
Site Address:	18 Rails Lane, Hayling Island, PO11 9LL		
Proposal:	Continued use as a cafe [E(b)] and bar (sui generis).		
Application No:	APP/21/00790	Expiry Date:	07/09/2021
Applicant:	Mrs F Branwhite		
Agent:	Mr R Tutton	Case Officer:	Selina Donophy
	Robert Tutton Town Planning Consultants Ltd		
Ward:	Hayling East		

Recommendation: **GRANT PERMISSION**

1 Site Description

This application site is a three storey building located on the east side of Rails Lane , Hayling Island. The application property has a flat roof and is set back behind the front facades of properties to the south, to the north the building line steps down where there is an adjacent 'Best One' retail unit. The site is a ground floor unit previously in use as a bar and cafe named 'Bar 18' which has black fascia signage and white painted exterior.

The shop forms part of a row of shops along Rails Lane which include a variety of uses, including A5 hot food and takeaway , A1 shops and retail outlets and class A3 food and drink establishments. This local centre is located close to the sea front and the shops have both two and three storey residential units above, some with views over the sea front.

The site is within the local district town centre. The unit is not part of a primary or secondary frontage.

2 Planning History

05/70397/000 - Change of use to A3 class to trade as coffee shop (no hot food) and sandwich bar and associated addition of extractor unit to rear of property., PERM,18/08/2005

05/70397/001 - Variation of conditions 2 and 3 of Planning Permission 05/70397/000 to allow for the opening of the premises from 10:30am to 17:30pm on Sundays and to vary the range of foods available at the premises., PERM,13/02/2006

APP/11/01205 - Retrospective application for the change of use from A1 to mixed A1 and A3 to allow use of internal tables, and confirmation of permission for external tables on pavement area to the front of the property (within the curtilage of the site). , PERM,13/09/2011

APP/11/01549 - Application for Certificate of Lawfulness relating to the use of 22C Rails Lane as a separate dwelling. , PERM,28/03/2012

3 Proposal

Continued use as a cafe [E(b)] and bar (sui generis).

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

CS16 (High Quality Design)
CS4 (
DM10 (Pollution)
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)

Submission Version Havant Local Plan

E1* (High quality design)

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 West Ward

No comment

Councillor R Raines - Hayling East

No comment

Crime Prevention -Minor Apps

No comment received

Economic Development

No comment received

Environmental Health Manager, Community Group

No adverse comments to make

Hampshire Highways

The Highways Authority have no concerns that continuing the use of the above premises as a café (E[b]) and bar (*Sui Generis*) would result in a severe impact on the wider highway network.

However, the applicant must continue to keep their table and chair sets inside the frontage of the store, minimising an obstruction on the highway (footway) for passing pedestrians as laid out in the Manual for Streets (chapter 6, 6.3.10).

Having regard to the above and providing there are no obstructions on the highway in anyway, the Highway Authority are satisfied that the above planning permission will not result in a detrimental impact on the local highway network, and therefore raise no objections towards this.

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: 13

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
No comments 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
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Highways
- (v) Flood risk

(i) Principle of development

- 7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

History of the site

In 2005 permission was granted to change the use of this unit from A1 to A3 class as a coffee shop/sandwich bar however this was not implemented . Following this in 2011 an application was made to change the use from A1 to mixed A1 and A3 as a shop and cafe. Following this the unit has been used as a part bar since July 2016 and full bar since July 2018 - the use as a bar had not been granted planning permission throughout it's use as a bar . This application seeks to retain the use as a bar/cafe following the unauthorised previous use , incorporating use as a cafe throughout the day and bar in the evening .

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

In this case, the bar/cafe would not be serving hot food - the Design and Access Statement describes the sale of tea, coffee and sandwiches only. Provision for refuse would be located to the rear of the site and collected on the relevant day. The remainder of the criteria will be addressed in the sections below.

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

- 7.3 The use as a cafe/bar provides a service for local residents and the site is located within the local district centre. Whilst Policy DM2 seeks to protect existing community facilities and shops (the lawful use of the premises containing a Class A1 element under the former use classes definitions), Policy CS4 seeks to promote the vitality and viability of local centres and to encourage a range of complementary evening economy uses to appeal to a wide range of ages and social groups . This proposal is judged to meet this need and therefore is considered a sustainable development that is appropriate to the character and appearance of the area, and would continue to provide a mixed Class E(b) and bar use which is available to the local community. No alterations are proposed to the facade.

(iii) Impact upon residential amenity

- 7.4 Whilst there are residential flats above, no complaint has been received by the planning department from any local resident since the use commenced in July 2016, and neither has any objection been received in relation to this planning application. Premises opening times are proposed between the hours of 0900 hours and 2200 hours Monday - Sunday inclusive . Condition 1 of APP/11/01205 conditioned opening hours to between 0900 hours and 1900 hours, therefore the proposed increase in opening hours would be significant. Despite this, it is also noted that the bar has been operating with these hours since July 2016 without noise complaints being received from nearby residents. As stated in paragraph 7.2 there would be no hot food prepared on site and therefore there would be limited noise pollution from food preparation equipment.
- 7.5 Environmental Health have been consulted in regards to this application and have no adverse comments to make. If there were to be any future noise/disturbance issues these can be investigated via other legislation i.e by Environmental Health .

(iv) Highways

- 7.6 This proposal would not supply any additional parking except from the allocated space to the rear used for staff. The applicant has stated that 8 new staff member positions would be created . Despite this , there are reasonable pedestrian and bus links and car parking facilities nearby. Highways have been consulted on this application and have no objections to the proposal however have requested that tables and chairs continue to be sited within the site frontage - this will be controlled via condition.

(v) Flood risk

- 7.7 This proposal site is located just outside of flood zones 2 and 3.

8 Conclusion

- 8.1 The cafe and bar use has been operating for over some 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 Policies CS4 and DM5 of the Core Strategy . 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/21/00790 subject to the following conditions:

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

Existing plans SD-2149-01 B uploaded on the 26.07.2021
Design and Access Statement uploaded on the 26.07.2021

Reason: To ensure provision of a satisfactory development.

- 2 No tables or chairs shall encroach the pavement/public highway outside of the red line plan as shown on the submitted plan SD-2149-01 B received 26 July 2021.

Reason: In the interests of highway safety and the amenities of adjacent (residential) properties and having due regard to policies CS16 and DM5 of the Havant Borough Local Plan (Core Strategy) 2011.

- 3 The premises hereby permitted shall not open to the public before 09:00 hours or remain open after 22:00 hours on Monday to Sunday inclusive.

Reason: To protect the amenities of nearby residential properties and having due regard to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The range of food sold at the premises shall be in accordance with the written details contained in the Design and Access Statement received 26 July 2021 and no hot food shall be sold. There shall be no change in the range of food sold unless appropriate measures are undertaken and agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of occupiers of adjoining properties and having due regard to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 No tables or chairs shall be left outside the premises after 19.30hours each evening, after which all tables and chairs shall be moved and stored inside the premises.

Reason: In the interests of the appearance of the site and the visual amenities of the surrounding area and in the interest of crime prevention and having due regard to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 No externally visible or audible plant, machinery or structures required for ventilation or filtration purposes shall be installed at the premises until and unless details of the external appearance and acoustic performance of the same have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.