
Site Address:	22C Elm Grove, Hayling Island, PO11 9EF		
Proposal:	Change of use from A1 shop to A4 wine bar (retrospective).		
Application No:	APP/17/01238	Expiry Date:	19/01/2018
Applicant:	Mrs L Jablonski		
Agent:		Case Officer:	Tina Pickup
Ward:	Hayling East		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site relates to a ground floor unit currently operating as 'Ralphs Wine Bar' ie an A4 use, located on the east side of Elm Grove. The unit is the northern most within a terrace of three and the building is two stories, with flat roof, having residential flats above. The site falls within Mengham District Centre and is part of the identified Primary Shopping Frontage.

There is a rear parking and servicing yard that serves the three units and flats, and the wine bar has an outside seating area to the rear. Unit 22B immediately to the south is currently in use as a Betting shop (Sui generis use); and Unit 22A is Barclay's bank (A2 use). Immediately to the north the detached building is a dentist.

2 Planning History

The history of this site reveals that the premises was constructed under permission 16231/1 which was submitted to the Council on the 24th June 1964. This permission was for;

The erection of three shops with three flats over, at 22 Elm Grove, Hayling Island

The current Wine Bar first opened in October 2014 with the benefit of a temporary planning permission under Class D, Part 4, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

The expiry of this temporary change of use was 9th October 2016 and the unit should then have reverted to its previous lawful use which in this case was A1 retail. However at the time no such application was made and the wine bar continued operating without the necessary planning permission. This discrepancy and oversight on behalf of the applicant came to light in November 2017 and this regularising application was then submitted.

3 Proposal

Change of use from A1 shop to A4 wine bar (retrospective).

4 Policy Considerations

National Planning Policy Framework

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

CS17 (Concentration and Distribution of Development within the Urban Areas)
CS4 (
DM10 (Pollution)
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)
AL3 (Town, District and Local Centres)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Crime Prevention

None received

Southern Water

None received

Environmental Health Manager

we have received 2 complaints since 04/09/2015: first on 04/09/15 was from Hampshire police informing of a disturbance at the premises. Having spoken to the complainant, he informed that this incident appeared to be one off.
second - the other complaint received was on 28/06/2016 relates to a resident, although informing of noise and disturbance, was more interested in the planning status of the premises, where he could not see a CoU on the planning portal.

since current applicants have occupied the premises, we have not had great dealings with the premises - therefore as long as the premises is occupied and managed in the same manner, we would not be able to object to the application.

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: 6

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
None received	

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 assessment
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity

(i) Principle of development and policy assessment

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. Being within a primary shopping frontage Policy AL3 applies which seeks to promote the vitality and viability of the centres. The proposed use is appropriate to a District Centre use and would contribute to and enhance its vitality and viability as a district centre.

This policy also requires retention of at least 50% A1 uses within an unbroken run of primary frontage - in this case that would relate to the 8 units between 22C to 14 Elm Grove - and on 1/12/17 this was found to include 4 nos A1 units, 1 no sui generis, 1 nos A2 and 1 nos A3 aswell as the A4 application site. The existing 4 nos A1 units represents 50% in A1 use, and therefore this element of policy AL3 is met. The shop display is appropriate to a shopping centre and activity is generated during opening hours. Therefore the proposal is considered to comply with Policy AL3 of the Allocations plan. The proposed use is also considered to comply with Policy CS4 of the Core Strategy in that it would enhance the evening economy and support a small independent business.

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

As noted above the A4 wine bar use compliments the District Centre and provides a service for local residents. As such it is considered a sustainable development that is appropriate to the character and appearance of the area.

(iii) Impact upon residential amenity

Whilst there are residential flats above, no complaint has been received by the planning department from any local resident since the use commenced in October 2014, and neither has any objection been received to this planing application. The wine bar is normally open between 16.00 - 21.00 on Tuesdays; to 22.30 on Wednesdays and Thursdays; 23.00 on Friday and Saturdays and 12.00 - 20:00 on Sundays. Food is only served on Thursdays, Fridays and Saturdays and the type of food includes cheese boards and tapas. The scale of hot cooking is therefore limited and an appropriate extractor is provided.

It is noted by Environmental Health that they have been notified of 2 complaints in the last 3 years. The nature of these though appear to be one-off incidents rather than evidence of ongoing nuisance.

In terms of Policies DM5 and DM10 the range of foods and measures to mitigate against any smells is considered appropriate; and refuse is adequately collected to the rear in the service yard; the hours are not excessive and do not result in any additional

harm to amenity within this District centre. The current management appear to be operating a successful business without causing harm to neighbouring amenity - whilst Planning has no control over future management the scale of the business would appear appropriate to its site and setting and can be controlled via an hours condition. Any future noise/smell/disturbance issues can be investigated via other legislation ie by Environmental Health and the Police.

8 Conclusion

The A4 wine bar use has been operating for over 3 years without complaint to the Planning Department. The hours and scale of business is considered appropriate to the area with residential flats above but should be conditioned to prevent any significant extension of opening hours later into the night which could be harmful to residential amenity. The proposal also complies with policy CS4, DM5 of the Core Strategy aswell as AL3 of the Allocations plan. Therefore the application is considered to represent sustainable development and is recommended for permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/17/01238

(A) subject to the following conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan
Floor Plan
Statement of operation

Reason: - To ensure provision of a satisfactory development.

- 2 The premises shall only be open for trade or business between the hours of 09:00 - 21.00 on Mondays and Tuesdays; to 22.30 on Wednesdays and Thursdays; 23.00 on Friday and Saturdays and 12.00 - 20:00 on Sundays and Bank Holidays

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.