in bringing back a long vacant building into active use with the associated economic benefits to the town centre.

(ii) Impact upon the character and appearance of the area

7.13 The proposal includes a change of colour to the existing window and door frames fronting West Street from white to blue to match the companies brand colours. These changes are considered to be acceptable in the street scene and in the context of the town centre. The advertisements proposed are subject to a separate advertisement consent.

7.14 It is considered that the provision of an active commercial use in the premises is clearly preferable to the building continuing to remain vacant, which when combined with other vacant premises nearby has a negative impact on the character and appearance of the area.

(iii) Impact upon residential amenity

7.15 The premises lies within the town centre and adjacent to other commercial uses. It is not considered that the use of the premises as proposed would have any significant impact on residential premises in the area including flats above the premises.

(iv) Highway / parking considerations

7.16 The proposal does not include any specified parking provision for visitors or staff. However, this is similar to the majority of other businesses within the town centre given and is considered to be a sustainable location within close proximity to several car parks.

8 Conclusion

8.1 In conclusion, the proposed change of use and physical alterations are considered to be acceptable for the reasons set out above and Planning Permission is therefore recommended.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/23/00476 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:

Planning Statement id planning dated May 2023

Planning Statement - Appendix A - Market Research - Received 26 June 2023

Planning Statement - Appendix B - Betfred Brochure - Received 26 June 2023

Planning Statement - Appendix C - Marketing Letter - Received 26 June 2023

Location Plan; Existing and Proposed Layout - Drawing No. 1377BF-LL Rev 2
- Received 01 August 2023

Existing and Proposed Elevations - Drawing No. 1377WP-SS Rev 3 -
Received 26 June 2023

Reason: - To ensure provision of a satisfactory development.

- 3 The premises shall only be open for trade or business between the hours of 08.00 hours and 22.00 hours on Mondays to Saturdays inclusive and from 09.00 to 22.00 hours on Sundays and Bank Holidays.

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