

Site Address: Cloisters In The Park, 7 Park Road North, Havant, PO9
1HE

Proposal: Variation of Condition 3 of Planning Permission APP/11/01808 to
extend the hours of trading from 0700-1900 hours to 0700-2300 hours on any day.

Application No: APP/16/01206 Expiry Date: 27/01/2017

Applicant: Mrs L Villalon

Agent: Case Officer: Tina Pickup

Ward: St Faiths

1 Site Description

The site falls within the defined Town Centre of Havant (policy CS4) which is also an area for Regeneration under Policy CS6 and the adjacent park is subject to policy AL8 which seeks to protect the Local Green Spaces. .

05/67974/002 - Relief of Condition 3 of Planning Permission 02/67974/001 to allow building to be used for a generalist advice bureau (CAB)., PERM,24/10/2005
07/67974/003 - Change of use from Citizens Advice Bureau to radio broadcast and recording facility. , PERM,14/01/2008
02/67974/001 - Change of use to young persons advisory service, new entrance porch, new access path, new brick wall to rear of property, PERM,03/02/2003
APP/11/01808 - Change of use from B1 (Office) to A3 (Cafe/Tea Room)., PERM,02/04/2012
APP/11/01871 - Display of 1No. non illuminated sign to elevation facing highway., PERM,02/04/2012

Variation of Condition 3 of Planning Permission APP/11/01808 to extend the hours of trading from 0700-1900 hours to 0700-2300 hours on any day.

meals, often run as a "themed" nights via Groupon deals. Generally it is not proposed to open every night for passing trade, but to open for pre-booked private functions. The applicant will also apply for an alcohol license so that she can serve alcohol at these evening events.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)
CS4 ()
CS6 (Regeneration of the Borough)
DM10 (Pollution)

Havant Borough Local Plan (Allocations) July 2014

AL8 (Local Green Spaces)
AL1 (Presumption in Favour of Sustainable Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Estates Manager, Corporate Group - no objection to the proposal and consider that the proposed variation would represent an improved use of the existing facility. The applicant is advised that in addition to obtaining planning consent, it will be necessary to apply to the Council as Landlord for consent to this variation of the existing lease.

Environmental Health Manager, Community Group - no adverse comment

Crime Prevention -Minor Apps - none received

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: 29

Number of site notices: At least one site notice exists - 1

Statutory advertisement: Not applicable.

Number of representations received: 0

Summary:

Comment:

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 of the area and amenity
- (iii) Parking and highways

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The application proposes alterations to the hours of opening to allow the applicant to expand her business and respond to a niche demand in the market. The Council is supportive of small businesses looking to diversify and protect jobs and incomes and within this Regeneration Area (Policy CS6) the application can be supported in principle. The business currently employs 3 people (1 chef; 1 full time waitress and 1 part time waitress) and the proposal would help to secure these jobs. It is a matter of the detailed management of the business and whether this would cause any adverse harm, to be considered below.

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

The applicant's proposed management of the site would include private functions where either the whole building or just a room could be booked for gatherings - this would include pre-planning a menu for a set number of people. She also uses Groupon deals and offers themed nights - she takes bookings for these for specific nights. If bookings are made then she will open, (and not refuse passing trade if capacity) but she would not open without the initial booking. This would be in addition to the day time cafe which would continue, so the day time activity in the town centre would be retained.

On this basis of predominantly pre-booked private functions the additional opening of the site into the evening in this controlled way would be unlikely to have any adverse impact on the character of the area. The nearest residential properties are some distance away (either across the park or the flats above The Parchment Makers PH to the south) and would not be unduly affected by evening comings and goings in this town centre location. Although sited within the park where there is the risk of anti-social behaviour, the fact that customers could depart safely onto the street lit Park Road North, the potential for an adverse impact on amenity is minimal. If an alcohol license is granted this would be personal to the licensee and monitored under separate legislation. The Crime Prevention Officer has been consulted, but not responded.

The request is to open up to 23.00 hours on any day and this is to enable a private function to occur on any requested day rather than actually being open 7 days a week until 23.00. It is considered that the management of the applicant and her proposed business plan would be appropriate for the site. However an open permission until 23:00 enabling a different applicant in the future to open daily with a significantly different management style, could have an adverse impact on the character of the area. To ensure long term control and assess each proposal in the future, it is considered appropriate to recommend a personal permission.

(iii) Parking and highways

The site is within a sustainable town centre location very close to the bus station. There is also ample parking at the retail centre adjacent.

8 **Conclusion**

It is considered that Mrs Villalon's proposed business of predominantly pre-booked private functions in the evenings in addition to the existing day time cafe, is an appropriate use for the site that is supported on a personal basis.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/01206

(A) 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 This permission shall enure for the benefit of Mrs L Villalon only and shall not enure for the benefit of the land and the extended opening hours hereby permitted shall be discontinued on the date when Mrs Villalon ceases to occupy the land.
Reason: To maintain future control over evening activity at the site in the interests of the character of the area, having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 3 The premises shall only be open for trade or business between the hours of 0700 and 2300 hours on any day.
Reason: In the interests of the character of the area and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.