
Site Address: 14 Mengham Road, Hayling Island, PO11 9BL
Proposal: Prior Approval for change of use from a Beauty Salon Class E into a mixed use Beauty Salon Class E and a single first floor flat class C3. To includes a new party wall on the ground floor to separate the flat entrance from the ground floor unit.
Application Type: Prior Approval CoU E to C3
Application No: APP/23/00455 Expiry Date: 31/07/2023
Applicant: Miss Caroline Laphorn
Agent: Mr Stuart Bone Case Officer: Selina Donophy
 PWP Architects Ltd
Ward: Hayling East

Recommendation: **GRANT PRIOR APPROVAL**

1 Site Description

This application site comprises a terraced property located on the south side of Mengham Road, Hayling Island. This property currently has a hair salon at ground floor level with treatment rooms at first floor level. The building has a flat roof and fronts Mengham Road shopping area. The rear of the building backs on to Selsmore Road and has a hard surfaced area sited here providing vehicle parking space.

2 Planning History

APP/11/01341 - Application for Certificate of Lawfulness relating to the use of the first floor at 14 Mengham Road as a Beauty Salon (sui generis)., PERM,10/08/2012
APP/23/00186 - Prior Approval for development consisting of a change of use from Beauty Salon within Class E (commercial, business and service) to a mixed use Beauty Salon at ground floor and 1No. flat at first floor within Class C3 (dwellinghouses)., WD,28/03/2023

3 Proposal

Prior Approval for change of use from a Beauty Salon Class E into a mixed use Beauty Salon Class E and a single first floor flat class C3. To includes a new party wall on the ground floor to separate the flat entrance from the ground floor unit.

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

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS20	(Transport and Access Strategy)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

DM17 (Contaminated Land)
AL1 (Presumption in Favour of Sustainable Development)
DM18 (Protecting New Development from Pollution)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Leah Turner - Hayling East

No comments received

Councillor Mark Coates

No comments received

Councillor R Raines - Hayling East

No comments received

Environmental Health

'1st floor accommodation, no private garden area proposed. 100% hard cover externally, for parking (& street frontage). No material relevance to CL as exposure risk. No AQ exposure concerns at this location, <de minimis quantum v/v E23. No comment needed'.

- No adverse comment

Highways

Nutrient Team

Thank you for consulting the nutrients team.

I can confirm there is sufficient capacity in the Council's strategic mitigation scheme to accommodate the application proposals.

The applicant should be advised that the Council's strategic mitigation scheme is to be charged at £3,300 per kilogram of nitrogen (as at 1/4/23) which is to be increased annually at the start of the financial year in line with the Cost Price Index. In

addition, it should be noted that there is limited capacity remaining in the Council's mitigation scheme at Warblington Farm. There is alternative mitigation available from third party providers in order to avoid and mitigate the water quality impact arising out of the proposed development. The details of other schemes have been published on the Partnership for South Hampshire's website at:

<https://www.push.gov.uk/work/mitigation-schemes-available-to-developers/>

Please could my comments be uploaded to the web.

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: 16

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
I have no objection to change of use of upstairs from retail to residential, but agree with Hampshire Highways that there should be clear allocation of parking for the shop premises and the flat, otherwise, there is potential for parking disputes to emerge with our premises next door. I would suggest that the spaces are marked out on an official scale plan. Whilst not a planning issue, per se, the proposed entrance to the flat is not possible as there is no right of way over the alleyway which is in the curtilage of No. 16. The Applicant and the planning officer are aware of this fact.	Please see 'Planning Considerations' section of the report .

7 **Planning Considerations**

- 7.1 The change of use of the premises proposed is the subject of recent changes to the General Permitted Development Order (GPDO) which have given a general permitted development right for such changes to take place subject to a 'prior approval' process to go through. Consequently the principle of the change of use is considered acceptable.
- 7.2 Class MA of the GPDO sets a number of conditions and limitations (MA.1.) These set criteria for such proposals and development is not permitted under certain circumstances - these are listed and commented on in relation to this application in 7.4 below:

7.3 Having regard to the relevant conditions of the GPDO it is considered that the main issues arising from this application are:

- (a) transport impacts of the development, particularly to ensure safe site access;
- (b) contamination risks in relation to the building;
- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;
- (e) where—
 - (i) the building is located in a conservation area, and
 - (ii) the development involves a change of use of the whole or part of the ground floor,
the impact of that change of use on the character or sustainability of the conservation area;
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

Sections (g), (h) and (i) do not apply to this proposal.

Restriction of development under Class MA

7.4 Having regard to the restrictions on the exercise of permitted development rights under Class MA:

- (a) Under Class MA of the General Permitted Development Order (GPDO) (Part 3 of Schedule 2) it states that the premises should be vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval - it is understood that the premises has been vacant for this time period.
- (b) The building has been in use Class E use for at least 2 years prior to the date of submission- confirmed
- (c) The cumulative floor space changing use would not exceed 1500m².
- (d) The building (or land on which it sits) does not form part of a site of special scientific interest, a listed building or its curtilage, a scheduled monument or its curtilage, a safety hazard area, or a military explosives area
- (e) The building is not within an area of outstanding natural beauty (AONB), an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, the Broads, a National Park or a World Heritage Site.

These requirements are therefore understood to have been met. The floor area also meets Nationally Described Space Standards.

Transport Impacts

7.5 This proposal is for a 1no bedroom flat. The space to the rear / south of the property has 3 parking spaces and these would need to serve both the ground floor hairdressers and the first floor one bedroom flat. The area is very accessible with public car parks located within close proximity. A cycle parking space has also been provided under the stairwell which forms part of a separate planning application. The Highways Authority has been consulted and have no objection to this proposal. Given the above, the transport and parking impacts are deemed to be acceptable.

Contamination risks

- 7.6 The Environmental Health Officer has been consulted in this regard and has no objection to uphold on contamination grounds.

Flood risks

- 7.7 The site is not within a Flood Zone.

Noise amenity issues from nearby commercial premises

- 7.8 The site is positioned within the urban area where a certain level of noise is expected. There are retail units on both sides at ground floor level which are likely to result in general noise during opening hours and not throughout the night. No 16 has planning permission for a mixed use at first floor level for massage therapies and associated uses. Noise levels are generally expected to be minimal. Overall the noise amenity impact from the adjacent commercial premises are deemed on balance to be acceptable .

Impact on the Conservation Area .

- 7.9 The site is not within a Conservation Area.

Natural light to habitable rooms

- 7.10 Habitable rooms are therefore deemed to be adequately lit with natural light.

Other matters .

- 7.11 The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites (as defined in the applications HRA) due to both the increase in recreation and the decrease in water quality that would be a result of the proposed development.

The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement and Mitigation Plan for Nutrient Neutral Development. The applicant has indicated a willingness to enter into a legal agreement to secure the mitigation packages.

The Appropriate Assessment concluded that is the avoidance and mitigation packages are sufficient to remove the significant effects on European Sites which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has indicated a willingness to enter into a legal agreement to secure the mitigation packages.Both payments have been received.

8 Conclusion

- 8.1 The proposed change of use is supported by the current GPDO and the NPPF, and there are considered to be no adverse impacts relating to flooding, transport, contamination, noise and light amenity and impact on a conservation area arising from the proposal. Prior Approval is therefore required and granted subject to relevant conditions and informatives.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PRIOR APPROVAL** for application APP/23/00455 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:

10 Aug 2023	1000D	PROPOSED FLOOR
10 Aug 2023	1101C	SITE & BLOCK PLAN
10 Aug 2023	1201D	PROPOSED ELEVATIONS
10 Aug 2023	1300B	PARKING PLAN

Reason: To ensure provision of a satisfactory development.

- 3 The development hereby permitted shall not be occupied until:
- (a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and
 - (b) All measures necessary to meet the approved water efficiency calculation have been installed.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 4 At all times following occupation of the development hereby approved, all measures for water usage within the submitted nutrient budget shall be maintained in the development in perpetuity.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 5 The car and cycle parking spaces for the first floor residential dwelling hereby permitted and ground floor unit shown on the approved plans, shall be kept clear and available for the parking of vehicles and bicycles prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.