
Site Address:	Unit 2, 2 St Marys Road, Hayling Island, PO11 9BY		
Proposal:	Change of use from A1 retail use to A3/A4 restaurant and wine bar use, with construction of gazebo for external seating area.		
Application No:	APP/19/00291	Expiry Date:	22/05/2019
Applicant:	Mrs L Jablonski		
Agent:		Case Officer:	Tina Pickup
Ward:	Hayling East		

Recommendation: **REFUSE PERMISSION**

1 Site Description

The application site relates to the ground floor of the western half of 2 St Marys Road which is currently used as an antique furniture shop i.e. an A1 use. The red line includes the forecourt/hardsurfaced area to the west which is currently used for adhoc overflow antique furniture display and some parking; plus some storage - there is a boat and storage container at the southern end. This open area abuts a domestic garage and double width drive which provides parking for the residential properties 2E St Mary's Road and 52 Beach Road that both back onto the site.

2 St Mary's Road comprises a two-storey building with the ground floor of the eastern half currently in use as a domiciliary care provider. The first floor comprises residential flats, accessed via external stairs to the rear of the building. The building also has a long, 2 storey rear projection, which is in use as offices/commercial purposes with vehicular access and parking taken to the east of the building. These adjacent elements are all outside the application site.

The application site is located within a mixed-use area - the area is characterised by both residential dwellings opposite the site (to the north) and immediate west; as well as commercial uses to the east and south. The Post Office sorting and delivery office is located to the east and Beach Road Garage that undertakes car repairs, services and MOT's backs onto the southern boundary of the site. The residential properties 2E St Mary's Road and 52 Beach Road are a pair of staggered semidetached dwellings that have minimal rear gardens such that the rear facade of number 2E is located within 10m of the western boundary of the application site. This property has first floor rear bedroom windows and a large rear dormer facing the application site. Number 52 is set back slightly and has a rear conservatory within 11m of the application site. There is a thatched Listed Building opposite the site and the rear garden of this property, Deepthatch Cottage, is bounded by a high hedge which is also within about 11m of the application site. The front gardens of 5 and 7 St Mary's Road are also opposite the site.

St Mary's Road itself runs east-west and provides a link between the A3023 Manor Road/Beach Road and Elm Grove. It is therefore well used by local traffic. There are no parking restrictions immediately outside the application site or on the opposite side of the road, although the turning head at the junction with Manor Road to the east has double yellow lines.

2 Planning History

04/53689/003 - Erection of a two storey building for use as an office/starter unit., PERM,15/02/2005
 05/53689/004 - Conversion of two ground floor retail units to provide three flats, erection of two storey building to provide two flats (total five flats) with associated car parking, separate bin stores and cycle racks., REF,06/03/2006
 06/71579/000 - Application to erect a shed (2.22m x 2.35m x 1.77m) onto flat roof adjacent to Portacabin., PERM,13/09/2006
 06/53689/005 - Conversion of two ground floor retail units to provide three flats and erection of two storey building to provide two flats (five flats in total). Associated car parking and separate bin stores. (Revised application) (Approved 05/09/2006). Request to Discharge Conditions 2, 3, 4, 5, 6, 7 (11/06/2018). , PERM,05/09/2006
 APP/14/00746 - Change of Use from A1 (Retail) to Sui Generis (Tattoo Studio)., PERM,25/09/2014

3 Proposal

Change of use from A1 retail use to A3/A4 restaurant and wine bar use, with construction of gazebo for external seating area.

The planning application seeks permission for the proposed A3/A4 use to open between 16:00 and 22:30 Mondays to Thursdays; between 16:00 and 23:30 Fridays and Saturdays; and between 14:00 and 22:00 on Sundays and Bank Holidays. It is proposed to construct a wooden gazebo measuring 6.5m x 3.5m with false pitch roof having a maximum height of 2.9m, adjacent the western elevation of the unit, on the open forecourt area. This structure would have a close boarded fence along its rear and side (southern and western) elevation with the open front having steel shutter grilles fitted to close and secure the gazebo when not in use. The gazebo would have seating and benches for customers to dine and drink. It would be set back from the highway by about 6m with an area of 2.5m in front sectioned off with planters to provide further outside seating.

Other operational development to the existing shop unit would involve the insertion of a second door in the western elevation. To the side of the gazebo would be parking for 2 cars, for the applicant ie staff only. Internally the unit would be fitted out with w.c's, a bar area and kitchen with charcoal filter extractor with internal flue.

4 Policy Considerations

National Planning Policy Framework
 Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM2	(Protection of Existing Community Facilities and Shops)
DM5	(Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM21	(Shopfronts, Signs, Security Shutters and Advertisements)

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

5 Statutory and Non Statutory Consultations

Crime Prevention

None received

Environmental Health

There appears to be residential accommodation directly above this and the adjacent shop, and there are other residential receptors within a distance of 20 metres, including the two houses to the west of the proposed bar / restaurant.

I would expect clarification to be provided, as to what acoustic mitigation measures might be required or need to be considered, to ensure no noise impact on residents from any noise generated from within an operational bar / restaurant facility, and also the proposed outdoor gazebo area which is overlooked by the flat upstairs and will also be within 10 to 15 metres from the two houses to the west.

Reference is also made to an extraction system, which it now appears will be of a charcoal filter type & which probably won't require an external flue. As there is no indication at this time as to food types to be prepared, it is not clear as to whether an extractor of the type as advised above, will suffice for odour control purposes.

There is no detail provided, that I can see, related to chiller & / or air conditioning units, which may also contribute to external noise and vibration.

Clarification would also be sought as to the proposed position of smoking areas (gazebo ?), and refuse bin areas including bottle bins

Insufficient detail has been provided with this application to satisfactorily address concerns related to the potential for noise and vibration nuisance and possibly odour nuisance, especially to the residential unit directly above the proposed bar / restaurant and to neighbouring residential receptors.

I therefore raise **objection** to this application at this time.

Hampshire Highways

The current use of the outside area is currently available for the parking of vehicles, the width of the area is a little tight for convenient turning of a vehicle, but never the less it is possible. because St. Mary's Road is an unclassified road the Highway Authority do not require convenient vehicle turning facilities to be provided. In this case visibility of approaching vehicles coming from the east is restricted and therefore I would recommend the proposed gazebo and pergola are set back 2m. from their proposed location to provide more space for the applicant and her partner's vehicles to be able to be turned within the site rather than be reversed on to the highway

Planning Policy

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 in the adopted Local Plan are of particular relevance:

- • DM5 - Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses
- • DM10 – Pollution

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

- E22 – Amenity and Pollution
- C8 - Food, Drink and Entertainment uses

Principle of Development

The application site lies outside of the West Town Local Centre as defined by Policies CS4 and AL4 in the Adopted Local Plan, and as proposed to be defined by Policy C6(5) in the Pre-Submission Local Plan. The unit is currently occupied/last in use as a second-hand furniture store within A1 retail use. It is not a shop which could be considered to meet everyday shopping needs and it is not a convenience store - therefore Policies DM2 (Core Strategy) and C7 (HBLP 2036) do not apply.

Noise and Odours

Policies

- DM5 Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses (Core Strategy)
- Policies DM10 Pollution (Core Strategy)
- E22 Amenity and Pollution (HBLP 2036) and
- C8 Food, Drink and Entertainment Uses (HBLP 2036)

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

In addition to the above, a gazebo is proposed as an external seating area for customers which may affect the consider the residential amenity of neighbouring occupiers. The Council's Environmental Health Team will be able to offer further advice in this respect.

Shopfront and Signage

With regard to the gazebo and 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)

Summary

There is a presumption in favour for the change of use, subject to the detailed considerations highlighted above.

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: 34

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 114

114 letters of representation have been received, **75 of which are Objections; and 39 are Support.**

Comment	Officer Comment
The issues raised in the letters of Objection can be summarised as follows:	
Noise Residential area and quiet in evenings - noise of patrons eating and drinking outside will create substantial noise and disturbance that will travel to cause distress; late hours including 1am on New Year's Eve; noise from people sitting and drinking outside, music including live, staff leaving, car doors banging, taxis will continue later than stated hours; deliveries serving premises during day; children's bedrooms face site; noise will be disturbing to Fathoms Reach and Southleigh Grove aswell; worse in summer with windows open; noise will reduce quality of lives and enjoyment of garden that is close to site; sleep could be disrupted due to late night closing; sound proofing not mentioned; because outside noise cannot be contained; Residential amenity use detrimental to sleep and general welfare; noise intrusive and disturbing to enjoyment of home; serious impingement of our rights to quiet enjoyment	Noted Noted – see section 7 for detailed consideration Noted – see section 7 for detailed consideration
Privacy bedrooms and lounge windows overlook site and use will impact privacy; worse in summer with windows open; proximity of seating area will mean customers will be able to look directly into bedroom windows;	Noted – see section 7 for detailed consideration
Anti-Social Behaviour Will result in rowdy and aggressive behaviour; increase in people combined with alcohol will increase antisocial behaviour and crime; already experience younger, loud and foul mouthed drinkers in early hours and this would compound problem; applicants indicate run a tight ship and turn undesirables away - but those expelled from property will be within	Not directly a planning matter – see section 7.20 below

residential area; Fathoms reach used as a cut through and witnessed urinating; would create a new drinking node drawing more drink fuelled anti social behaviour near houses;	
<u>Criminal damage</u> St Marys Road currently reports fair amount of criminal damage to cars after pub closing times and this will escalate; poorly lit road which is associated with crime and antisocial behaviour; will result in damage to property and vehicles; police trying to tackle crime in area and this won't help;	See section 7.20 below
<u>Security Shutters</u> Steel shutters not in keeping with character of residential area; noisy when being closed late at night;	Noted – see section 7 for detailed consideration
<u>Character of area</u> Essentially a residential area that supports some businesses in working hours but none in the evenings when area is quiet; inappropriate venture for residential road; residential area with both young children and elderly living in adjacent houses; quiet residential area between 7pm and 6am <u>Smoking area</u> assume business will need a smoking area which will be 20 feet from my garden; where will people smoke? smell from smoke will impact sitting out in garden and windows opened; <u>Proposed layout</u> basic design does not consider how people would move around space and would not work as shown, leading to changes beyond what is shown in amateur drawings; missing waste bin details	Noted – see section 7 for detailed consideration This query unresolved Plans to be determined as submitted; Waste detail not clarified
<u>Visual Character of Area</u> Outside drinking gazebo overbearing and out of character; poor design and felt roof cheap aesthetic not in keeping; <u>Listed Building</u> DeePTHATCH opposite a Listed Building and proposal not in keeping	Noted – see section 7 for detailed consideration Listed Building is considered sufficiently separated from application site that the proposal does not affect its setting

<u>Parking</u> parking limited in St Marys Road and area congested; no customer parking; where will other staff park?; cars could be left overnight due to alcohol; cars flank drives making it difficult to see; near accidents with cyclists as can't see due to parked cars; Sorting office generates traffic and vehicles until 4pm making it difficult to park in the day and will make worse in evening too; delivery vehicles and customers may block footpath and no alternative footpath on north side of road; cars and vans left in road for weeks at time by people who do not live in road; venue may attract 40+ people in an evening which will exacerbate parking & traffic problems <u>Highway/pedestrian safety</u> Busy road that is difficult to cross; No pavements for pedestrian safety; children use road to get to school and families with push-chairs; wheelchair users have no safe path to use; will become hazardous due to increase traffic and parked cars; parked cars will result in South Road becoming a blind junction with no visibility; no details for unloading of stock from vehicles provided;	Parking amenity issues noted – see section 7.17 – 7.19 below Hampshire Highways have not objected to proposal
<u>Light Pollution</u> light pollution a statutory nuisance; light from large front window and outside area until late at night will be unreasonable and interfere with enjoyment of home; <u>Smell</u> smell from food being cooked will cause nuisance; smells will mean washing can't be hung out and windows shut; don't want to smell or breathe someone's smoking; because outside smells cannot be contained; pavement will be polluted by smokers;	In street lit area not considered sufficiently material to cause harm to amenity Extractor could control but insufficient details to determine – see section 7.13 below
<u>Litter</u> Litter in area will get worse; due to council cut backs beer cans and food wrappers left to be picked up by	Noted

residents; industrial waste bins will be required but not shown;	
<u>Nearby facilities</u> 2 pubs, hotel bar and 3 restaurants in West Town so area not without facilities; not needed; ample eating and drinking establishments in area; <u>Previous facility</u> Applicants previous bar was in Elm Grove ie a shopping location which is an appropriate location for such a facility - this residential area is not;	Business need or competition not a planning matter Noted and agreed
<u>Policy</u> Core Strategy promotes vibrant and viable town centre and currently at least 13 vacant units within main retail area which would be better suited; bar not within an area detailed for regeneration in the pre-Submission HBLP 2036;	Noted and agreed
<u>Boundary</u> boundary with our driveway is currently open, if a fence erected will have difficulty exiting cars and forced to park on road;	Noted
<u>Precedent</u> if one bar given then will be easier in future for nearby businesses to change their usage to drinking establishments; <u>Competition</u> 2 pubs in area struggling to survive, this would put further pressure on them <u>Devaluation of surrounding properties</u> wine bar would negatively impact value of homes and put off future buyers; <u>Landlord information</u> recently moved into flat above but landlord or letting agent did not advise me of this proposal	Each application determined on its merits Competition not a valid consideration Not a planning matter Not a planning matter
The issues raised in the letters of Support can be summarised as follows:	
<u>Landlord & landlady principles</u> applicants good landlord who do not	

tolerate antisocial behaviour & swearing; experienced having run The Golden Lion for 5 years and Ralphs Wine bar for 3 years; were conscious of noise levels; respected nearby residents; dress code not allowing workmen; establishments always been immaculately clean; run business to high standard;	Noted but management style of applicant not a material consideration – see section 7.16 below
<u>Clientele</u> clientele attracted older professional people; support the under 25 policy; will be unique establishment	See section 7.16 below
<u>No Previous Complaints</u> no complaints from previous residents; respected by police & licensing officers; never any previous trouble or unruly behaviour;	See section 7.16 below
<u>Customer experience</u> Ralphs was welcoming and relaxed atmosphere; very professional enterprise; fabulous food; niche market for; feel comfortable as lone female such a relaxed atmosphere; place to socialise with friends in friendly environment;	See section 7.16 below
<u>Asset for Hayling</u> Ralphs was best bar on island and fantastic asset for Hayling; need small dignified establishment with relaxed atmosphere;	Noted
<u>Bad behaviour</u> If residents already experiencing bad behaviour then clearly not coming from applicants; customers would not be leaving with bottles or cans in hand;	Noted
<u>Tourist attraction</u> positive reviews on TripAdvisor and Facebook resulted in place for tourists to visit increasing tourist income;	Noted
<u>Hours compliment Post Office</u> opening hours differ and do not interfere with post office staff	Noted – see section 7 below
<u>Choice</u> More choice for the customer is a good thing	Noted
<u>Siting</u> premises surrounded by industrial premises and only residential is	Mixed use area with residential within

opposite, far less density than previous location and would not impact	10m and above
--	---------------

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 and policy context
- (ii) Impact upon the character and appearance of the area and Listed Building
- (iii) Impact upon residential amenity
- (iv) Parking and highways
- (v) Other matters

(i) Principle of development and policy context

7.2 The development plan for the Borough currently comprises the Local Plan (Core Strategy), 2011 and the Local Plan (Allocations) 2014. The Pre-Submission Havant Borough Local Plan 2036 was approved by the Council in January 2019 and currently has limited weight in decision making, but does indicate the direction of travel. The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

7.3 As an antique/second hand furniture shop the site is an A1 unit. It lies outside any Local Centre designation. Policy DM2 of the adopted Core Strategy seeks to protect local shops that serve local needs, and where located outside identified local centres requires a marketing exercise to be undertaken. However, it is considered that an antiques furniture store does not serve local needs i.e. it is not a convenience store, and therefore its loss does not trigger the need for a marketing exercise. Accordingly, the proposal is not considered to be contrary to policy DM2.

7.4 As a change of use application to an A4 (Drinking establishment) and A3 (Restaurant and cafe) then Policy DM5 (Control of A3, A4 and A5 uses) also applies. This is a criteria-based policy that seeks to control the environmental problems associated with hot food uses and to adequately protect residential amenity. The detailed criteria will be considered in paragraphs 7.9 - 7.16 below. Policy DM10 considers pollution and is also relevant.

7.5 The emerging policies C8 and E22 generally repeat the aims of the adopted policies in regard to A3/A4 uses and amenity and pollution.

(ii) Impact upon the character and appearance of the area and Listed Building

7.6 Whilst there are residential properties to the north and west of the site, together with flats at first floor above the site, there are also other commercial uses to the east and south such that overall the site is located within a mixed-use area. However, visually the site is of domestic scale - the building has the proportions of a two-storey dwelling that has been converted to commercial use with extensions to the rear. The frontage to St Mary's Road includes a large shop display window and the hardstanding to the west is used for both car parking and the adhoc outside display of furniture in good weather.

7.7 There is also a thatched Listed Building opposite the site and as such Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special

regard to be had to the desirability of preserving the listed building and its setting. However, the “setting” of the Listed Building is generally the surroundings in which an asset is experienced, and the application site is considered sufficiently distanced across the road to not affect the setting of Deepthatch cottage, which is also screened by high hedging to the south.

- 7.8 The proposal would retain the shop window and include the erection of a wooden style gazebo, abutting the western elevation. This would measure 6.5m wide with height of 2.9m with felt roof. It would also have a metal roller shutters on its front elevation, facing St Mary’s Road. This would appear as a domestic scaled outbuilding, but with a more commercial appearance due to the metal grilles. Its proposed siting would be in a prominent position, highly visible in the street scene. From the information supplied the quality and design of the wooden gazebo and its longevity is not considered appropriate to the context of the site. Overall it is considered that the proposed structure would be visually jarring and incongruous to the street scene. It is considered that the quality of design of the proposed gazebo and metal grilles would be harmful to the visual appearance of the site and area, contrary to policy CS16.

(iii) Impact upon residential amenity

- 7.9 The proposed A3/A4 wine bar would be an evening use with requested opening hours of up to 22:30 Mondays to Thursdays; 23:30 Fridays and Saturdays; and up to 22:00 on Sundays and Bank Holidays. Although this is a mixed-use area, all the other commercial uses are daytime businesses and in the evenings the area becomes a quiet residential area. It is considered that an A3/A4 use in this location would introduce activity and noise and disturbance into the evening when this would otherwise be a quiet area. In such close proximity to residential gardens and bedroom windows, this would be intrusive and detrimental to the quiet enjoyment of neighbouring amenity.
- 7.10 In addition to the use within the building, the proposal includes the erection of an outside gazebo and table and chairs for outside dining and drinking. These outside seats would be within 10m of adjacent gardens and immediately below flats above the ground floor unit. It is considered that the noise from conversation and socialising of groups of people outside would be particularly intrusive to neighbouring amenity. It is also considered that the noises associated with the proposed A3/A4 use at the site would be likely to include music playing, the comings and goings to the site of both people walking/talking and vehicles and taxis, aswell as the staff closing up for the evening and shutting the metal grilles on the gazebo. All these activities would be against a low background noise and would cause noise and vibration that would be particularly noticeable and obtrusive late at night. It is therefore considered that the proposed use the site, including outside gazebo, late into the evening would be contrary to policy DM10 and criterion 6 of DM5.
- 7.11 Third party representations also object to potential noise from deliveries in the day. It must however be noted that as a lawful A1 unit there would be associated deliveries serving the site. It is also noted that the site is adjacent a busy Post Office sorting office and any additional day time comings and goings from deliveries would be marginal and not considered to be harmful to neighbouring amenity.
- 7.12 The potential for loss of privacy with customers being able to view directly into adjacent windows has also been raised by third parties. The proximity of windows to the proposed outdoor seating area is noted, especially 2E St Mary’s Road and 52 Beach Road that both back onto the site. On balance it is considered that the

occupiers of these properties may feel overlooked but direct lines of sight into rooms would actually be limited. Their amenity would rather be affected by the proximity of customers and the activity and intrusive nature of an A3/A4 use, rather than direct overlooking or loss of privacy.

- 7.13 With respect to potential odour and extraction systems, policy DM5 requires mitigation measures appropriate to the types of food to be prepared. However, the details submitted are limited. The submission indicates that an internal flue with charcoal filter would be fitted, but no details of such have been supplied. Whilst an email from the applicant suggests that the food cooked will mostly be microwaved with very little fresh cooking, with cold food such as cheese boards, no sample menus or similar have been supplied. It is therefore considered that the details submitted are inadequate to fully assess whether the proposed cooking would be fully and adequately mitigated against. Environmental Health have also noted that no details have been submitted of any chiller or air conditioning units which could also contribute to noise and vibration and if external units then these could also impact the visual amenity of the area.
- 7.14 The criteria of Policy DM5 indicates that permission will only be granted where the following criteria are met:
1. Measures are incorporated to mitigate the effect of the preparation of hot food on nearby properties
 2. The installation of equipment in relation to hot food does not materially detract from the building and the wider locality
 3. The measures proposed in respect of 1 above are suitable for the range and nature of the hot food to be prepared on the premises
 4. Adequate provision for the disposal, storage and collection of waste are in place
 5. There would be no adverse impact on parking and traffic movement that would be likely to create hazards
 6. The development would not cause unacceptable disturbance to the occupiers of nearby residential properties
 7. Any marketing requirements are met -
- 7.15 It is considered that the lack of sufficiently detailed information means that criterion 1, 2 and 3 are not satisfied. No details have been provided of the waste bins, their size or location for either the trade/business waste, including bottles, or customer waste bins. Their siting and use could impact both visual and residential amenity unless adequately screened and emptied regularly. Accordingly, criterion 4 has also not been satisfied. Environmental Health have been consulted and object to the proposal based on this lack of information to adequately address the possible impacts. Whilst the applicant has supplied an email response to some of Environmental Health's concerns, no plans and details have been submitted to overcome the concerns.
- 7.16 It must also be noted that letters of support have been received, generally from the applicant's customers from previous establishments, vouching for their management style. However, planning concerns land use, not the applicant. If planning permission were granted then the use could be implemented by anyone, it would not be personal to the applicants. Therefore, the management credentials of the applicant are not material considerations in the determination of this application. Overall it is considered that an A3/A4 use with outdoor seating area would be harmful to the neighbouring residential amenity, particularly during the otherwise quiet evening period. The proposal is therefore considered contrary to policies CS16, DM5 and DM10.

(iv) Parking and highways

- 7.17 Hampshire County Council have commented that St Mary's Road is unclassified and therefore on site turning is not required. To improve visibility and highway safety it was suggested that the gazebo should be set back an additional 2m. The applicant emailed agreement to this, but no amended plans have been provided.
- 7.18 The proposed gazebo would result in the loss of previously available hardstanding for parking which would be displaced elsewhere. It is however unknown who currently has the right to park on this land. The proposed layout includes 2 spaces for the owner/staff but no customer parking. The adopted Parking SPD requires 1 parking space per 5 sqm of dining/bar area plus cycle parking. Based on an estimated 100sqm for both the internal unit and gazebo seating area this would equate to the need for 20 parking spaces. (The existing A1 use would require 1 space per 20 sqm which equates to 5 spaces, which are provided by the hardstanding area.) Therefore, the proposed change of use would result in the loss of available parking and no provision for customer vehicles - since only 2 spaces would be provided then there would be a shortfall of 13 spaces.
- 7.19 It is noted that there are no parking restrictions outside the site or to the east on St Mary's Road. During the day the area is generally parked up due to the Post Office, but this closes at 4pm. The proposed use would extend the demand for parking spaces into the evenings which would compete with evening and overnight demand from residents. Consequently, whilst there would not be any highway safety objection to the proposal, the increased demand for parking spaces that are not met on site, would lead to competition for nearby spaces during the evenings and overnight. This could cause inconvenience, impacting neighbouring amenity, contrary to policy CS16 and criterion 6 of DM5.

(v) Other matters

7.20 The third-party comments include reference to potential for anti-social behaviour and fear of increased crime. It is noted that there is a streetlight immediately outside the application site. Whilst security issues as a result of design are material planning considerations, the possible behaviour of customers near a site is not a direct land use planning consideration and is dealt with under other legislative powers.

8 Conclusion

8.1 It is considered that the proposed use of the site for an A3/A4 wine bar with outside gazebo and table and chairs for outside dining and drinking, would result in noise and disturbance detrimental to adjacent residential amenity. The proposed use would occur within 10m of adjacent residential windows, gardens and immediately below flats above the ground floor unit. The associated noise and activity of the proposed use would extend into the evening (up to 22:30 Mondays to Thursdays; 23:30 Fridays and Saturdays; and up to 22:00 on Sundays and Bank Holidays) when other commercial uses are closed, and the area becomes a quiet residential neighbourhood.

8.2 Additionally the poorly designed gazebo structure with commercial metal grilles would be prominent in street scene terms and harmful to the visual character of the area. There is also a lack of information regarding the types of food to be prepared to be sufficiently satisfied that the extractor system is adequate. Furthermore, there would be no on-site customer parking leading to competition for spaces within the immediate area, further harmful to neighbouring amenity. Overall the proposal is considered contrary to policies CS16, DM5 and DM10 and is recommended for refusal.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/19/00291

(A) for the following reasons

- 1 The proposed A3/A4 use with outside gazebo and seating area for outside dining and drinking, late into the evenings when the surrounding area becomes a quiet residential neighbourhood, would result in noise and disturbance harmful to adjacent residential amenity. The noise and vibrations associated with the use (including customers socialising, music playing, comings and goings and use of metal grilles) within close proximity to residential properties would be intrusive and detrimental to the otherwise quiet enjoyment of neighbouring amenity. The proposed development is therefore considered contrary to policies CS16, DM5 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, 2019.
- 2 Insufficient information has been supplied with respect to the proposed types of food to be cooked and the associated details of the charcoal extractor proposed to adequately demonstrate that there would be no residual smells and odours harmful to neighbouring amenity. Additionally no details are provided of the proposed chiller units and any air conditioning units to assess any external noise, vibration or visual harm. The proposed development is therefore considered contrary to policies CS16, DM5 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, 2019.
- 3 The proposed wooden gazebo structure with metal grilles would be visually prominent in the street scene. It is considered that its design and siting would be visually jarring and incongruous to the street scene, harmful to the visual character of the area, contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, 2019
- 4 The lack of on-site customer parking and loss of hard standing area for vehicles would result in displaced parking and additional demand for on street parking, particularly in the evenings. This would compete with local residential demand for parking, resulting in pressure for spaces, inconvenience and loss of neighbouring amenity, contrary to the Havant Borough Parking Supplementary Planning Document, July 2016 and policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, 2019