
Site Address:	Unit 1, 33 Creek Road, Hayling Island		
Proposal:	Proposed retrospective change of use from Sui Generis to Class E		
Application Type:	Full Planning Permission		
Application No:	APP/22/00765	Expiry Date:	29/09/2022
Applicant:	Mr Bakovljev Alnista Retirement Benefits Scheme		
Agent:	Mr Jay The Planning Service	Case Officer:	Joseph Toole
Ward:	Hayling East		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 Unit 1, 33 Creek Road, Hayling Island is located to the west side of Creek Road. The existing building is a semi-detached business unit that has been used as a carpet and flooring shop with associated storage since 2019.
- 1.2 The unit is located within a mixed use area with a number of commercial units fronting onto Creek Road.
- 1.3 The unit is located within Flood Zone 1 and is in the Climate Change future Flood Zone 2 area - 2115.

2 Planning History

APP/21/01413 - Installation of roof extractor flue, storage unit, garage store, and replacement boundary wall (retrospective application)., WD,09/02/2022
APP/21/01415 - Change of use application from B2 (general industrial) to A1 (Retail) (Retrospective)., WD,09/02/2022
APP/22/00766 - Retrospective material change of use at Unit 2 Sui Generis to B8, Unit 3 Sui Generis to B2, Unit 4 E(g) to B2, Unit 6 Sui Generis to B8, Unit 7 Sui Generis to B8, Unit 8 Sui Generis to B8, to continue the current use a businesses., (DEL)
APP/22/00771 - Proposed retrospective roof extractor flue, storage shed, garage store, and replacement boundary wall., (DEL)

3 Proposal

- 3.1 The proposed development is for retrospective change the use of the existing Sui Generis as a garage forecourt and vehicle repairs to a Class E retail shop with off street car parking. It is used as a carpet and flooring shop, occupied by Sovereign Flooring.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS15 (Flood and Coastal Erosion)
CS16 (High Quality Design)
CS2 (Employment)
DM14 (Car and Cycle Parking on Development (excluding residential))

Havant Borough Local Plan (Allocations) July 2014

DM19 (Small Shops outside Town, District and Local Centres)
AL3 (Town, District and Local Centres)

Emsworth Neighbourhood Plan Post Examination Version 2020

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

5 Statutory and Non Statutory Consultations

Councillor Leah Turner - Hayling East

No Comment.

Councillor M Wilson - Hayling East

No Comment.

Councillor R Raines - Hayling East

No Comment.

Economic Development, Havant Borough Council

No Comment.

Environmental Health Manager, Community Group - No Objection

Unit 1 is currently being used by Sovereign Carpets, as a retail shop, storage and offices. As such, this office has no objection to the approval of this application.

Hampshire Constabulary, Tasking & Co-Ordination Directorate

No Comment.

Hampshire Highways - No Objection

Thank you for your consultation on the above planning application. The Highway Authority wish to make the following comments.

The Highway Authority have undertaken a TRICS assessment and are satisfied that the proposed change of use will lead to nil detriment in the number of trips generated compared to the existing use.

It is Havant Borough Council's responsibility as Local Parking Authority to confirm whether the proposed parking is acceptable in accordance with their standards.

Having regard to the above, the Highway Authority provide no objections to this planning 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: 39

Number of site notices: 3

Statutory advertisement: Not applicable.

Number of representations received: 4

Comment	Officer Comment
Red Line only for carpet shop	This relates to this application. APP/22/00766 and APP/22/00771 relate to the other works to the rear.
Public Notice hard to read	Two new site notices were placed within the vicinity
Objections to the uses to the rear	All other objections are considered not to relate to this application and will be dealt with under APP/22/00766 and APP/22/00771 respectively.

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) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Highways and Parking
- (v) Flood Risk

- (i) Principle of development

7.1 The application site is outside Town, District and Local Centres.

7.2 Within the Havant Borough Local Plan (2014) Policy DM19 states '*Planning Permission will be granted for small local shops outside Town, District and Local Centres provided*':

1. The net sales area is less than 150 square metres

The unit has a net sales area of approximately 87 square metres, thus deemed acceptable.

2. There are no other suitable or available sites within or on the edge of the nearest town, district or local centre

7.3 Rails Lane Local Centre is located within the vicinity of the application site. It is located 0.9km north-west of the application site. It comprises of a number of pubs, takeaways, a car garage and small convenience stores. A site visit carried out on 13th December 2022 confirmed the local centre was in good health with no visible vacancies. Therefore, taking the above into consideration, the principle of development is deemed to be acceptable.

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

7.4 The unit is located within a mixed use area, with some surrounding buildings being of commercial use and others being residential. The retrospective Class E use is considered to be an appropriate use in form and scale, deemed inkeeping with the character of the area and the local amenity. The permitted development rights to change the use of the unit to Class E(b) or E(c) (iii) in Schedule 2, Part A of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 have been recommended to be removed notwithstanding any provisions, unless the prior approval of the Local Planning Authority. This is to protect the interest of amenity in the area.

7.5 Therefore, the retail use is considered to be appropriate within its context meeting Policy CS16 of the Havant Borough Core Strategy (2011).

(iii) Impact upon residential amenity

7.6 The retail unit is attached to No.35 Creek Road, where there are 4 flats. Due to the scale and use of the retail unit it is not considered to have an adverse impact upon neighbouring properties in terms of noise and disturbance. As a result it is considered to have an acceptable impact on the residential amenity of the area.

(iv) Highways and Parking

7.7 Hampshire Highways commented on the raising no objection, stating the change of use will not lead to a detrimental impact on the wider highway network.

7.8 There is vehicle parking available for the unit, totalling 8 vehicles including 1 delivery vehicle and 2 cycles. This meets Havant Borough Council's Parking Standards SPD and DM14 of the Havant Borough Core Strategy (2011).

(v) Flood Risk

7.9 A Flood Risk Assessment was provided. It states the change of use would not increase the flood risk to the area. This is agreed by the Local Planning Authority, complying with Policy CS15 of the Havant Borough Core Strategy (2011).

8 **Conclusion**

- 8.1 The retrospective change of use from Sui Generis to Class E Retail is considered to have a limited and acceptable impact on character of the area, neighbours and parking and is therefore considered to be appropriate and recommended for approval.
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9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00765

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

Proposed Site Plan - P006
Supporting Letter
Design and Access Statement
Flood Risk Assessment

Reason: To ensure provision of a satisfactory development.

- 2 Notwithstanding the provisions of Schedule 2, Part A of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any subsequent Order), no change of use of the unit to Class E(B) shall be permitted without the prior approval of the Local Planning Authority.

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.