
Site Address:	38-40 Greywell Road, Havant		
Proposal:	Change of Use application from Retail (Use Class A1) to Adult Gaming Centre (Use Class Sui Generis).		
Application No:	APP/13/01180	Expiry Date:	22/01/2014
Applicant:	Funfayre Leisure Ltd	Team:	Team 2
Agent:	Ms Beck	Case Officer:	Jenna Shore
	PLC Architects		
Ward:	Battins		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site consists of two mid terrace retail units located within a pedestrainised section of Greywell Road located within the District Centre of Leigh Park (The Greywell Centre). The unit forms part of a section of primary frontage and is noted to be A1 use. Located above and above the units located opposite are residential flats. Located opposite and on either side are uses noted at the time of the site visit to fall within Use Class A1.
- 1.2 Car parking for the centre is located to the north.

2 Planning History

No planning history

3 Proposal

- 3.1 The application seeks a change of use from A1 to an adult gaming centre (Sui Generis). The application seeks internal alterations to incorporate a porch area to the front of the unit providing some separation from the internal doorway and the streetscene.

4 Policy Considerations

National Policies

National Planning Policy Framework

Core Strategies 2011 forming part of the HBLDF

CS16 (High Quality Design)
DM10 (Pollution)

Local Plan (Allocations) Publication Version October 2013

AL3 Town, District and Local Centres

Saved Policies of HBDWLP 1996 - 2011 forming part of HBLDF

TC6 Changes of Use Primary Frontages

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

5 Statutory and Non Statutory Consultations

Regeneration & Development

No objection as a gaming centre closed in 2012/2013

Environmental Health

Comments received prior to noise assessment being submitted:

I had a look at the application and I have some concerns with it.
The main issue rest with noise from the site when all the adult gaming machine are on. they usually emit different sounds/music once switched on. I am not sure how many gaming machines will be on site but the noise from those need to stay within the premises and not seep into the residential properties above. I would need some information as to the number of machines and their noise outputs, this together with the acoustical integrity of the building. Further, a lobby area should be built to prevent noise spillage onto the public walk way thus potentially disturbing residents above and on opposite side of the proposed development.

As the application currently stand I would like to recommend refusal until a scheme as been submitted addressing the acoustical issues described above. If you are however minded to grant the application, I would like the following condition to be attached;

1. Noise generated from the refrigeration units and other equipment's.

Condition 1: Any proposal relating to install noise making equipment (i.e. gaming machines, air conditioning) schemes shall be agreed and approved in writing by the District Planning Authority prior any development takes place.

Reason: To protect the occupants of nearby residential properties from noise nuisance.

2. Noise from demolition/Construction.

Condition 2: No works or ancillary operations associated with the construction of the development which is audible at the site boundary or at such other place as may be agreed with the Local Planning Authority, shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times

Monday to Friday – 8.00 a.m. – 6.00 p.m.

Saturday – 8:00 a.m. – 13.00 p.m.

Unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: To protect the occupants of nearby residential properties from noise disturbance.

Comments received after the submission of the revised floor plan and noise assessment. The first paragraph is considered to supersede the requirement/ wording for condition 2 stated above:

I have read the attachment and from what is described, all should be fine, however could we insert a condition relating to the named business hours on Para 4.1 at the proposed location please.

I assume the construction is as described within the report, however if these are

different, it may impact on the sound absorption but not having the actual construction, I can only assume the construction described is as per site

Development Engineer

Awaiting comments

Crime Prevention

No objection

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: 11

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) Mixture of uses in the Primary Frontage
- (iii) Impact on Neighbours and Amenities

(i) Principle of development

7.2 The site is within the urban area and a primary frontage within a district shopping centre. Changes of use away from retail are acceptable under saved policy TC6 and emerging policy AL3, subject to consideration of the concentration and proportion of non-retail uses within a primary frontage. This is considered in the following section. The concept of primary frontages is supported by the NPPF, which requires that local policies should make clear which uses will be permitted in such locations.

7.3 In terms of weight to be attached to the emerging policy AL3, the Allocations Plan has been approved by the Council as a material consideration in planning decisions; the Allocations document has now been submitted for independent inspection, which brings it significantly closer to final adoption. It is noted that the only objections to the policy referred to the extent of Havant Town Centre and not to the wording of the policy. It is considered that weight can be attached to this policy in determining the current application.

7.4 Other important principles are the impact on the amenities of the area, including neighbours and consideration of any pollution risks, such as noise.

(ii) Mixture of uses in the Primary Frontage

- 7.5 The shop is located within a length of primary shop frontage as identified in the Local Plan Core Strategy. This comprises 14 units, which run along the south side of Park Parade, turning south at the next street corner to the west to include the frontage containing the Learning Centre and along to the betting shop at No.12. In the emerging Allocations Plan, this primary frontage is reduced to 11 units by the proposed exclusion of the section containing the Learning Centre and betting shop.
- 7.6 The approved policy (saved from the 2005 Local Plan) states that the introduction of non-retail uses such as an adult gaming centre, can be accepted so long as this does not lead to the concentration or creation of adjacent non-retail uses such that this would begin to undermine the retail function of the primary shopping frontage. The associated explanatory text explains that the Council will *"examine the extent to which the retail function of a district centre may be undermined by a proposal as to either the whole of the primary frontages or particular sections of them. In terms of the concentration test the policy is aimed at maintaining a 60% baseline target of Class A1 retail representation. This will be measured by unit count and, in certain circumstances, by linear measurement of the shopfronts."*
- 7.7 Using the unit count, the number of A1 uses in this primary frontage is currently 10no. (71%). This proposal will leave 9no. units (64%) in retail use. Which is above the baseline target which is currently 60%. However, when measured in terms of linear frontage measurement, the proposal would leave 65% of the primary frontage in retail use.
- 7.8 The emerging policy AL3 refers only to the percentage of units and not to linear frontage. It allows for changes of use provided that 50% of units remain in retail use in a primary frontage. As mentioned earlier, emerging policy also relates to a shorter section of the Greywell Road frontage. The proposal would result in 63% of units in this primary frontage remaining in retail use.
- 7.9 In consideration of other requirements of these policies, the premises would be open to visiting members of the frontage and retain a glazed shopfront, which contributes to the character of the shopping parade. One requirement of the emerging policy is that new development proposals in District Centres, should: *'Provide main town centre uses...and so contribute to their vitality and viability'*. The unit is currently vacant so does have the potential to rejuvenate the vitality in this locality.

(iii) Impact on Neighbours and Amenities

- 7.10 Environmental Health have provided comments on the noise assessment which was submitted at their request on 7th January 2014. As a result of this assessment Environmental Health have withdrawn their concerns regarding the impact of noise on neighbouring residential dwellings. In light of the earlier comments from EH the applicant have also amended the floor plan to incorporate a lobby area to help mitigate and reduce noise levels which may generate from the unit as a result of the proposal. To mitigate this further Environmental Health have requested that a condition is added to the Decision Notice to limit opening hours thus reducing the potential for noise pollution during unsociable hours.

8 Conclusion

- 8.1 The proposal would bring the percentage of non-retail uses to 64%, this is above the 60% baseline target as stated within policy TC6 and above the 50% target of Policy AL3 which is a material consideration. The proposal, filling a vacant unit is also likely to benefit viability and vitality of the District Centre overall, again contributing to the objectives of policies AL3 and TC6.
- 8.2 In order to safeguard residential amenity a condition can be added to limit opening hours reducing noise pollution during unsociable hours. The proposal is therefore considered to comply with Policy DM10.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/13/01180 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 premises the subject of this permission shall not open to the public before or after the following hours

09.00 - 18.00 hours Monday to Thursday
09.00 - 19.00 hours Friday and Saturday

The premises shall not open at any time on Sunday or any recognised Public Holiday.
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 installation of any noise making equipment (i.e gaming machines, air conditioning) shall be submitted to and agreed in writing by the Local Planning Authority prior to the use hereby permitted being commenced. The approved details shall be fully adhered to at all times.
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 development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan, existing and proposed elevations and floor plan received by the Council 7th January 2014
Noise assessment received by the Council 7th January 2014

Reason: - To ensure provision of a satisfactory development.