
Site Address:	12 Creek Road, Hayling Island, PO11 9RD		
Proposal:	Change of use of existing first and second floors from a nightclub to 10 letting rooms. (Revised application).		
Application No:	APP/16/00833	Expiry Date:	01/11/2016
Applicant:	Mr G Collier		
Agent:	Mr T Osbourn	Case Officer:	Heather Lealan
	Eastern Square Property Services		
Ward:	Hayling East		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site comprises a three storey flat roofed building of a predominantly brick finish, located at the south-eastern corner of the junction of Creek Road with Wheatlands Avenue. The building is occupied by Lily Sugars public house on the ground floor with the upper two floors currently being used for storage. It is understood that these upper floors were most recently used as a nightclub, but this use has ceased.

There is very limited space around the building – an external canopied seating area for the public house to the north and west sides and a limited storage and servicing area, also containing an external fire escape, to the north east corner. The site is immediately adjoined by residential properties. There are a limited number of commercial properties and a community centre in the locality, but the area is predominantly characterised by high/medium density residential land use.

2 Planning History

GEN/11/00530 - Proposed boxing gym, ,31/05/2011 10:58:26

GEN/12/00932 - Request for comments on proposed increase in opening hours and inclusion of late night refreshments., ,08/10/2012

GEN/14/00965 - Proposed change of use of first and second floors to residential., ,21/10/2014 18:05:44

APP/15/00566 - Change of use of first and second floors from a nightclub use to 10 No. letting rooms., REF,03/09/2015

APP/15/01058 - Conversion of existing first and second floors from a nightclub into 10 letting rooms., REF,18/11/2015

3 Proposal

The current application proposes the change of use of the first and second floors of the building from a nightclub to 10 letting rooms. The upper floors would each comprise 5 rentable rooms together with a shared kitchen, dining and laundry room with access via the existing self contained entrance from Creek Road.

This application has been submitted in light of the appeal decision that found the development acceptable subject to the payment of SRMP. The application subject of this report has been submitted to allow for the payment of SRMP and thus to overcome the appeal Inspector's only reason for dismissal. Refer to APP/15/00566 for initial reasons for refusal.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS6	(Regeneration of the Borough)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)
DM2	(Protection of Existing Community Facilities and Shops)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

As per previous application, APP/15/01058, the application subject of this report is identical in the issues to be considered;

Environment Agency: No objection to the proposed development as submitted.

Planning Policy (Conclusion): The application contradicts Policy DM13. If it were to be approved it would lead to several amenity problems and other issues relating to residents' quality of life. Therefore recommend refusal.

Development Engineer - Highways: No adverse comment to this application. However, would draw attention to the fact there is no car parking for this proposal, which is contrary to HBC Car Parking Guidance. This has not lead to a highway reason for refusal but the Planning Authority may be concerned with the amenity issue of no parking.

Environmental Health Manager: Development as proposed will be required to be licensed under House in Multiple Occupation (HMO) legislation. Applicant must contact HBC and submit appropriate documentation to obtain licence. Requires licensing because it is a three storey building and more than 5 people (not forming a single household) will share communal facilities. One suggested condition regard

acoustic mitigation and 4 Informatives.

Southern Water: Require a formal application for any new connection to the public foul and surface water sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent: 'A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk'.

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.

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: 42

Number of site notices: One

Statutory advertisement: Not applicable.

Number of representations received: 4

Summary:

- a) If permission is granted request precautions to prevent access to flat roof and that the fire escape must conform to current standards and must not be used as a general access for flats 5 and 10. *This is a building control matter and not a reason to refuse the scheme*
- b) Potential for anti-social behaviour within rear yard. *This would be a matter for police or environmental health and is not a material planning reason for refusal*
- c) Overlooking into Maloney Mews. *The principle of the scheme has been considered acceptable at planning appeal bar the non payment of SRMP*
- d) Fire access may be used for the disposal of rubbish and should be alarmed. *This is a building control matter*
- e) Formal HMO requirement need to be adhered to. *This is not a planning matter and falls under environmental health legislation*
- f) Request full fire risk assessment is made available to occupiers of Maloney Mews. *This is not a planning matter*
- g) Public liability insurance to be displayed in accordance with regs. *This is not a planning matter*
- h) Large rubbish bins must not be stored next to flats, inadequate provision for bin storage. *This building has an extant commercial use and the right to use this area for bin storage.*
- i) over intensive use of the site *The principle of the scheme has been considered acceptable at planning appeal bar the non payment of SRMP*
- k) no spaces for vehicles or general amenity on site *The principle of the scheme has been considered acceptable at planning appeal bar the non payment of SRMP*

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 on the application site and locality, including neighbouring amenity
- (iii) Parking
- (iv) Developer Contributions and Other Matters

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. This part of Hayling Island is a priority regeneration area and an appropriate reuse of the vacant building would be likely to make a positive contribution to the locality. Furthermore, the provision of new residential accommodation would contribute to the provision of new homes across the Borough under Policy CS9. The proposal would contribute to the mix of available housing types on Hayling Island.

Policy DM2 seeks to protect existing community facilities and shops through only supporting a change of use of such premises where marketing has demonstrated they are no longer viable or desirable for their authorised use, or any other use which would provide a beneficial facility to the local community. Supporting text to the policy (at paragraph 10.08) explains that, as well as Use Class A shops and public houses, DM2 also relates to typically Use Class D community facilities including health and education facilities, places of worship and community halls. A nightclub would normally be considered as a sui generis use in planning terms and not therefore a community facility.

Most importantly the principle of this change of use has been considered as acceptable by the appeal Inspector subject to the payment of SRMP. The application subject of this report has been submitted to allow for the payment of SRMP and thus to overcome the appeal Inspector's only reason for dismissal.

(ii) Impact on the application site and locality, including neighbouring amenity

With the exception of the addition of two windows to the rear (east) elevation, the proposal would not involve any material change to the appearance of the building. An appropriate refurbishment could only result in an improvement on its current condition. The proposed windows would face across the external fire escape towards rear parking courts of nearby residential properties and should not therefore result in any detrimental degree of overlooking.

The use of the building for residential purposes would, in itself, be unlikely to have any detrimental impact on the locality or amenities of neighbouring properties, particularly given the character of its most recent (and possibly 'lawful' in planning terms) use. Concern has been expressed over the potential for anti-social behaviour connected with the use of the rear amenity space. However, this is a matter for control under separate legislation and as such is not a material planning consideration.

(iii) Parking

There is currently no on-site car parking available at the site and no provision is made in connection with the proposal. The applicant previously provided justification at appeal for the lack of parking within a supporting statement that considered that the potential occupants of the rooms are likely to be car free users and that visitors to the site could use the free public car park in Wheatlands Avenue. The Applicant envisages that occupiers would use public transport or cycles, with an existing cycle store (as shown on the submitted drawings) being utilised. The Appeal Inspector found that the location is sustainable and that there would be no harm to the living conditions of the future occupants or local residents. As such, it is not considered that the lack of parking provision can be substantiated as a reason for refusal for this site and this form of lettable development.

(iv) Developer Contributions and Other Matters

Previous planning refusal APP/15/00566 provided no additional refuse provision and the lack of refuse provision formed a reason for refusal. The application has now demonstrated that an additional large refuse bin and secure cycle storage area can be accommodated within the enclosed rear yard.

The proposal is not subject to the Community Infrastructure Levy as part of the building is still and has been in continuous use in accordance with the CIL regulations. The CIL Regulations provide guidance where only a small part of a building has been in use over the last six months. The Regulations state that a building is in use if a part of the building is in use for a continuous period of at least six months within the period of three years, ending on the day planning permission first permits the development.

The development is also liable to a financial contribution in respect of the Solent Recreation Mitigation Partnership and this has been paid for one dwelling in accordance with the nature of the use and shared facilities of the scheme.

8 Conclusion

The proposed change of use of the first and second floors of the building from a nightclub to 10 letting rooms would be acceptable in principle and would not have a detrimental impact on the character and appearance of the application site or locality, or on the amenities of occupiers of neighbouring properties.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00833 subject to the following 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 development hereby permitted shall be carried out in accordance with the following approved plans:

Design and Access Statement Rev A received 8 August 2016

Proposed Elevations drwg.no 1188-04 received 6th September 2016

Proposed first and Second Floor Plans drwg.no 1188-05 received 6th September 2016

Proposed Ground Floor Plan drwg.no 1188-07 received 6th September 2016

Flood Risk Report and Assessment received 6th September 2016

Reason: - To ensure provision of a satisfactory development.

- 3 The development shall be carried out so as to ensure that, with regard to the building envelope (including fenestration and ventilation), the habitable rooms meet BS8223:2014 standards as recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e. during the day (07:00 to 23:00) 35 dB L Aeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms.

Reason: In the interests of the future occupants of the building and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2011.