
Site Address:	12 Creek Road, Hayling Island, PO11 9RD		
Proposal:	Change of use of first and second floors from a nightclub use to 10 No. letting rooms.		
Application No:	APP/15/00566	Expiry Date:	03/08/2015
Applicant:	Mr Collier	Team:	Team 1
Agent:	Mr Osbourn	Case Officer:	Richard Nash
	Eastern Square Property Services		
Ward:	Hayling East		

Recommendation: **REFUSE 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 (accessed separately from Creek Road) currently being vacant. It is understood that these upper floors were most recently used as a nightclub, but this use ceased several years ago.

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. The site is located within Flood Zone 2.

2 Planning History

None relevant.

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.

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)

Supplementary Planning Guidance and Other Documents

Borough Design Guide SPD (2011)
Housing SPD (2011)
Residential Parking and Cycling Provision SPD (2010)
Developer Contributions Guide (2013)

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

5 Statutory and Non Statutory Consultations

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 or cycle 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. Will contact developer directly and will be looking at adequate fire detection/prevention, primary and possibly secondary means of escape, internal sound insulation (vertical and lateral), suitable cooking and storage facilities, documentation of adequate management by a fit and proper person etc.

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 S021 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: 39

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 2

Summary:

Proposal is in Flood Zone; Over-intensive level of occupancy; Potential for anti-social behaviour connected with public house use on ground floor; Lack of parking and cycle facilities; Lack of amenity space for washing or refuse.

Comment:

The planning merits of the proposal are discussed below.

7 Planning Considerations

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 target of providing 6300 new homes across the Borough under Policy CS9.

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 in the sense of the cited examples.

(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 public house use on the ground floor of the building. 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 parking available at the site and no provision is made in connection with the proposal. Indeed, there is no space available on site to make such provision. Policy DM13 requires residential proposals to comply with the standards contained in the Residential Parking and Cycling Provision SPD. In this location, the standards require 3 allocated or 2.4 unallocated spaces for each 4+ bedroom unit. Whilst, in terms of dwelling size, this is as high as the standards allow for, it is considered that the proposed intensity of residential use in this case is such that a higher number of spaces might reasonably be required.

The Applicant envisages that occupiers would use public transport or cycles, with an existing cycle store (not shown on the submitted drawings) being utilised. The Applicant's view is that any 'infrequent' car users could utilise the nearby public car park to Wheatlands Avenue. However, whilst the spaces in the car park are currently free of charge, this might change in the future and in any case parking is time restricted for a maximum stay of 24 hours. This is not considered to offer a realistic alternative to on-site parking on a daily basis.

Bus routes link Creek Road with other parts of Hayling Island and on to Havant. The Applicant also points out that public footpaths link the site with the beach, local shops and a nature reserve, whilst the road leads to convenience stores, cafes and recreational facilities. This is acknowledged but nevertheless the site is not within a highly accessible location where some discretion might be exercised on parking standards.

The Applicant has commented that the previous use of the premises as a nightclub did not benefit from any parking. Whilst this was the case, it is considered that such use would normally have been by customers visiting over relatively short periods, rather than by full time residents, and so the use of public car parking would have been more practical. The issue is in any case more concerned with amenity impacts for future occupiers of the HMO having nowhere to park on site and no realistic alternatives.

Overall, the lack of dedicated parking provision is considered likely to result in amenity problems and a reduced quality of life for occupiers of the development. It would also make it difficult for occupiers to receive deliveries or visitors at the property and would be likely to lead to illegal parking and pressure on existing limited nearby on-street parking spaces, potentially causing neighbourhood tensions.

(iv) Developer Contributions and Other Matters

The Applicant states that servicing and bin storage for the site would remain as per the existing arrangement. As noted above, it is also claimed that the site has existing cycle parking provision. These existing provisions are not shown on the submitted drawings. It is assumed that the intention is to utilise the small servicing area at the north eastern corner of the site. However, in addition to providing these facilities for the letting rooms, this area would also have to continue providing bin storage for the public house as well as accommodating the external fire escape and allowing safe egress from it. Given that the extent of this area comprises approximately 20 square metres, this is considered to be an unrealistic proposition.

The site lies within Flood Zone 2 and an appropriate Flood Risk Assessment has been submitted. The Environment Agency has not objected to the proposal. A HMO is classified as a single dwelling for the purpose of calculating any Affordable Housing contribution. The proposal therefore falls below the threshold for such contributions.

The proposal is subject to the Community Infrastructure Levy. Appropriate forms have not been submitted but this is a matter of process and could not therefore form the basis of a refusal of planning permission. The development is also liable to a financial contribution in respect of the Solent Recreation Mitigation Project. Given the other planning concerns, the Applicant has elected not to make a contribution at this time but rather deal with this matter by way of a Unilateral Undertaking should they decide to pursue an appeal in due course.

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, in itself, 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.

However, development of the site in the manner proposed would not provide adequate provision for car parking, cycle parking or refuse storage, and would therefore have a detrimental impact on the amenities of occupiers of the building and the locality. Furthermore, the proposal does not make an appropriate contribution to mitigating the impact of new residential development on the Solent Special Protection Area. The planning application should therefore be refused.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **REFUSE PERMISSION** for application APP/15/00566, for the following reasons:

- 1 Development of the site in the manner proposed would not provide adequate provision of car and cycle parking in accordance with the Local Planning Authority's adopted standards and would therefore have a detrimental impact on the amenities of occupiers of the building and the locality. The proposal is

therefore contrary to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 2 Development of the site in the manner proposed would not provide adequate provision of refuse storage and would therefore have a detrimental impact on the amenities of occupiers of the building and the locality. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 3 The proposal, without the completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreation Mitigation Project, is contrary to the National Planning Policy Framework 2012 and the Council's Policy on mitigating the impacts of development which, in accordance with Policy DM24 of the Local Plan, seeks to mitigate the impact of new residential development on the Solent Special Protection Area.