

**TOWN AND COUNTRY PLANNING
ACT 1990 (AS AMENDED)**

**STATEMENT OF
HAVANT BOROUGH COUNCIL**

**Rileys Convenience Store, 22 Rails Lane,
Hayling Island, PO11 9LL**

**Local Planning Authority Reference:
APP/19/01005**

Planning Inspectorate Reference:

APP/X1735/W/20/3246939

HAVANT BOROUGH COUNCIL

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY GANESH VIJAENDRANH AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR A STORM PORCH PROPOSED TO THE WEST ELEVATION OF THE SITE AT RILEYS CONVENIENCE STORE, 22 RAILS LANE, HAYLING ISLAND, PO11 9LL

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LPA REF: APP/19/01005

1.0 THE APPEAL SITE AND ITS SURROUNDINGS

- 1.1 22 Rails Lane, Hayling Island comprises a retail premises- Rileys Convenience Store which is located on the corner of Rails Lane and Southwood Road and to the North of the sea front. The site location is shown on the attached Location Plan at APPENDIX A.
- 1.2 The unit has blue awning to the frontage and shopfront windows facing on to the highway. The shop forms part of a row of retail units along Rails Lane of varying uses including A5, hot food and takeaway, A1 shops and retail outlets and class A3 food and drink establishments.
- 1.3 The site is also located within Rails Lane Local Centre as defined in Policy AL3 (Town, District and Local Centres) from the Havant Borough Local Plan (Allocations) 2014 and shown on the Local Plan Policies Map. It is located to the North of the sea front, with the commercial units sited beneath two and three storey residential flats, some with views over the sea front.

2.0 PLANNING HISTORY

- 2.1 APP/15/00120 - Retention of ATM; installation of vertical glazing mullion; modification to existing roller shutter to allow use of ATM., PERMITTED,01/04/2015
- 2.2 APP/15/00121 - Display of ATM surround incorporating white illuminated lettering and blue LED halo illumination., PERMITTED,01/04/2015
- 2.3 APP/20/00171 – Proposed storm porch and canopy to west elevation (revised application) - (Currently under consideration)

3.0 THE APPLICATION

- 3.1 This proposal is for a storm porch to the west elevation. This would extend the shop frontage by approximately 2m to the front (western elevation) with glass infill panels encompassing the front and sides of the porch structure with plastic ppc posts and a polycarbonate roof. The porch would have an entrance door sited forward from the existing entrance. The glass panels would span almost the entire height of the porch.

- 3.2 The application the subject of this appeal was validated on the 11/11/2019 and a consultation was carried out with Hampshire County Council Highways (the local Highway Authority). Whilst no response was received to the initial consultation a comment was received in relation to this appeal and is attached at APPENDIX B. Please note the request for an informative in the event of this appeal succeeding.
- 3.3 The application was subsequently refused on the 6th January 2020 for the following reason:

The proposed development would by reason of its design, materials, position and prominence result in a harmful impact on the character and visual amenities of the street scene and locality and would fail to respect the local context and characteristics of the area. As such the development would be contrary to the National Planning Policy, policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM21 of the Havant Borough Local Plan (Allocations) 2014 and the Havant Borough Council Borough Design Guide SPD 2011.

4.0 PLANNING POLICIES

The following national and Local Policies are considered relevant to the consideration of this appeal:

National Policies

National Planning Policy Framework

- 4.1 The NPPF sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.
- 4.2 Of particular relevance to the consideration of this appeal is the guidance in relation to design. The NPPF confirms in paragraph 7 that '*The purpose of the planning system is to contribute to the achievement of sustainable development*' and sets three objectives for this (economic, social and environmental).
- 4.3 Whilst the application is for an extension to a retail shop, no details to support the economic case for the proposed development were submitted with the application. In relation to the social aspect, the NPPF at paragraph 8 emphasises the need for '*...well designed and safe built environment...*'. The environmental objective requires sustainable development...'*to contribute to protecting and enhancing our natural, built and historic environment...*'.
- 4.4 The NPPF states in section 12 'achieving well designed places', paragraph 130 that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions '

Planning Policy Guidance – Design: process and tools (updated 2019)

- 4.5 This document sets out guidance in relation to design and confirms that:

supplementary planning documents, such as local design guides, masterplans or design codes, which provide further detail on specific design matters

Havant Borough Council have produced a Design Guide SPD (see below).

Local Planning Policy

- 4.6 The Development Plan comprises, Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Local Plan (Allocations) 2014 and the Hampshire Minerals and Waste Plan 2013 (the last document is not relevant to this appeal).

- 4.7 Havant Borough Local Plan (Core Strategy) March 2011
CS16 (High Quality Design)]

- 4.8 Havant Borough Local Plan (Allocations) July 2014
DM21 (Shopfronts, Signs, Security Shutters and Advertisements)
AL3 (Town, District and Local Centres)

- 4.9 Pre-submission Havant Borough Local Plan 2036
The Pre-submission Havant Borough Local Plan 2036 was approved by the Council on 30 January 2019 and was subsequently published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 4 February 2019 to 18 March 2019. After this period, the next stage in the plan preparation will be the submission of the Local Plan for independent examination and thereafter adoption. Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. The draft plan includes Hayling Island seafront as a key redevelopment site, incorporating the present appeal site, Policy KS4 identifies the site as an area designated to create a higher quality public realm. However, in view of its early stage, and the level of objection the draft plan carries limited weight.

Havant Borough Council Borough Design Guide Supplementary Policy Document December 2011

- 4.10 The Havant Borough Council Borough Design Guide Supplementary Policy Document (2011) states how 'Well designed places attract people and investment and create social, economic and environmental benefits'. Section 4.2, paragraph 4.46 refers to the need for understanding of local patterns of development stating how the local area should inform the design of a proposal.

The Planning Inspectorate has previously been provided with relevant Local Plan extracts.

5.0 REPRESENTATIONS

- 5.1 No representations were received in relation to this planning application.

6.0 PLANNING CONSIDERATIONS

- 6.1 The Officers delegated report in relation to the consideration of the planning application has previously been forwarded to the Planning Inspectorate.
- 6.2 Planning law requires that applications for planning permission must be determined in accordance with the Development Plan (the Core Strategy and the Allocations Plan), unless material considerations indicate otherwise.

- 6.3 The importance of high quality design is also set out in the National Planning Policy Framework (NPPF) which states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 6.4 Policy CS16 of the Local Plan advises that all development should demonstrate in its design that it responds to, draws inspiration from and respects local context and in section 1.c. advises that it uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing building lines, plot widths and depths, materials and proportions of windows and doors.
- 6.5 Policy DM21 of the Allocations Plan states that planning permission should be granted for shopfronts, signs, security shutters and advertisements where they are appropriate in size, scale and design to the character of buildings and their surroundings. Planning permission would also be granted where development will not result in a cluttered appearance either on individual buildings or on the streetscene as a whole.
- 6.6 Havant Borough Design Guide Supplementary Planning Document 2011 has been adopted by the Council,
- 'The aim of the Havant Borough Council Design Guide Supplementary Planning Document (SPD) is to provide detailed information that supplements Policy CS 16 of the Havant Borough Core Strategy, to raise the standard of design across the Borough and set out what the Council expects developers to deliver in terms of the design of new developments and how the distinctive character and qualities of the Borough should be respectfully improved and enhanced through development.'*
- 6.7 The Havant Borough Design Guide states the importance of materials and detailing in design it refers to how *'it is important to make the most of opportunities to create visual attractiveness and diversity through detailing . The choice of materials should be informed by an analysis of the site and its context. '*
- 6.8 The Design Guide also refers to the significance of maintaining the building line. 'New developments should follow the common building line i.e. that defined by immediate neighbours and ensure there is an appropriate degree of enclosure that makes streets feel welcoming.' It also states that new developments 'should respect the established pattern of set back on a street.'
- 6.9 This proposal is for the addition of a storm porch to be erected over the main entrance of this retail unit. This would project out by approximately 2 metres at a height of 1.6 metres. The proposed front porch will increase the general bulk of the frontage, which would extend to a width of 6.4 metres- this retail unit is one of the larger units in this row of shops and so this proposal would mean a substantial addition of mass and bulk projecting forward.
- 6.10 The alterations as proposed would not be in keeping with the existing rhythm of the streetscene - the surrounding shop frontages follow the shape of the building and do not have projections which step out into the street. Additionally, the materials proposed are deemed to increase the prominence of this development on the street, with glass infill panels stretching the length of the structure, ppc posts and rails and a polycarbonate roof. This proportion of glass is not deemed an appropriate feature for this area and the polycarbonate roof would have a harmful impact on the character of the streetscene. These proposals would conflict with Havant Borough

Design Guide SPD and the policies highlighted.

- 6.11 This area of Hayling Island comprises leisure and retail uses which attribute to Hayling Island's tourism and recreational space. In the Pre-Submission 2036 Havant Borough Local Plan there is some regeneration proposed known as the 'Phase 2 Eastoke Corner Regeneration Area' which seeks to improve the quality of the public realm and remodel the area as an area used for leisure. Although retail units are to be encouraged, this should not be at the detriment to the character of the area. The proposed storm porch is considered to be a dominant feature, visible from both the sea front and Rails Lane. This would also conflict with policy CS16 which states that a development should identify and respond positively to the local character within or close to the proposed development site.
- 6.12 For the reasons outlined above, it is considered that the proposed storm porch would result in a significant adverse impact on the existing character and future regeneration of the area. This proposal is not deemed to be an appropriate addition within the context of the surrounding retail and sea front area. It is therefore considered that the proposed development does not comply with policy CS16 of the Local Plan (Core Strategy) and Policy DM21 of the Local Plan (Allocations).

Comments on Appellants Statement of Case

- 6.13 The appeal submission states that the proposed porch mimics the existing frontage in material and design, responding positively to the existing features and maintaining the local character. It also states how the surrounding units make of the space in front of the building line in the form of tables and seating. Although there are examples of the space towards the front of some of the units being made use of, these are temporary additions at low level, serving cafes commonly found at sea front locations and which have not brought the building line forward. With regard to the statement referring to the proposal mimicking the existing façade, the proposal would bring this forward, appearing much more prominent and visible on the streetscene, constructed almost entirely of glass infill panels.

7.0 CONCLUSION

- 7.1 It is considered that the proposed development would have a harmful effect on the character and appearance of the surrounding area and would undermine plans for regeneration of the seafront area. The proposal would protrude forward from the existing building line and would appear dominant on the streetscene by virtue of its design and use of materials. It is not considered to be in keeping with the surrounding shop frontages nor the surrounding area and would be visible both from Rails Lane and the sea front. The proposal is not deemed to be a positive addition to the application site nor to this local centre.

The Inspector is respectfully asked to dismiss this appeal. In accordance with Appeal Guidance, recommended conditions in the eventually that the appeal is allowed will be forwarded separately.

APPENDICES

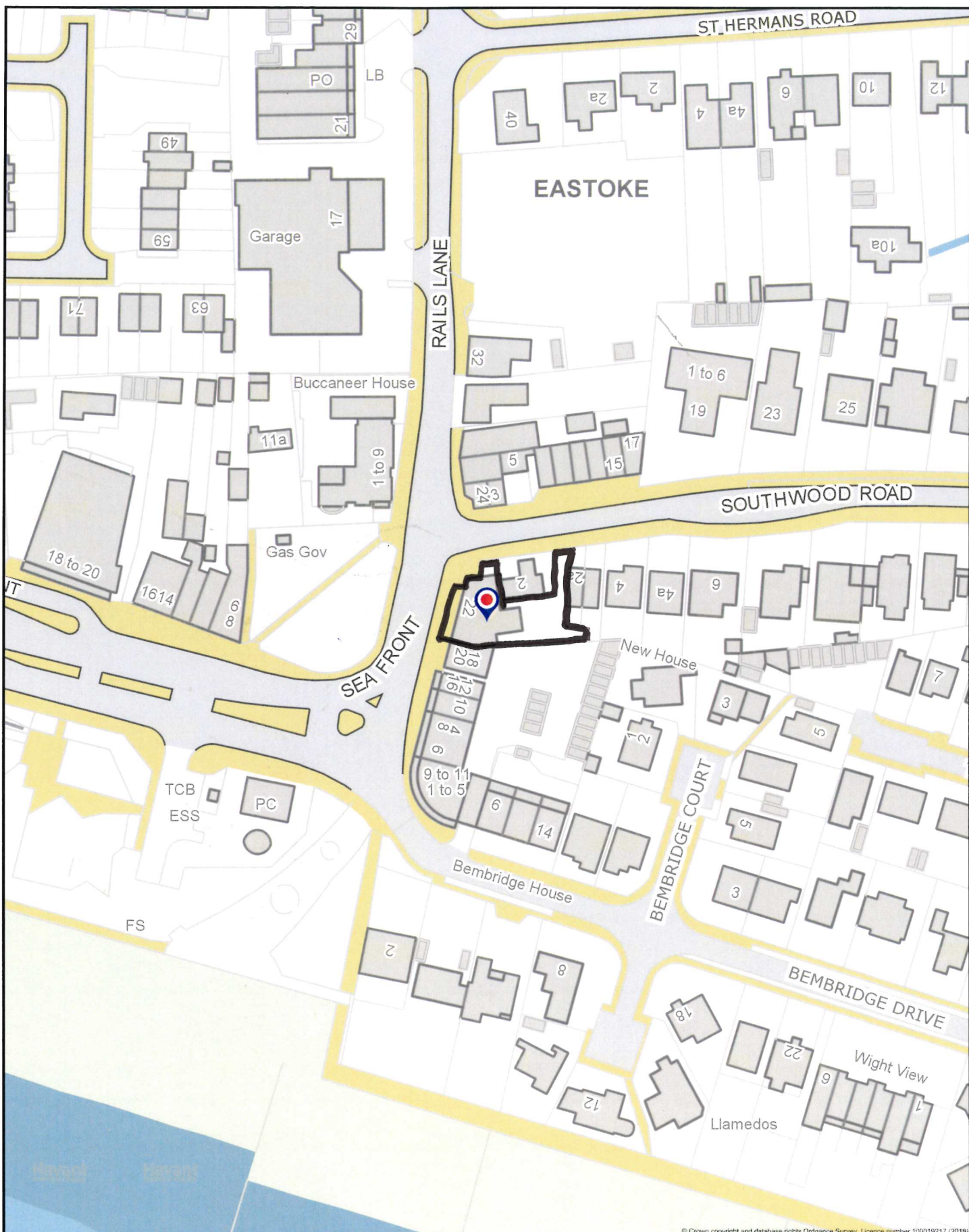
- (A) Borough Map and Location Plan
(B) Consultation Response Hampshire County Council Highways (in relation to this appeal)

APPENDIX A

Borough of Havant



-  Main Retail/Commercial/Office Areas
-  Urban Areas
-  Industrial Areas
-  Open Space/Recreation
-  Borough Boundary



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22 RAILS Lane Hayling Island

Havant
BOROUGH COUNCIL

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APPENDIX B

Havant Borough Council
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Havant
PO9 2AX

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Winchester, Hampshire SO23 8UD*

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Enquiries To Ray Alborough
Direct Line 01962 847 316
Date 20 March 2020

My reference 028028
Your reference APP/19/01005
Email havantdc@hants.gov.uk

Dear Mrs. Houghton,

Rileys Convenience Store, 22 Rails Lane, Hayling Island, PO11 9LL

An appeal has been made to the Secretary of State against the decision of Havant Borough Council to Refusal of planning permission - Proposed storm porch to west elevation

I refer to your recent letter advising of the above appeal.

In the Highway Authority's response to the application consultation I advised no objection subject to the inclusion of a Note to Applicant which advises him of the need to get the Highway Authority's permission prior to any excavation taking place. I would appreciate it if you would request the Inspector to include it on his/her decision notice in the event the appeal is allowed.

Yours sincerely,

Ray Alborough

*Director of Economy, Transport and Environment
Stuart Jarvis BSc DipTP FCIHT MRTPI*

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List of Suggested 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. The external materials used shall be as indicated on the submitted forms and hereby approved plans.
Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Informative from Highways Authority:

You are advised that it is necessary to acquire permission from the Highway Authority prior to the commencement of any excavation taking place at this site.