
Site Address: 139 Elm Grove, Hayling Island, PO11 9ED
Proposal: Change of Use from A1 (Retail) to A4 Bar and Restaurants.
Application No: APP/15/01436 Expiry Date: 18/02/2016
Applicant: Mrs Kiellor Team: Team 2
Agent: Mr Murray Case Officer: Daphney Haywood
 I J Murray Associates
Ward: Hayling West

Recommendation: **GRANT PERMISSION**

1 Site Description

139 Elm Grove, Hayling Island, comprises an empty retail unit with ancillary flat above on the west side of Elm Grove. The site is located within the parade of similar units which run from No's 127 to 139. This side of Elm Grove lies outside the designated shopping centre and a number of the units have been converted to residential use.

To the rear of the property with access of St Mary's Road is a small yard/delivery area.

2 Planning History

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137 Elm Grove Change of use from ground floor shop to 1No. bed residential flat.
Permit 2013

3 Proposal

Change of Use from A1 (Retail) to A4 Bar and Restaurants.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS14 (Efficient Use of Resources)
CS16 (High Quality Design)
CS17 (Concentration and Distribution of Development within the Urban Areas)
DM10 (Pollution)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable 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**

Environmental Health Manager, Community Group

I have visited the site due to another matter and have discussed the application and use of the site with the proposed new owners. It is my understanding that the premises will be used purely for drink and with a very limited food menu (snacks) I have no adverse comment to make on this application.

Development Engineer - Highways The Highway Authority has no adverse comment to this planning application

Crime Prevention -Minor Apps No comments received

Traffic Management Team No adverse comments

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 send: 35

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received : 14 of which all but one are previous customers of the Hayling Billy and support the proposal

Summary:

Support

I think this would be very good for the locals who have just seen the haying billy close, also it would start to improve an area which looks like a row of derelict shops. The proposed location of the new pub has been empty for years and this would make more than good use of it.

With the recent closures of Pullingers, Tesco and now the Hayling Billy, this part of the island is looking very sorry for itself and needs investment in businesses not more retirement homes. We wholeheartedly support Mandy for attempting to breathe life into a rundown eyesore of a building and giving local people a social outlet on this part of the island, sorely missed since the closure of the pub. we will support her and hope others take her lead. This island needs more businesses like this

Object

The smoking area and access down the side of the building. If the public are allowed to walk down this side access then this could cause noise nuisance to the occupants in the next door flat, 137 Elm Grove. The smoking area on the plan is much larger than I had been advised and it also shows that there is access from the back of the area. If it is an open area then will the smell of the smoke stop 137 being able to use their garden? I understand that lots of people are upset that the Billy pub was shut and they are happy to have a new one but I am not sure they would be so happy if it was next door to where they were living.

Comment:

The side access would not be open to the public. The outside smoking/sitting area has

been deleted.

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 streetscene
- (iii) Impact upon residential amenity

(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. In respect to the loss of a retail unit, the site is not located within a designated shopping frontage or local centre and therefore is not required to consider whether a change of use from Use Class A1 would have an impact on the vitality or viability of the area. It is not known how long the site has been vacant but visually it appears to have been for a while and it is unlikely that it would again be occupied for retail purposes.

(ii) Impact upon the streetscene

The existing shop front would be retained, however the single entrance door would be replaced with a double entrance door. These alterations are not considered to be detrimental.

Additionally the plans show new signs with over head lighting which would be the subject of a separate application for advertisement consent.

(iii) Impact upon residential amenity

The main impact relates to the adjacent residential properties both at ground floor and first floor. Whilst the nearby properties include a restaurant which is open in the evenings, a number of units have converted to residential use. The proposed bar has the potential to result in nuisance especially as the proposed opening hours are until 23.20. However, this is similar to the restaurant use, and given the relatively small bar floor area of only 48 sq m, subject to a condition restricting the opening to those proposed, the impact is considered acceptable.

8 Conclusion

The application is considered acceptable and approval is recommended.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/15/01436 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 Compulsary Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
Existing plans A101
Existing elevations and Views A102
Proposed plans A103
Existing elevations and Views A104 Alcohol Licensing Plan A106
Reason: - To ensure provision of a satisfactory development.
- 3 The applicant is to ensure that a suitable scheme of sound insulation, designed to prevent the transmission of any airborne, structure borne or impact noise, between the ground floor commercial unit and the first floor flat, is submitted to and approved by the Local Planning Authority, and implemented prior to the new bar facility opening to the public.
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.
- 4 The premises shall only be open for trade or business between the hours of 11.00 and 23.20.
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.
- 5 No external extraction and filtration equipment shall be erected without the prior written approval of the Local Planning Authority. Any such approved scheme shall be implemented fully in accordance with the approved details and shall remain operational thereafter.
Reason: To safeguard the amenities of the locality and/or 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.