
Site Address:	4 Market Parade, Havant, PO9 1QF		
Proposal:	Change of use from a jewellers shop (use class A1) to an adult gaming centre (use class D2).		
Application No:	APP/14/00397	Expiry Date:	01/07/2014
Applicant:	Mr Holland	Team:	Team 1
	Reel Fun		
Agent:		Case Officer:	David Eaves
Ward:	St Faiths		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The site lies within a run of retail and other commercial units at ground floor level with flats above. The building is three storeys tall and flat roofed. The site was most recently occupied by an A1 Retail Jewellers shop. To the north is an estate agent and to the south a bureau de change. To the west is Havant Park.

2 Planning History

No recent relevant planning history

3 Proposal

Change of use from a jewellers shop (use class A1) to an adult gaming centre (use class D2).

4 Policy Considerations

National Policies

National Planning Policy Framework 2012

Core Strategies 2011 forming part of the HBLDF

CS1	(Health and Wellbeing)
CS16	(High Quality Design)
CS20	(Transport and Access Strategy)
CS4	()
DM10	(Pollution)
DM12	(Mitigating the Impacts of Travel)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM2	(Protection of Existing Community Facilities and Shops)

Saved Policies of HBDWLP 1996 - 2011 forming part of HBLDF

TC1	(Hierarchy of Centres)
TC7	(Changes of Use Secondary Frontage)

Havant Borough Local Plan (Allocations) Submission Version December 2013
(Emerging Policy)

AL3 Town, District and Local Centres

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environmental Health

No issues with current site. No adverse comment to provide.

Development Engineer

No adverse comments

Regeneration & Development

As this is a relocation Economic Development raises No objection

Crime Prevention -Minor Apps

No comments received.

Planning Policy

Do not consider that we need to comment on this change of use application.

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: 7

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1

Summary:

Residents feel change of use from jewellers to adult gaming centre is the wrong decision.

Put up with more than enough trouble from the park and bus shelter in Market Parade.

We are aware there have been problems with existing premises.

In times of growing debt why encourage gambling.

We understand the White Hart is going to be a bingo hall with other gambling machines.

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 including the loss of the existing retail premises within the town centre and the provision of an alternative town centre use in Havant Town Centre.
- (ii) Impact on the amenities of the area and nearby residents.
- (iii) Highway and parking issues.
- (iv) Other matters including licensing and moral issues.

(i) Principle of development

- 7.2 The site lies within the town centre of Havant and within the secondary shopping frontage.
- 7.3 Under the Local Plan (Core Strategy) policy CS4 there is a requirement to grant planning permission for appropriate town centre development proposals which amongst other matters enhance the evening economy. Saved Local Plan policy TC7 relates to Changes of Use in secondary frontages. This states that planning applications for leisure and entertainment uses, will be permitted in secondary shopping frontages provided that the retail function of the town centre is not undermined and the premises will be open to visiting members of the public. In this case, and having regard to the intended opening hours proposed in the application it is considered that the proposed use of the building would serve to support the evening economy. It is however necessary to consider whether the proposal which would result in the loss of a retail unit would undermine the retail function of the secondary shopping frontage.
- 7.4 Prevailing planning policy (Section 4 above) accepts that most non-retail uses will be acceptable in secondary shopping frontages subject to a concentration test. The concentration of continuous non-retail frontages would be detrimental to the vitality and attractiveness of a centre and the Council must have regard to this when considering a planning application for change of use. In terms of the concentration test the adopted policy is aimed at maintaining a 40% baseline target of Class A1 retail representation. This will be measured by unit counts and, in certain circumstances, by linear measurement of shopfronts. When planning permission is granted for a non-retail use it may be appropriate to impose a condition requiring a window display to be installed and maintained.
- 7.5 In this case a count of the units from the junction Elm Lane along the Market Parade frontage on the same side of the road to the junction of North Street reveals that there are 20 units of which 10 are currently or last in A1 use and 10 in non A1 uses. With the change of use proposed there would still be 45% of the units in A1 Retail use and the adopted saved policy requirement would therefore be met.
- 7.6 Emerging policy AL3 of the Havant Borough Local Plan (Allocations) Submission version December 2013 states that planning permission will be granted for development proposals that provide main town centre uses and so contribute to their vitality and viability. The National Planning Policy Framework confirms that leisure and entertainment uses (which would include the proposed Adult Amusement Centre) would constitute main town centre uses. As the existing and proposed uses represent town centre uses it is considered that they would contribute to the vitality and viability of Havant town centre in line with the policy. There is also a requirement under this policy for the use to generate pedestrian activity within the primary shopping area by being open during the day to visiting members of the public. The applicant has confirmed that the hours of use would be Monday to Saturday 9am to 8pm and Sunday 10am to 6pm, these opening hours would maintain daytime activity and

footfall.

- 7.7 The policy also requires the retention at least 25% of the units in an unbroken run of secondary frontage as defined on the Policies Map in retail (A1) use. As stated above the proposed change of use would result in 45% of units remaining in A1 use and the emerging policy requirement in this regard is therefore met.

- 7.8 It is therefore considered that the proposed change of use is acceptable in principle.

(ii) Impact on the amenities of the area and nearby residents

- 7.9 The site is located on a busy road within the secondary frontage area within Havant Town Centre. The use is considered compatible with the existing mixed town centre uses and it is not considered that the use would be likely to lead to increased noise or activity compared to other nearby uses that include take away uses and retail.

- 7.10 Concern has been raised by a resident expressing concern over existing 'trouble' from users of the park and bus shelter nearby and stating that they are aware of problems with the existing adult gaming centre. Environmental Health have checked any evidence of problems at the current site and none have been found in relation to noise, disturbance etc. The Environmental Health Officer therefore has no adverse comments.

- 7.11 The hours of use proposed by the applicant 9am to 8pm are considered acceptable in this town centre location (with later opening hours for take aways and restaurants nearby. Sunday opening from 10am to 6pm is also considered acceptable.

(iii) Highway and parking issues

- 7.12 The site is located in the town centre close to Havant Station and Bus terminal, it is also close to town centre car parks. The use is unlikely to attract a greater number of visitors than a retail use and no highway concern has been raised by the Development Engineer.

(iv) Other matters including licensing and moral issues

- 7.13 It is important to note that Planning and Licensing issues operate under separate legislation. The granting of a planning consent would not guarantee the granting of a licence.

- 7.14 Concern has been raised in relation to gambling and whether this use is appropriate. Whilst the concerns raised are understood, it is not considered that there are any legitimate means in terms of planning legislation to object to the proposed uses on moral grounds. The proposed use is legal and is subject to separate licensing rules, it also represents an appropriate town centre use.

8 Conclusion

- 8.1 In conclusion, the proposal represents a town centre use and it meets the requirements of existing and emerging secondary frontage policies. The proposals are considered to be likely to have an acceptable impact on neighbours amenities and would not result in unacceptable highway or parking issues.
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9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/00397 subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The use hereby permitted shall not open to the public before 09.00 hours or remain so open after 20.00 hours on Monday to Saturday inclusive. The use shall not be open to the public before 10.00 hours or remain so open after 18.00 hours on Sunday.
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 2012.
- 3 The former shop window shall at all times be retained and incorporate a window display maintained, with regular periodic changes, to the satisfaction of the Local Planning Authority.
Reason: In the interests of visual amenity and to ensure the continuity of the shopping facade and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM21 of the Havant Borough Publication Local Plan (Allocations) and the National Planning Policy Framework 2012.
- 4 The premises shall be used only for an Adult Gaming Centre only, and for no other purpose whatsoever including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
Reason: To accord with the terms of the application and in the interests of the character and amenities of the town centre having due regard to policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 5 The development hereby permitted shall be carried out in accordance with the following approved plans:

Applicants letter received 28th April 2014
Site Plan Ref: PP-03324674

Reason: - To ensure provision of a satisfactory development.