

DELEGATED OFFICER REPORT

Site Address: 4 Salterns Close, Hayling Island, PO11 9PL
 Proposal: Variation of Condition 3 of Planning Permission APP/13/00550 to allow use of annexe as an Air B&B for 120 days a year or less.
 Application Type: Variation/Relief of Condition
 Application No: APP/24/00343 Expiry Date: 26/06/2024
 Applicant: Mr and Mrs Galyer
 Agent: Mr Murray Case Officer: Selina Donophy
 I J Murray Associates Ltd
 Ward: Hayling East

Recommendation: **GRANT PERMISSION**

1 Site Description

This application site is a two storey detached dwellinghouse located on the north side of Salterns Close, Hayling Island. This property has been extended to the side and has a flat roof dormer to the front elevation with the front gable roof hipped back. The material palette of the building comprises of tile, cladding and brickwork. The property is set back off the road with a lawn area and a driveway providing on site parking.

2 Planning History

APP/13/00550 - Two storey side extension to create an annexe., PERM.13/08/2013
APP/15/00657 - Single storey porch side extension, PERM.31/07/2015

3 Proposal

Variation of Condition 3 of Planning Permission APP/13/00550 to allow use of annexe as an Air B&B for 120 days a year or less.

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)
CS5	(Tourism)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM14	(Car and Cycle Parking on Development (excluding residential))

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Mark Coates

No comment received

Councillor Netty Shepherd

No comment received

Councillor Peter Oliver

No comment received

Economic Development

No comment received

Engineering/Drainage

No comment received

Environment Agency

No comment received

Environmental Health Manager, Community Group

Thank you for consulting the Environmental Protection Team on this variation application. Please accept this response as confirmation that we have no objections on noise grounds.

Natural England Government Team

Thank you for your consultation on the above dated 24 September 2024 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

DESIGNATED HABITATS SITES – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation. With regard to National Site Network sites, Natural England does not object to the granting of this permission subject to the advice given below.

Case officer comment : Please see advice in informatives

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.

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/>.

Tourism South East

No comment 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: 6

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 7

Comment	Officer Comment
[redacted] have been aware that No 4 has been utilised for the occasional B&B . This has to date not had any impact on us and there has been no noise or parking issues etc and it would appear the owners of No 4 are sympathetic to their neighbours by ensuring minimal impact [redacted]	Comment noted .
This planning permission was granted with the current conditions [redacted] The property is within a totally residential area and remains as such despite the continued use of No.4 for holiday rental/airbnb. The property is waterside to Chichester Harbour Site of Special Scientific Interest and Area of Outstanding Natural Beauty which has Special Protection Area and Ramsar status. Nothing has changed for the council to consider any change of use for the property and during the timeline of the enquiry into the matter the owners have continued to let the property knowing they were breaching the conditions of planning permission. This has been readily accessible to view online through the Airbnb website.	Understood however the use is not considered to impact the SSSI. Noted.
[redacted]. Salterns Close is a quiet residential road, with no other Airbnbs, businesses or rental properties. It's also interesting, that despite this only being in application stage, 'Salterns Loft' is currently being advertised on the Airbnb website and has been (according to reviews) running for many years, despite it being a clear violation of the previous planning permission. The initial plans and build of the annexe, was granted for residential use only. And since then nothing has changed, so there should be no reason for the council to change their original position on this case. Especially since the owners have knowingly breached the previous conditions.	Please see 'Planning considerations' section of the report. Noted. The current proposal has not previously been considered at the site . Noted that previous condition has been breached.

Condition 3 in the original planning permission states: The annex hereby permitted shall be occupied only for purposes incidental to that of the dwellinghouse and shall at no time be used as a separate unit of accommodation without the written permission of the local planning authority. Reason: In the interests of neighbour amenity and to prevent an overdevelopment of the site area and having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012. Clearly the use of the annex as an Airbnb blatantly breaks the condition 3 of the existing planning permission in that it is being used as a separate unit of accommodation, accessed through its own entrance, so it is not part of the dwelling house and occupied by paying guests. Effectively this means there is a business running in an area, which up to now has been purely residential. Further, the new application provides no justification or solutions to the reasons for the original condition being made in the first place. As already stated the site is effectively changing from a single residential property into a property capable of supporting a self contained annex running a renting business, along with a separate residential property and as such the nature of the area is changing, it is stressing the local amenities and is clearly overdeveloping and changing the nature of the site and local area. In summary Havant planning clearly had concerns with original planning proposal and hence put condition 3 on its usage. Nothing material in the local area or house has changed in the intervening time and the new planning application provides no obvious justifications or reasons why the original condition should be relaxed.	Noted. The previous application was for a residential annexe and therefore was conditioned in that context. Please see 'Planning Considerations' section of the report. Please see above.
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[redacted] 4 Salterns Close, I have never been disturbed by Salterns Loft. Guests use off-street parking and are very quiet. If you didn't know it was there, you wouldn't realise that there was a holiday let in Salterns Close. We all benefit from a beautiful position and outlook onto the tidal creek (My Lord's Pond), sharing this with visitors can only be positive for Hayling Island and local trade/businesses.	Noted.
[redacted]and have never been disturbed by guests at the air B&B. Parking is always in their driveway so no problem. Only one bedroom so seems mainly retired couples or a single person. Brings trade to the island as guests often eat out locally. Have never been disturbed by noise or any problem regarding this air B&B.	Noted.
Comment in support : Comments made in response to another's comment made in objection to the proposal . Comments state that no noise or amenity issues have been highlighted previously as a result of the proposal. Comments should not be personal in nature. There is no evidence to suggest that Hayling Island is saturated with Air B&B offerings. 'It is a charming AirBnB offer, receives great reviews, and adds a distinctively different choice to much of the other accommodation on the island.'	Noted.

Objects - Document uploaded to the file - main comments taken from this document	Comments noted - please see 'Planning Considerations ' section for further case officer comments .
The area is residential in character No change in circumstances since previous approval Setting of precedent for others to ignore planning conditions The facilities are not accessible.	Breach of conditions noted however this application is considered based only on the material planning considerations of the proposal. It is understood that people with facilities may not choose to stay here as the accommodation is on first floor level- this is not a material planning consideration.
No likelihood of compliance if granted	HBC would use planning conditions for compliance . If these are breached then this would become a Planning Enforcement matter.
Impact on other accommodation businesses	Competition is not a material planning consideration.

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) Appropriateness of design and impact on the character of the area
- (iii) Effect on neighbouring properties
- (iv) Biodiversity Net Gain (BNG)
- (v) Flood zone
- (vi) Parking
- (vii) Habitats regulations

(i) Principle of development

7.2 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria.

7.3 This proposal comprises the variation of Condition 3 of Planning Permission APP/13/00550 to allow use of annexe as an Air B&B for 120 days a year or less. APP/13/00550 was the planning permission for a 'Two storey side extension to create an annexe' . Condition 3 of this permission stated the following :

The annex hereby permitted shall be occupied only for purposes incidental to that of the dwellinghouse and shall at no time be used as a separate unit of accommodation without the written permission of the local planning authority.

Reason: *In the interests of neighbour amenity and to prevent an overdevelopment of the site area and having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.*

- 7.4 The current proposal seeks to vary this condition in order to use the annexe as an Air B&B. It is understood that this use has been in situ for some time.

(ii) Appropriateness of design and impact on the character of the area

- 7.5 The context for the variation of condition requirement is stated above . This proposal seeks to make use of the existing annexe known as 'The Loft' as an Air B&B for 120 days a year. It is understood that the first floor living area forms the Air B&B living space, accessed from a spiral staircase via its own entrance . The loft has its own kitchen and bathroom, with a living area and one bedroom. The applicant has provided a Planning Statement stipulating the general use of the annexe as being rented out to couples , explicitly stating that children and dogs are excluded from making use of 'The Loft'.
- 7.6 The proposal site is located on Hayling Island which already hosts a number of overnight accommodation offerings. Policy CS5 of the Havant Borough Local Plan seeks to support hotels and other types of tourist accommodation as well as improving existing tourist facilities. Policy CS5 also states that bed and breakfasts are encouraged throughout the borough however accommodation must also accord with Policy CS16 of the Havant Borough Local Plan ' High Quality Design'.
- 7.7 This proposal would not result in any changes to the appearance of the existing building. Use of the side extension as an annexe was granted under APP/13/00550 and therefore a level of separation from the main dwelling has already been established. Despite this, the use of the annexe as an entirely separate dwelling would be resisted and therefore conditions would be applied limiting the use of 'The Loft'. The applicant has stated that the space would only be in use as an Air B&B for 120 days a year and the rest of the time it would be used for family and friends staying over.
- 7.8 The design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Effect on neighbouring properties

- 7.9 The proposed Air B&B would be located in a residential area and therefore impact on neighbouring residential properties is taken into consideration. To the east of the site is no 5 Salterns Close and to the west of the site is no 2 Salterns Close. The use of the annexe as an Air B&B would result in some increase in activity to the site with guest's comings and goings . Whilst this is noted, guests generally would be out during most of the day and as a small scale operation, allowing two guests at a time , noise levels are not expected to be above that expected from an average residential dwelling. Environmental Health have been consulted in regards to this proposal and they have not objected . It is also noted that no historical issues have been highlighted in terms of noise complaints at the site.

(iv) Biodiversity Net Gain (BNG)

- 7.10 The application was submitted before the requirements for BNG came into effect, therefore they do not apply in this
- 7.11 Consequently, it is considered that the proposal will not appear overbearing or lead to a loss of light, outlook or privacy and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is noted no letters of objection were received with respect to the scheme.

(v) Flood zone

- 7.12 This site is located within Flood Zone 2. When the extension was granted planning permission, the applicant has completed the required Flood Risk Assessment form provided by the Environment Agency clarifying that the appropriate flood proofing and resilience measures will be incorporated within the proposed extension works. In addition the new habitable accommodation would be at first floor level. Therefore, it was considered at that time that the development has taken all reasonable and necessary steps to reduce the risk from flooding.
- 7.13 The Environment Agency was consulted on this application and did not provide any comments. In this case, the use remains residential (C3) of a similar intensity and occupation level and so the flood risk vulnerability would remain the same. Therefore, it is considered that an objection on flooding grounds would not be sustainable, in particular in the absence of objection from the Environment Agency.

(vi) Parking

7. 14 There are 4 car parking spaces on site . This is considered to meet the parking requirements for the site, with 2 required for the main dwelling and the additional two serving the Air B&B.

(vii) Habitats regulations

- 7.15 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.
- 7.16 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 on Nutrient Neutral Development.

7.17. The Appropriate Assessment concluded that the avoidance and mitigation packages are sufficient to remove the significant effect 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.

7.18 The applicant has completed the Unilateral Undertaking and made payment. The Water Efficiency Calculator has also been provided up front.

8 Conclusion

8.1 The proposed development is acceptable in principle, is appropriate in terms of design and its impact on the character of the area, and would have a limited and acceptable impact on the neighbouring properties. On this basis it is recommended for approval.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/24/00343

subject to the following conditions

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

09 Jul 2024		WATER USAGE CALCULATIONS
22 Jul 2024		AMENDED NUTRIENT CALCULATOR
09 Jul 2024		OCCUPANCY CALCULATOR
11 Jun 2024	A106	PARKING PLAN
08 May 2024		PLANNING STATEMENT
07 May 2024		FLOOR & ROOF PLANS
07 May 2024		ELEVATIONS & LOCATION PLAN

Reason: - To ensure provision of a satisfactory development.

- 2 The annexe shall operate as an Air B&B for a maximum of 120 days a year and no more. The rest of the year the use shall revert to ancillary use to the main dwelling. A detailed register of bookings with dates shall be kept and made available for inspection by the Local Planning Authority upon request.

Reason: To ensure that the level of business use is compatible with the residential area and neighbouring amenities having due regard to Policies CS16, DM10, DM13 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 3 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. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.