
Site Address: 30 North Street, Havant, PO9 1PT
Proposal: Change of use from pub (drinking establishment) to hot food takeaway
(sui generis) - Retrospective application
Application Type: Change of Use
Application No: APP/22/00503 Expiry Date: 08/07/2022
Applicant: Mr Rehman
Caprinos Pizza
Agent: Dr Jagafa Case Officer: Graham Speller
Mason and Marlowe Ltd
Ward: St Faiths

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The site is located on the eastern side of North Street in Havant Town Centre and within St Faiths Conservation Area. It formerly comprised a public house – The Six Bells, which was vacant for some time following its closure.
- 1.2 The premises is now operated as a take away trading as Caprino's Pizza and this application is retrospective.

2 Planning History

APP/15/00567 - Proposed extension and conversion of an existing first floor flat of the Six Bells public house to two one-bedroom flats., PERM,17/07/2015
APP/19/00807 - Conversion of the existing ground floor Six Bells public house to a one-bedroom flat and a two-bedroom flat., REF,30/03/2020

3 Proposal

- 3.1 Change of use from pub (drinking establishment) to hot food takeaway (sui generis) - Retrospective application.

4 Policy Considerations

National Planning Policy Framework 2021
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)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS2	(Employment)
CS4	()
CS6	(Regeneration of the Borough)
DM10	(Pollution)
DM2	(Protection of Existing Community Facilities and Shops)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

DM20	(Historic Assets)
AL1	(Presumption in Favour of Sustainable Development)
AL3	(Town, District and Local Centres)

Listed Building Grade: Not applicable.

Conservation Area: St Faiths

5 Statutory and Non Statutory Consultations

Conservation Officer

Background

The application site is located in North Street in Havant Town Centre and within the St Faiths Conservation Area. It comprises a public house – The Six Bells, which is now vacant following its closure.

Proposal

Change of use from public house to a hot food takeaway. No alterations to the external façade are proposed other than signage which does not form part of this application.

Legislative and Policy Context

When assessing the proposal, the following legislation and policy context is taken in consideration.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

Local Planning Policies

Policy CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) states that planning permission will be granted for development that:

“Protects and where appropriate enhances the borough’s statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest”.

Policy CS16 (High Quality Design) (1a) of the Core Strategy states that “Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site”.

Policy DM20 of the Allocations Plan states that planning permission will be granted for development proposals that conserves and enhances the historic assets of Havant.

Assessment

The proposal is to change the use of the public house to a hot food takeaway. Whilst the loss of the public house is regrettable, the proposed use will bring a vacant building back into use which is beneficial to the vitality and viability of the town centre. No alterations to the external facade are proposed and therefore the impact on the conservation area would be minimal. I request to be consulted on any future signage applications if approval is granted.

Conclusion

NO OBJECTION

Councillor Imogen Payter

No comments received.

Councillor Philip Munday - St Faiths

No comments received.

Councillor T Pike - St Faith's

No comments received.

Crime Prevention -Minor Apps

No comments received.

Engineering/Drainage

No comments received.

Environment Agency

No comments received.

Environmental Health

As far as I am aware the Six Bells was a 'wet' pub i.e. did not do cooked foods. From what I understand, is that the new occupiers have installed a new extraction system to serve the kitchen area.

I believe this business has now been in operation for a number of months, since the change of usage. In that time we have received no odour or noise complaints with regard to the extract system, to date.

Be that as it may, whilst we have no objection in principle to the change of use, I would ask if an informative, related to the new extract system, can be added to any positive decision notice:

The applicant should be aware that a new extract system serving a commercial kitchen, would normally require the submission of drawings and written information relating to the equipment to be installed, in terms of ducting, fans, silencers and filtration systems, prior to installation.

The applicant should be aware that if any future complaints arise, which indicate a potential noise or odour nuisance arising from the operation of this newly installed extract system, the Environmental Health office will, if necessary, deal with it in terms of the Environmental Protection Act 1990.

Hampshire Highways

Thank you for your consultation on the above planning application. The Highway Authority wish to make the following comments.

The Highway Authority have undertaken a TRICS assessment and are satisfied that the change of use will not lead to a detrimental impact on the wider highway network.

Having regard to the above, the Highway Authority provide no objections to this planning application.

Planning Policy

No comments from policy to make.

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: 15

Number of site notices: 1

Statutory advertisement: 29/07/2022

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) Loss of public house
- (iii) Impact upon the character and appearance of the area
- (iv) Impact upon residential amenity
- (v) Highways
- (vi) Other matters

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development management criteria.

(ii) Loss of public house

7.3 As noted above, this is a retrospective application, and the public house no longer exists, and the current take away use has been in existence for a number of months. Notwithstanding, consideration of the loss of the public house is a material consideration.

7.4 It was previously accepted in the 2019 planning application for a different unrelated proposal that marketing had not resulted in the premises being rented as a public

house. It was considered, on balance, that the marketing was sufficient to satisfy policy DM2 of the Core Strategy. However, the marketing, at that time, was not considered sufficient in terms of possible alternative community uses.

- 7.5 The current application, albeit retrospective, unlike the previous 2019 proposals, would retain a commercial use at ground floor and thereby enhance the evening economy of the town centre. Policy CS4 seeks to enhance the evening economy of the town and district centres through the grant of planning permission and encourages active ground floor frontages.

- 7.6 It is also the case that the recent pandemic has had a significant impact on town centres and their vitality and viability. As such, it is considered that the hot food take away contributes to the vitality and viability of this section of the town centre and evening economy and should be supported. Whilst an alternative community use was a possibility, bearing in mind the passage of time that has elapsed, had such a use been forthcoming then it is assumed would have been considered at the time. It is noted that there are no policy objections have been raised to the application.

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

- 7.7 The conservation officer comments that whilst the loss of the public house is regrettable, the proposed use will bring a vacant building back into use which is beneficial to the vitality and viability of the town centre. The conservation officer considers that the impact on the conservation area is minimal. As such, it is considered that there is no adverse impact on the character and appearance of the conservation area as a result of the change of use.

(iv) Impact upon residential amenity

- 7.8 Whilst there are residential properties in the locality, this is a town centre location and the use as a take away would be considered appropriate in such a location. The application form sets out the hours of opening that have been requested and in such a location are considered acceptable.

(v) Highways

- 7.9 As noted above, the Highway Authority have undertaken a TRICS assessment and are satisfied that the change of use will not lead to a detrimental impact on the wider highway network and raise no objections.

(vi) Other matters

- 7.10 This application is for a change of use of the premises and no operational development is the subject of this application. The comments of Environmental Health are noted and as recommended an informative can be added on any permission of the requirements of other legislation in relation to potential noise and odours in the future.

8 Conclusion

- 8.1 It is considered that the change of use to a take away that has occurred makes a positive contribution to the vitality and viability of the town centre and has no adverse impact on the conservation area. As such, the change of use is considered appropriate and recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00503 subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

LOCATION PLAN SHEET A4
SITE PLAN SHEET A4
PROPOSED GROUND FLOOR SHEET A1
DESIGN AND ACCESS STATEMENT DATED 12/05/2022

Reason: - To ensure provision of a satisfactory development.

- 2 The premises shall only be open for trade or business between the hours of 11:00 -23:00 (Monday to Sunday).

Reason: To accord with the application details and 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 2021.