
Site Address: 5 The Drive, Havant, PO9 2BY
Proposal: Use of new outbuilding (replacing existing garage under permitted development) as a Hypnotherapy business from home. Proposed dropped kerb to the front of the property with access onto The Drive.
Application Type: Full Planning Permission
Application No: APP/23/00547 Expiry Date: 09/10/2023
Applicant: Mrs Sharp
Agent: Mr Jason Ralph Case Officer: Denise Sheath
 JM Ralph Associates
Ward: Battins

Recommendation: **GRANT PERMISSION**

1 Site Description

5 The Drive, Havant, is a Two storey semi-detached property located on the corner of 'The Drive' and 'Compton Close'. The property is constructed with red/brown brick with brown clay hung tiles to the front first floor elevation. The property benefits from an existing outbuilding to the rear boundary which is the subject of this application which has recently been constructed.

The property has a block paved frontage with small a brick wall to the front and front side boundary. The boundary treatment to the rear side boundaries and partially to the rear boundary consists of a brick wall with fence panels upon the top with brick piers in between each panel at a maximum height of 2m. A parking space is located within the curtilage of the site adjacent the rear boundary treatment, in front of the outbuilding which also forms part of the rear boundary.

2 Planning History

None relevant

3 Proposal

Use of new outbuilding (replacing existing garage under permitted development) as a Hypnotherapy business from home. Proposed dropped kerb to the front of the property with access onto The Drive

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)
CS2 (Employment)
DM10 (Pollution)
DM13 (Car and Cycle Parking on Residential Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environmental Health Manager, Community Group - 1st comment more information required

The application seeks a change of existing residential garage to hypnotherapy room. Whilst we have no objections to the proposed change of use in principle. Our main concern is the fact that the existing property is situated in a well establish residential area and changing that use to a scheme that is commercial in nature and operating outside of normal hours is likely to harm the amenity of the other existing residents. The late hours movements, car doors, comings and goings and behavioural noise could potentially give rise to complaints in such area. The design and access statement states that there will be 4-6 clients a day during the evening trading hours and spaced to see only one client at a time. The statement fails to satisfactory address this can be enforced. For example, several people may turn up and wait outside with car music, loud talking will inevitably cause complaints.

The applicant needs to provide further information as to how they wish to manage the effect of noise in such a very noise sensitive area. The design and access statement made no reference to this fundamental material consideration that must be considered fully prior to the determination the application. There needs to be a high degree of certainty that this proposal doesn't harm the neighbours' amenity.

We will be happy to review this consultation response subject to further information provided by the applicant specifying measures to control noise arising from the proposed use.

Environmental Health Manager, Community Group - Final comments - No Objection

However, I have considered the clarification as given in the agent's response. I can confirm that the explanation and the timings when clients will be seen are satisfactory. Accordingly, I do not have any further concerns regarding noise.

Hampshire Highways - 1st comment more information required

Thank you for your consultation on the above planning application. The Highway Authority wish to make the following comments.

The Highway Authority are satisfied that the additional trips generated by the proposed hypnotherapy business will not lead to a detrimental impact on the local highway network.

Notwithstanding the above, the Highway Authority require clarification from the applicant as to how it is expected their clients are to utilise the existing driveway for parking considering they do not park there due to existing constraints with the supporting statement stating that : "We park both our vehicles on the roads, this is because there is a drive opposite and in the morning it can be hard to get out of the space if the owner has put both his cars there."

Whilst it is noted that this makes particular reference to the morning, the Highway Authority have concerns that should vehicles be parked outside the drive in during the day or in the evening then clients will not be able to access the drive appropriately.

The Highway Authority are concerned that this will lead to an overspill of parking on the local highway network.

Having regard to the above, the Highway Authority require the further information requested before a formal recommendation can be made.

Hampshire Highways - Final comment - No Objection

Thank you for your reconsultation on the above planning application. The Highway Authority wish to make the following comments.

Following the Highway Authorities previous comments, the applicant has proposed a new vehicular access to the front of the property as shown within drawing 22/083/002 Rev 2. The access is to be facilitated by the extension of the existing dropped kerb at 6 The Drive. The full length of this proposed extension is less than 10.0 metres.

Whilst it is noted that this access falls within 10.0 metres of the junction with Compton Close, the Highway Authority are satisfied that appropriate visibility can be achieved for vehicles travelling south from Compton Close. Vehicles turning left from Compton Close would be able to see any vehicles accessing and egressing the proposed driveway appropriately. The nature of the both roads (The Drive and Compton Close) being cul de sacs are low flow and the Highway Authority are satisfied that an additional access in this location would not lead to any highway safety issues.

The Highway Authority are satisfied that these proposals will lead to a nil detriment of overspill parking on the local highway network as should the applicant, or clients utilise the driveway, no additional parking will occur on the highway. Whilst a car is shown to be parked in front of the existing garage along Compton Close, as per the Highway Authorities previous response, it is understood that due to existing on-carriageway parking this space cannot always be accessed an on-carriageway parking occurs. It is recommended to the applicant that they should be made aware that subject to any planning permission being granted by the Local Planning Authority, a subsequent agreement will need to be granted by HCC as Highway Authority to undertake the drop kerb works on the Highway. Details of this procedure can be found via the following link:

Apply for a vehicular access | Hampshire County Council (hants.gov.uk). It is important to note that if there are any minor utility diversions that are required to facilitate the dropped kerb then additional costs may arise in addition to the initial application fee. The applicant should also be aware that if an existing access is to be closed, a full height kerb should be reinstalled.

Having regard to the above, the Highway Authority provide no objections to this planning application.

Officer comment: *If permission is granted the Highway Authority's comments as to the drop kerb would be an informative on the decision notice.*

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: 5

Number of site notices: 1_

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
The Drive is a cul de sac with limited parking. Compton close is also a cul de sac. There is already problems with parking as people park here to access Havant Leisure centre and th Civic offices. Often cars are parked on double yellow lines and over driveways. My concern is the additional cars and traffic in relation to this new business in the close.	See Section 7.

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 character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Parking Provision

(i) Principle of development

7.1 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

7.2 Criterion 8 of Policy CS2, encourages smarter working and the proposal for home based working complies with this. The application is however, assessed on the basis that it should not result in unacceptable environmental, or amenity impacts which would cause nuisance to the residential locality in which it operates within.

(ii) Impact upon the character and appearance of the area

7.3 The proposal comprises the change of use of the recently constructed outbuilding which did not require planning permission to a hypnotherapy business. Whilst this is clearly a residential area nonetheless there would be no visual change to the appearance of the outbuilding or locality as a result of this proposal.. The hypnotherapy business would operate from within the existing outbuilding with both online sessions and in person sessions. Should planning permission be granted for the hypnotherapy business conditions would be placed upon the decision to ensure the business only relates to the applicant Mrs Sharp. A condition stating that there should be a minimum of 30 minutes between appointments. The operating days would be conditioned to Monday to Friday, with the operating hours of the business conditioned to 0900hours to 1800 hours for in person appointments with online sessions able to continue until 2030 hours. The scale of the business is considered acceptable and would operate without significantly altering the predominant residential character of the area.

(iii) Impact upon residential amenity

- 7.4 Due to the nature of the business it not anticipated that noise levels from either equipment or clients would be so significant as to result in any harm to the quiet residential neighbourhood. Environmental health raises no objection regarding the proposed use.
- 7.5 With sufficient controlling conditions it is considered there is no defensible reason to refuse the proposal on the grounds of impact on neighbouring amenity.

(iv) Parking provision

- 7.6 Part of the application proposes a new vehicular access on to 'The Drive', the installation of a dropped the kerb to the frontage of the property to allow for an extra off road parking space. The proposal would therefore provide 2No. parking spaces within its curtilage.
- 7.7 The breaks between clients will ensure that there would only be one customer vehicle at any one time with no overlap. This will be conditioned to reduce any potential parking congestion issues on the highways. Overall, the scale of the business is limited and should not result in any indiscriminate parking detrimental to the amenity of neighbours. The Highway Authority has raised no objection to the proposed dropped kerb or the parking proposal.

8 Conclusion

- 8.1 With the relevant conditions imposed, the proposal is not considered to have an adverse impact on residential amenity as such, or the character and appearance of the area and the application is recommended for approval.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/23/00547 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:

Application Form - Received 15 August 2023
Supporting Statement - Received 19 July 2023
Location Plan, Block Plan, Existing and Proposed Elevations - Drawing No. 22/083/002 P4 - Received 14 August 2023

Reason: To ensure provision of a satisfactory development.

- 3 Before use of the development is commenced provision for parking shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site car parking provision for the approved development having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 This permission shall endure for the benefit of Mrs Sharp only whilst resident at 5 The Drive and the use hereby permitted shall be discontinued on the date when Mrs Sharp ceases to occupy the property.

Reason: in the interests of the amenities of the locality and having due regard to policies CS2 and CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.

- 5 The use of the existing outbuilding room for the purpose of a Hypnotherapy business shall only operate for the visitation of clients at No.5 The Drive between Monday to Friday between 0900 and 1800 hours, with online consultations operating until 2030 hours and not at any other time unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of the amenities of the locality and having due regard to policies CS2 and CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework.

- 6 There shall be a minimum break of 30 minutes between appointments unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the residential and highway amenities of the locality and having due regard to policies CS2, CS16, DM10 and DM13 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework.

- 7 No employees other than Mrs Sharp shall be employed at the premises in connection with the business hereby approved at any time unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of the amenities of the locality and having due regard to policies CS2 and CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework.