

Planning Application Response of Planning Policy

Application No:	APP/20/00541
Site Address:	31 Elm Grove, Hayling Island
Development:	Change of Use of Ground Floor Retail Shop unit (A1) to allow for flexible use of Financial & Professional Services (A2), or Restaurants and Café (A3) or Hot Food Takeaway (A5) use or Assembly & Leisure (D2) (expanded range of uses to those granted planning permission under APP/19/01033)
Case Officer:	Tina Pickup
Comments by:	Gill Glover / Jade Ellis
Date of Comments:	24/08/2020

Policy Status:

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan, provide the development plan for the borough. The Pre-submission Havant Borough Local Plan 2036 (HBLP 2036) was approved by the Council on 30 January 2019 and can be afforded limited weight.

The following policies are of relevance:

- CS4 and AL3 – Town, District and Local Centres
- DM5 – Control of Class A3, A4 & A5 Food, Drink and Entertainment Uses
- DM10 – Pollution
- DM14 – Car and Cycle Parking on Development (excluding residential)

In the Pre-submission Plan the following policies are of particular relevance:

- C5 | Mengham District Centre
- C8 | Food, drink and entertainment uses
- E22 | Amenity and pollution
- IN3 | Transport and parking in new development

This application follows the redevelopment of the former Hayling Island Conservative Club under planning permission reference APP/14/01192 with a shop and 3 no. two bedroom flats over following the demolition of the previous timber building.

This application seeks a flexible use of the unit for alternative use classes as the retail unit not been occupied since its completion. Policy DM2 does not apply as this particular case refers to premises have yet to have been occupied notwithstanding their lawful use.

Principle of Development:

Adopted Local Plan

The site is located within the primary frontage of Mengham District Centre as defined by Policies CS4 and AL3. Policy AL3 indicates that at least 50% of the units in an unbroken run of primary frontage (as defined on the Policies Map) should be retained in retail use (A1).

In this particular case, the site lies within the parade of ten shops (Nos. 5-31) on the western side of Elm Grove to the north of its junction with Hollow Lane. The application site is occupied by the only vacant unit, with only three units in A1 use; namely the Post Office, the

Hair Advice Centre Ltd and the Village Barbers. As such, the threshold has already been breached as there is currently less than 50% of units in retail A1 use.

Paragraph 2.13 of the supporting text in the Local Plan (Allocations) indicates that *“Shopping has become more of a leisure pursuit and shoppers expect other amenities such as cafes and restaurants which complement the retail offer. As a result, businesses will be encouraged to take up units in primary shopping areas that will contribute positively to the vitality and viability of the centre, even if the proposed use is not retail.”* This is reinforced by Planning Practice Guidance which recognises that complementary uses can help to support the vitality of town centres¹.

Significantly, paragraph 2.15 also states that: *“It is particularly important to keep vacant units to a minimum in the primary shopping area. It may be more appropriate, therefore, to allow a non-retail use to occupy a unit than for it to remain vacant....”*

Given that the 50% threshold for an unbroken run of primary shopping frontage has already been breached, a policy objection would normally arise.

The submitted Design Statement suggests the approved retail A1 use has been vacant and ready for possession for around a year. In this respect, the supporting text in the Allocations Plan recognises that food and drink uses can help complement the retail offer. It is also noted that ‘Assembly and Leisure’ uses falling within Class D2 are generally defined as ‘Main town centre uses’ in the context of Annex 2 in the NPPF.

The applicant has submitted an interim marketing strategy which suggests a third party marketed the site from 2017, and Flude Property Consultants have marketed the site since 17th May 2019. Whilst it is apparent the premises have been marketed for the required length of time (12 months) and some details of the level of interest have been included, there is very limited evidence to substantiate this e.g. photographs of marketing boards. Nevertheless, it is noted the applicant has endeavoured to secure an occupier over a prolonged period of time but without success. It should also be noted that a vacant unit would not contribute to the vitality and viability of the District Centre, and a policy objection could not be sustained on those grounds.

Emerging Local Plan

Policy C5 (Mengham District Centre) of the emerging Local Plan indicates that proposals for uses which are not A1, A2 and/or D1 uses will only be permitted in exceptional circumstances and will need to demonstrate that:

- i. *Through an active and realistic 6-month marketing exercise that there are no other viable A1, A2, or D1 uses which can be accommodated in the unit;*
- ii. *The new use will retain an active ground floor frontage; and*
- iii. *The new use complements the function of the Primary Shopping Area.*

Given that the application description includes the flexible permission including A5 use, policy C8 of the Pre-Submission Local Plan 2036 is of relevance. This policy seeks to restrict A5 uses across the borough to below the current levels in order to support public health objectives. The A5 element would therefore not be supported under emerging policy. However, these policies can only be attributed limited weight.

¹ Paragraph: 001 Reference ID: 2b-001-20190722

Changes to the Use Classes Order

According to the 2020 Use Classes Order, any “relevant planning application” will be determined by reference to the new Use Classes from 1 September 2020 which revokes Use Classes B1, A1-A5, D1 and D2 and replaces them with two new Use Classes: Class E and Class F.

It is noted that Classes A1, A2, A3 and A5 would all fall within the new Class E, ‘business, commercial and service uses’ set out under Schedule 2 Part A. The applicant has highlighted that a proposed Class D2 would be occupied as a gym which would also fall under Class E ‘for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public.’ This should be clarified with the applicant and reflected in the description of development. This reflects the fact that Class E will only include parts of D2.

Noise and Odours

Policies

- DM5 Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses (Core Strategy) and
- C8 Food, Drink and Entertainment Uses (HBLP 2036)

include provisions regarding the management of noise and odour from food, drink and entertainment uses, which will have to be met. Design policies (see below) will also be relevant to the consideration of any such equipment.

Shopfront and Signage

With regard to any changes to the shopfront or signage, the following policies will be relevant considerations:

- CS16 High Quality Design (Core Strategy)
- DM21 Shopfronts, Signs, Security Shutters and Advertisements (Site Allocations)
- E1 High Quality Design (HBLP2036)

Conclusion:

The key consideration is whether the proposal supports and enhances the vitality and viability of Mengham District Centre. In particular, it is of relevance to consider whether such a flexible permission would complement the primary shopping area given that already less than 50% of units in the shopping units are in retail use. As such a policy objection would normally arise under adopted policy, but it is noted that this threshold has already been breached. Whilst the applicant has submitted insufficient marketing evidence, it is noted that a flexible permission would help to ensure the unit is occupied and thereby contribute to the vitality and viability of the District Centre.