
Site Address:	117 Elm Grove, Hayling Island, PO11 9ED		
Proposal:	Change of use for part of existing car park to combined parking use in connection with public house and local business.		
Application No:	APP/13/01191	Expiry Date:	22/01/2014
Applicant:	Ms M Keillor	Team:	Team 2
	The Hayling Billy Public House		
Agent:		Case Officer:	Richard Nash
Ward:	Hayling West		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site comprises a car parking area serving a large detached public house premises located on the west side of Elm Grove, south of its junction with St Mary's Road. This parking area has individual spaces marked out and is bounded by a low brick wall and hedging to the south, with an open aspect to the east (fronting Elm Grove). To the north is the main public house building with ancillary structures and service areas and to the south east and east respectively a play area and further car parking (the latter being separated from the application site by bollards and accessed via St Mary's Road).

The locality is of mixed character. To the south of the overall premises is a free public car park accessed from St Mary's Road with a link footpath through to Elm Grove. To the south of the footpath are commercial properties. Residential properties are located to the west (across St Mary's Road) and north of the site. Further commercial properties to the east (across Elm Grove) comprise a secondary frontage within the Gable Head District Centre, as identified within the emerging Local Plan (Allocations) document.

2 Planning History

No recent or relevant applications.

3 Proposal

The current application proposes the change of use of the car park to provide a combined parking use for both the public house and local businesses. The application has been submitted retrospectively following an enforcement investigation.

4 Policy Considerations

National Policies

National Planning Policy Framework

Core Strategies 2011 forming part of the HBLDF

CS16 (High Quality Design)

CS4 ()

DM14 (Car and Cycle Parking on Development (excluding residential))

DM2 (Protection of Existing Community Facilities and Shops)

Emerging Havant Borough Local Plan (Allocations) 2013 forming part of the HBLDF
AL3: Town, District and Local Centres.

Listed Building Grade: Not applicable

Conservation Area: Not applicable

5 Statutory and Non Statutory Consultations

Development Engineer:
No Adverse Comments.

Regeneration & Development:
None Received.

Traffic Management Team:
None Received.

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: 24

Number of site notices: 2

Statutory advertisement: Not applicable

Number of representations received: 2

Summary:

From local resident: No objection but note marking out of parking bays has been carried out and use implemented.

Havant Area Disability Access Group: Support application with conditions. None of car parking element has accessible parking spaces. There are striped markings between the public house car park and the public car park, but these don't seem to relate to standard markings as recommended in Part 'M' of the Building Regulations or in BS8300:2009. If Public House is to make changes to car park, it should ensure that it complies with current Building Regulations, or at the very least face the risk of private prosecution under the Equality Act (2010). Core Strategy Policy CS16 draws on PPS1 which itself refers to the document "By Design – Urban Design in the Planning System". Of the Seven Key Principles of Good Design, Principle 2 "Ease of Movement" states "People should have convenient and equal access to a new place; they should be able to move through it with ease..." Whilst this is clearly NOT a new space, it is a new use of an old space thus we believe the principle applies. CS16 also states: "...Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design...is inclusive by considering the

needs of those with disabilities, ensuring safe and convenient access for all. If the Council is to allow changes to parking in this area, it should work to its own policies of high quality design in ensuring that in aggregate there is sufficient high quality accessible parking, to appropriate standards – including parking spaces which have delineated markings allowing space to either side of the vehicle and behind for reasonable access, allowing for the fact that a small number of the total spaces should allow for larger vehicles designed to carry electric wheelchairs which might include side-wards or rear-wards facing ramps, hoists or other mechanisms. For the Public House, this is a minimum of two accessible spaces. The onus, in this case, would be on the owners of the Public House to remedy the lack of accessible parking, so would ask that the Council, presuming they own the surrounding public car parks, also assume part of the responsibility and their obligations to meet their own planning policy and national standards. While making larger spaces would reduce the overall parking, the additional space allowed by use of the Public Houses' car park for local businesses would counteract this quite easily.

Comment:

The fact that a breach of planning control exists at the site is not, in itself, a reason to resist a planning proposal. Each case must be assessed on its own individual merits.

The concerns over accessible parking are understood. However, given the absence of any highway comment on this point, and that the type of vehicles using the car park would be fundamentally unchanged, it is not considered appropriate to impose relevant planning conditions in this case. However, it is understood that this issue is subject to separate legislation and an informative could therefore be added to a planning permission reminding the applicant of their obligations in this regard.

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 application site and locality
- (iii) Parking issues

(i) Principle of development

It is considered that the use of a private car parking area for a similar type of vehicle, but connected with an alternative land user, would be acceptable in principle.

(ii) Impact on application site and locality

The physical use (as opposed to the users) of the parking area in question has been fundamentally unchanged as a result of the current use. This being the case it is considered that the continuation of this use would have no material impact on the character and appearance of the application site or locality, or the amenities of occupiers of neighbouring properties. Indeed, in providing parking spaces to other local businesses, the use potentially enhances the commercial vitality of the area, part of which lies within a District Centre. The use of the site should be conditioned for the avoidance of doubt, in order to prevent inappropriate activities associated with car parking.

(iii) Parking issues

The Highway Engineer has offered no adverse comments on the application. The existing car park is marked out with 38 car spaces and is accessed from Elm Grove. In broad terms, other businesses in the area generally have little or no on-site parking provision and regularising the widened use of the public house car park is likely to provide a benefit in reducing the temptation to park illegally or inconsiderately in on-street locations. The peak hours of public house use are during weekends and evenings, which should ensure that the principle use of the parking area should not be compromised - to this end, the restriction of the approval to the current Applicant's ongoing control is considered appropriate.

8 Conclusion

The combined use of the car park for both the public house and local businesses is appropriate in principle and does not have a detrimental impact on the character and appearance of the application site, the amenities of the locality or highway concerns. The planning application should therefore be approved.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/13/01191, subject to the following conditions:

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

01 (Location Plan)
02 (Block Plan)
Design and Access Statement

Reason: - To ensure provision of a satisfactory development.

- 2 This permission shall enure for the benefit of Ms M Keillor only and shall not enure for the benefit of the land and the use hereby permitted shall be discontinued on the date when Ms M Keillor ceases to occupy the land.

Reason: To safeguard the amenities of the application site and locality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012

- 3 The land shall be used solely for the parking of cars, light commercial vehicles, cycles and motorcycles only and for no other purpose (including the display of vehicles for sale or the repair, maintenance, washing or valeting of vehicles).

Reason: To safeguard the amenities of the application site and locality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012