
Appeal Decision

Site visit made on 13 June 2016

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 June 2016

Appeal Ref: APP/X1735/W/16/3144010

12 Creek Road, Hayling Island, Hampshire, PO11 9RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr G Collier against the decision of Havant Borough Council.
 - The application Ref APP/15/01058, dated 22 September 2015, was refused by notice dated 18 November 2015.
 - The development proposed is the conversion of existing first and second floors from a nightclub into 10 letting rooms.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was made by Mr G Collier. However, on the appeal form the name of the appellant is given as Mr C Collier. The agent has confirmed that this was a typographical error on the appeal form.

Main Issues

3. The main issues are:
 - The effect of the proposed parking arrangement on the living conditions of future occupiers of the building and local residents, and;
 - The effect of the development on the Solent's Chichester and Langstone Harbours Special Protection Area, and the Portsmouth Harbour Special Protection Area (SPA).

Reasons

Living Conditions

4. 12 Creek Road is a three storey building located on the corner of Creek Road and Wheatlands Avenue. At the ground floor is a public house. The two floors above are currently vacant having previously been used as a nightclub. The immediate surrounding area to the appeal site includes a small number of shops along Creek Road with the wider area being predominantly residential consisting of both flats and dwellings.
 5. The building covers the majority of its plot. Consequently it is not possible to provide off-street parking for the proposed residential letting rooms. Policy DM13 of the Havant Borough Local Plan (Core Strategy) March 2011 (CS) sets
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- out that residential development will only be permitted where it provides car parking in line with the standards set out in the Residential Car Parking and Cycle Provision, Supplementary Planning Document (SPD). The SPD provides guidance on the provision of car parking and sets out that any variance from the parking requirements will need to be justified and backed up by evidence.
6. In this location the SPD requires 3 allocated, or 2.4 unallocated parking spaces for a 4+ bedroom unit. There is no specific standard for the type of residential accommodation proposed. The Council considers that a higher number of parking spaces is needed, but they do not specify an amount. In my opinion, the type of accommodation proposed, i.e en-suite rooms with shared kitchen and dining facilities, is more likely to appeal to single persons seeking affordable accommodation. I therefore consider that car ownership amongst future occupants is unlikely to be high.
 7. In the immediate area to the appeal site there is a small range of shops which include two convenience stores. These would provide for future occupiers basic everyday needs. On my site visit I noted a bus stop on Creek Road just adjacent to the appeal site which provided a bus service to Havant on a frequent basis: Monday - Saturday every 15 minutes and on Sundays and public holidays every 30mins. Havant is a town with a relatively wide range of services and facilities, and provides access to other transport links such as Havant train station. The proposal also includes a secure store for cycles and it would not be out of the question for some future occupants to cycle to Havant, and around the area generally.
 8. Notwithstanding the above, there are areas of unrestricted on-street parking in the vicinity of the appeal site. The vast majority of residential properties in the area have dedicated parking. Whilst there might be some reduction in on-street parking as a result of the proposed change of use, given the existing conditions, any additional competition for on-street spaces as a result of the proposed change of use is unlikely to significantly inconvenience local residents or future occupiers of the development.
 9. The Council raise concern that future occupiers would find it difficult to receive deliveries or visitors. There is a 30 minute parking bay on Creek Road close to the appeal site which would be suitable for deliveries. In terms of visitors, there is a car park in Wheatlands Road just at the end of Creek Road. At the time of my site visit this appeared to be pay and display despite reference being made to it being free. Whilst I do not consider this would be an appropriate long-term parking solution for future occupiers, it would be an option for any visitors, and would not materially reduce the availability of parking spaces for other members of the public.
 10. Taking the above points together, the absence of any off-road parking for future occupiers of the development would not result in harm to their living conditions or those of local residents. I therefore find no conflict with Policy DM13 of the CS or the SPD. Nor do I find any conflict with Policy CS16 of the CS which requires high quality design, which, amongst other things, is well connected to the immediate local area. These policies are consistent with the National Planning Policy Framework which seeks a good standard of amenity for all future occupants of buildings, and sets out that local parking standards should take into account the type of development, and the availability of, and opportunities for public transport.

Special Protection Area

11. The Council have raised the impact of the development on the SPA. Regulation 61 (5) of the Conservation of Habitats and Species Regulations 2010 requires any development which could damage such areas to be subject to an appropriate assessment of its likely effects.
12. According to the Council, Natural England's advice is that all new housing development within a 5.6km zone of the SPA is likely to have a significant effect through increasing recreational pressure. Policy DM24 of the Havant Borough Local Plan (Allocations) July 2014 sets out that planning permission will only be granted for residential developments that avoid or mitigate a likely significant effect on the SPA caused by recreational disturbance through the in-combination effect of net additional dwellings.
13. Consequently the Council state that the adopted measures of mitigation require a payment of £176 per dwelling to the Solent Recreation Mitigation Partnership. I have not been provided with a copy of this document. Nevertheless, considering the appeal on a precautionary basis, new housing development is likely to increase the number of visitors to the SPA, which cumulatively would be harmful without adequate mitigation. I note that the appellant does not disagree and has indicated a willingness to pay the contribution set by the Council. However, there is no mechanism before me to secure such a payment. Therefore, as the competent authority, I must refuse this appeal as the harm to the SPA from cumulative projects has not been properly addressed.

Other Matters

14. There is no substantive evidence before me to conclude that the proposal would give rise to any adverse effects in terms of anti-social behaviour in connection with the letting rooms. Lack of amenity space is not raised by the Council and I have no reason to conclude that this would be harmful. Previous concerns relating to the provision of bin storage, raised under a previous application (ref APP/15/00566), have been overcome.

Conclusion

15. I have found that the proposal is acceptable in terms of the effect of the proposed parking arrangements on the living conditions of future occupiers of the building and local residents. However, I cannot be certain that the proposal, in combination with other development, would not have a significant adverse effect on the integrity of the SPA. For this reason, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Hayley Butcher

INSPECTOR