

Recommendation: **GRANT PERMISSION**

- 3.1 The proposal is to change the use of the building and linked outbuilding at ground floor level from a Public House (Use Class A4) to an Amusement Centre (Sui Generis use) and Bingo Hall (Use Class D2).
- 3.2 The agent has provided further details in relation to the proposed uses and states that *'The proposal seeks to provide bingo and slot machines'*. Further details in relation to the nature of the proposed use are provided in part 7 (Planning

Considerations) below.

4 Policy Considerations

National Policies

National Planning Policy Framework 2012

Core Strategies 2011 forming part of the HBLDF

CS1	(Health and Wellbeing)
CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
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)
TC6	(Changes of Use Primary Frontages)
TC7	(Changes of Use Secondary Frontage)

Listed Building Grade: Not applicable.

Conservation Area: St Faiths

5 Statutory and Non Statutory Consultations

Crime Prevention -Minor Apps

Having considered the application I have no comments to make with reference to crime prevention at this time.

Notwithstanding the above I do note that the Design and Access statement states “no alcohol would be served”. However, the plan shows a bar, therefore, I assume non alcoholic beverages will be served from the bar.

Comment:

The agent has now confirmed that an alcohol licence would be applied for if planning permission is granted. The Crime Prevention Officer has therefore been re-consulted but no further comments have been received.

Conservation Officer

Although not on the statutory list, The White Hart PH is of considerable local interest as noted in the Conservation Area Character appraisal and Management Plan. Built in 1889 the building is externally of high architectural quality.

Its original use as a public house (for which it was designed) is preferred. However, the decline of pubs nationally is a fact of life. The intended use requires no changes to the building's external appearance. The conservation interest is in maintaining the character and appearance of the building in full use and a vibrant street corner. The large expanse of accommodation on the upper floors lends itself to residential

accommodation.

I have no objection to the intended use. If minded to grant planning permission an informative is recommended.

Economic Development

Economic development has no objection as the site will remain an employment site.

Development Engineer

No adverse comments.

Environmental Health

The proposal to change the use from a public house will certainly receive support from this service, due to the problems with noise, anti-social behaviour and crime which have been associated to the premises.

Planning Policy

Promoting Havant Borough's Economy: The application site is located within Havant Town Centre according to adopted Core Strategy policy CS4, saved Local Plan policy TC1 and emerging Allocations Plan policy AL3. Both the existing and proposed uses are main town centre uses as defined by the NPPF and therefore contribute to the vitality and viability of Havant Town Centre in line with the aforementioned Local Plan policies.

It is also necessary to consider policies CS1 and DM2 on the protection of existing community facilities. Both the existing and proposed uses could be considered to be forms of community facilities as they both provide a beneficial facility for the local community. It is not therefore necessary to apply the detailed marketing requirements to this application.

The application site forms part of site H22 which is identified for mixed use redevelopment in the emerging Allocations Plan. As this application involves the re-provision of existing community facilities it complies with the site specific development requirements set out in emerging policy HB3.

Caring for our Borough: The application site is located on the historic crossroads of North, South, East and West Streets in the heart of St Faith's Conservation Area. The application therefore needs to comply with Core Strategy policy CS11. The Conservation Officer will be able to advise further on the suitability of the scheme.

Policy Principle of Development: Approve

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: 21

Number of site notices: 1

Statutory advertisement: 08/11/2013

Number of representations received: 23 Including Havant Civic Society plus petition (69 names)

Summary:

Loss of existing use

Loss of Public House

Loss of live music venue and function room which bring in visitors using local shops, trains and buses and add to regeneration of town centre.

Pub offers fantastic Food

Havant's remaining pubs should be retained one of only 5 remaining.

Fewer pubs result in less visitors to Havant in the evening.

Loss of another pub would harm remaining pubs.

Loss of unique music and event venue which complement The Spring.

It is intended to expand events in new year.

Remote bingo playing not comparable to lively pub.

Pub successful and changing peoples attitudes towards it.

Pub is a community/loss of community spirit.

Tenant wishes to remain in situ and build business.

Contrary to Local Plan objective of increased nightlife provision in the town centre.

Pub is trading profitably creating employment and leisure opportunity.

Pub is pivotal to the redevelopment of East Street area and part of potential for enhancing the towns status/ night time facilities.

General Amenity issues

Noise levels would cause distress to passing pedestrians

Inappropriate use in landmark building.

Safety issue on pavements near busy pedestrian crossing/potentially unruly customers.

Anti-social behaviour detracting from attractiveness of the area causing loss of visual and social amenity unworthy of Conservation Area.

Lack of parking.

Increased demand on police.

Increase in litter.

Increased loitering by drinkers outside premises.

Examples elsewhere show increased litter and rowdy behaviour.

23.00 on Sundays unnecessarily late closing time. 22.00 more appropriate.

Alterations to doors will increase noise problem.

Comment: The doors/lobby are not now to be altered.

Increased parking in Grove Road and Orchard Road.

Proposed use likely to be draw for gangs of youths milling around.

Neighbours Amenity issues

Noise including that from gaming machines and bingo callers.

Loss of privacy.

Contrary to policy CS16.

Residential property at 2a North Street.

Employment

Pub has several employees, many with families with young children.

Around 15 members of staff soon to be jobless if proposal goes ahead.

Other Issues

Proposed uses unlikely to succeed/viability.

Use unsuitable.

Question the position with regard to alcohol sales.

Comment: Now clarified see paragraph 7.12.

Position opposite St Faiths Church and listed War Memorial and within Conservation Area not appropriate.

Users of centre unlikely to boost local economy by visiting other traders.

Unlikely to enhance Havant's town centre nightlife.

Use would lead to degeneration rather than regeneration of historic town centre.

Amusement centre close to existing one unlikely to raise tone of deteriorating conservation area.

Test need for bingo with evidence/use could be accommodated in an empty shop.

Concerns re possible gaming machine use for laundering cash.

Comment: This would be an issue for the police.

Use does not meet HBC's aim to regenerate East Street to give a town square feel introducing new, higher end, businesses and restaurants.

Application made to English Heritage for listing in 2012 the result is due soon.

White Hart needs to be changed.

Run Down pub too often centre for disorderly behaviour with loitering on busy pavement causing hazards to pedestrians at dangerous corner.

Use would be a disaster for town, against ethos of historical Havant and insult to War Memorial and Church.

Alternative uses preferable.

Inappropriate at historic crossroads with most architecturally significant street adjoining it.

Any permission should be limited to electronic bingo hall to prevent other D2 uses.

Bingo player numbers should be limited to number of seats shown with restriction on number of gaming machines.

Need to demonstrate how no person under 18 uses gaming machines ensured.

Potentially damaging to building of historic interest.

Contrary to NPPF:

Not Sustainable development

Would not enhance or improve centre of Havant

Should not ignore number of objections

Loss of valuable facility

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) The loss of the existing public house use and its replacement;
- (iii) Impact on the character and appearance of the Conservation Area and Havant Town Centre;
- (iv) Impact on the amenities of the area and nearby residents;
- (v) Highway and parking issues
- (vi) 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 primary shopping frontage it is also located within St Faiths Conservation Area.
- 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 TC6 relates to Changes of Use in primary frontages. This states that planning applications for leisure and entertainment uses, will be permitted in primary 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 it is considered that the proposed and existing uses of the building serve to enhance the evening economy and given that the building is already in non-retail use there would be no reduction in the retail function of the town centre.
- 7.4 Emerging policy AL3 of the Havant Borough Local Plan (Allocations) Publication version October 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 Amusement Centre and Bingo Hall) 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 proposes opening hours between 09:00 hours and 23:00 hours Monday to Sunday inclusive and would therefore meet this requirement.
- 7.5 It is considered that the proposed change of use is acceptable subject to other development control criteria considered below.

(ii) The loss of the existing public house use and its replacement

- 7.6 In considering this application it is necessary to address the loss of the existing use and the alternative use proposed. It is considered that the existing public house constitutes a community facility which is valued by its cliental as is evident by the third party objections received relating to its loss. In addition to the public house function The White Hart currently also provides for live music and other events in particular in the rear 'function room/bar area'. It should also be noted that although a number of pubs have closed in Havant town centre there still remain three other pubs and a hotel bar within 160m of the White Hart and The Spring (East Street) provides a nearby music venue.
- 7.7 The proposed Amusement Centre and Bingo Hall would also provide a community facility within the town centre. Given that the change of use does not result in a loss of a community facility but a replacement of one type of community facility with another the marketing requirements of policy DM2 of the Local Plan (Core Strategy) are not applicable. It is not considered that an objection to the planning application based on the loss of the Public House as a community facility could be substantiated.

(iii) Impact on the Character and appearance of the Conservation Area and Havant Town Centre

- 7.8 The proposal is essentially for the re-use of the existing building without external changes to this attractive and prominent building in the Conservation Area. There are internal changes and a ramp is proposed to be provided to the entrance which is set back from the street. The Council's Conservation Officer raises no objections to the proposals and it is considered that the development would preserve or enhance the conservation area.
- 7.9 It is considered important to maintain views into the building and a condition is therefore proposed in relation to the proposed treatment of windows/displays.

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

- 7.10 The main issues in relation to the impact on amenity are considered to be the following:
- Noise
 - Potential for anti-social behaviour
 - Impact of associated activity on the character of this part of Havant
- 7.11 The agent has indicated that there would be background music and televisions within the two areas and there would be a remote caller during the electronic bingo games. It is not anticipated that the use would result in significant noise beyond the premises. It should also be noted that the existing public house holds live music events which are likely to generate more noise impact to the surrounding area and nearby residential premises. No objection has been raised to the proposal from Environmental Health.
- 7.12 In relation to concerns over antisocial behaviour there has been a history of antisocial behaviour associated with the existing Public House over a number of years. Whilst concern has been raised in relation to the sale of alcoholic drinks (subject to a drinks licence) this is not introducing alcohol sales to a building where no alcohol sales currently take place. It should also be noted that entry to the premises would be restricted to persons over 18 and that the opening hours would incorporate a proposed closing time of 23:00 hours. This would contrast with the existing Public House Use which is able to serve alcohol until 01:30 hours Friday and Saturday and 00:30 hours on other nights. There is also an allowance within the licence for up to 12 event days/year with longer opening subject to 7 day notice and the agreement of the police. The Crime Prevention Officer at Hampshire Constabulary has been re-consulted following the agents confirmation that it would be intended to apply for an alcohol licence, however no further comments have been received. It is not considered that the proposed use would be likely to result in an increase in anti-social behaviour.
- 7.13 Concern has been raised in relation to the impact of the use and associated activity on the character of this part of Havant. It should however be noted that the building is in a busy part of the town centre and as an acceptable town centre use would continue to attract customers into the premises. This would add to the vitality of the town centre. The entertainment provided also adds to the mix of leisure choices within the town and is not anticipated to be likely to result in any increase in anti-social activity. Environmental Health have raised no objections to the proposals.

(v) Highways and parking issues

- 7.14 The building, being an historic building within the town centre does not have its own car parking but is instead reliant on off site parking. It is also accessible to non car based travel (bus, train and bicycle). The site is close to town centre car parks at East Pallant, to the rear of The Bear Hotel and Prince George Street (amongst others). It is considered that the proposed use would not result in a level of activity likely to cause car parking problems in the vicinity.
- 7.15 Concerns have been raised in relation to customers congregating outside the building on the footpath close to the road junction and pedestrian crossing. This is not considered to represent any more of an issue than that resulting from the current use. It should be noted that the Development Engineer has raised no objection to the proposal in relation to either parking or highway safety matters.
- (vi) Other matters including licensing and moral issues
- 7.16 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. In this case it is understood that the applicants would, if planning permission were granted, apply for a drinks licence and a bingo licence. To operate the proposed Bingo use a premises licence (from the Local Authority) and an operating licence (from the Gambling Commission) would be required in addition to planning permission. It is further understood that if a Bingo operating licence is granted this would allow for the provision of gaming machines up to the same number of bingo terminals. The agent has indicated that there would be approximately 60 bingo terminals and 30-35 slot machines.
- 7.17 A number of concerns have been raised in relation to gambling and whether this use is appropriate in this location close to St Faiths Church and the listed Havant war memorial. 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 uses are legal and are subject to separate licensing rules, they also represent appropriate town centre uses.

8 Conclusion

- 8.1 The principle of the proposed change of use is considered to be acceptable. The Public House and the proposed Bingo Hall and Amusement Centre both represent community uses which are appropriate in the town centre. There are no significant alterations to the external appearance of the building and therefore the character and appearance of the conservation area is preserved.
- 8.2 The proposal is not considered to be harmful to the amenities of the area or nearby residents when compared to the existing use. There is acceptable public car parking in the vicinity of the site.
- 8.3 In conclusion, the proposal would result in an appropriate town centre use adding to the mix of leisure opportunities in the town centre and to the viability and vitality of the area. The application can therefore be recommended for permission.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/13/01066 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 commence unless and until detailed plans in relation to the proposed access ramp have been submitted to and approved in writing by the Local Planning Authority and the ramp installed fully in accordance with the approved details.
Reason: To ensure that adequate mobility impaired access is provided to the premises in accordance with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 3 The uses hereby permitted shall not open to the public before 09:00 hours or remain so open after 23:00 hours on Monday to 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.
- 4 The ground floor windows shall at all times incorporate and maintain a window display, with regular periodic changes, to the satisfaction of the Local Planning Authority.
Reason: In the interests of visual amenity and having due regard to policy and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Statement 2012.
- 5 The premises shall be used for an Amusement Centre and Bingo Hall 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.
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- 6 The development hereby permitted shall be carried out in accordance with the following approved plans:

Design and Access Statement (Amended) received 19th December 2013
Proposed Ground Floor Plan Drawing Number C11/138.10
Existing/Proposed South Elevation Drawing Number C11/138.07
Existing/Proposed West Elevation Drawing Number C11/138.08
Proposed Site Plan Drawing Number C11/138.09
Proposed Roof Plan Drawing Number C11/138.13
Letter from The Town Planning Experts dated 3rd October 2013
Email from The Town Planning Experts dated 6th December 2013

Reason: - To ensure provision of a satisfactory development.