



DM10 (Pollution)  
DM14 (Car and Cycle Parking on Development (excluding residential))

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)  
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Submission Version Havant Local Plan

E22 (Amenity and pollution)  
IN3 (Transport and parking in new development)

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

**5 Statutory and Non Statutory Consultations**

**Councillor David Jenner**

No comments received.

**Councillor E Shimbart - Hart Plain**

No comments received.

**Councillor P Bains - Hart Plain Ward**

No comments received.

**Environmental Health**

I can confirm that I have no adverse comments to make with respect to the application to extend the hours.

**Hampshire Highways**

It is understood that the existing outbuilding has been operating as a hair and beauty salon for a number of years. The Highway Authority are satisfied that operation of the salon at the days and times noted above will not lead to a detrimental impact on the wider highway network,

The applicant should note that Havant Borough Council, in their capacity as local parking authority, should confirm whether the parking provision is acceptable for this increase in use.

Having regard to the above the Highway Authority provide no objection to the above planning application.

**Traffic Management, East Hampshire District Council**

The Traffic Team have no adverse comment to make.

**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: 29

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 39

4 letters of objection raising the following issues:

- Will double the amount of hours that this customer led business will attract into our small residential environment
- Could mean that if open for 9 hours for 5 days a week and 6 and a half hours on Saturday if only one person came every hour this would amount to around 50 visitors a week
- We are very unhappy that they achieved permission for part time hours they are now being completely disrespectful of their neighbours by trying to run it on a full time basis
- Most of the comments supporting this application are from customers who do not live in this vicinity and cannot comment on how this is affecting neighbours
- Concern that If the increased hours are approved, unacceptable levels of noise, air pollution and movements in a small residential street 6 days a week until at least 6pm is totally unacceptable
- When visiting relatives who live in the immediate vicinity of this business, I have sat in their garden and witnessed the noise and disturbance that customers can cause to the detriment of their neighbours' capability to be able to relax and enjoy their own environment
- Should be run from a dedicated retail shop, not in a residential area
- This increase in hours will result in an intolerable amount of customers
- When sitting in friends garden you can smell the toxic fumes of hairdressing products
- Increase in foot and vehicular traffic and noise being created
- Should be based in commercial premises and not a residential one

35 letters of support making the following comments:

- Alison's standards and work are excellent
- Support the extra days due to shift work not knowing what day I have off
- Assists me with my weekly hair appointment
- Due to her opening hours, I can't get my hair done as frequently as I like
- Support the correct hours required for a small business to operate effectively,

efficiently and competitively

- Hours do not impose negatively on anyone
- Clients should be classified in the same way as normal visiting house guest
- Would appreciate more flexibility in the days and times
- Never found the business not to respect noise, neighbours and is highly professional
- More evenings and more days would be appreciated
- The hours that are hoping to be offered by this applicant ensure I can get an appointment as needed
- There is never more than 1 customer at a time so I cannot see how this impacts her surroundings
- Offers an essential service to the community
- Has done her best not to upset any neighbours
- See no rational explanation or reason why this application should not receive approval
- When I visit it is always very clean and quiet
- Provides an excellent service for young and old and those more vulnerable in a quiet very personalised setting
- Every appointment is verified by text ensuring there is no waiting
- Advised of parking facilities in advance to ensure there are no issues i.e. preventing neighbours gaining access to their parking
- The salon is always very quiet
- Very professional and has followed all the rules set due to covid
- The building used for the business is self contained and substantial enough to prevent any noise during the short periods of a hairdryer being used
- There is nothing used in this business that has particularly noxious or unpleasant odours

Whilst there has been a significant number of letters of support for the proposed change in hours of operation of the business, it is apparent that the majority do not live in the vicinity and are customers of the current business.

## **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) Background
- (iii) Impact upon the character and appearance of the area
- (iv) Impact upon residential amenity
- (v) Parking

(i) Principle of development

- 7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development management criteria.
- 7.3 Section 73 provides for the determination of applications to develop land without compliance with conditions previously attached. It only provides for the variation of conditions attached to an existing permission; it does not provide a means of varying the development permitted (other than through the imposition of new/varied conditions).
- 7.4 Given the previous permission, the principle of the development/use is considered to be acceptable albeit with conditions imposed restricting hours of operation and level of the business activity. These were previously imposed in order to seek to ensure that the use was appropriately constrained to operate in a manner compatible with the primarily residential nature of the surroundings and residential amenity.

(ii) Background

- 7.5 The applicant initially requested that the hours of operation would be Monday to Friday between 09:00 hrs and 18:00 hrs and be a maximum of four days (application APP/20/00840 refers).
- 7.6 However, concern was raised regarding the level of activity that would result, particularly in terms of potential adverse impacts on the residential amenities of neighbouring properties by reason of noise and disturbance created by the level of comings and goings.
- 7.7 Extensive negotiation with the applicant and agent took place in relation to application APP/20/00840 to achieve an acceptable compromise with regards to the business hours and level of activity. The applicant was given the opportunity to reduce the hours of operation and level of activity and by agreeing to set limits to the number of appointments. The application was subsequently amended during the course of its consideration. This resulted in the following specific restrictive planning conditions:

**Condition 2** of permission APP/20/00840 states:

*This permission shall enure for the benefit of Mrs A Beasley only and shall not enure for the benefit of the land and the use hereby permitted shall be discontinued on the date when Mrs A Beasley ceases to reside at 11 Clinton Road.*

The reason for such a condition was:

*To ensure that the business operates as set out in the application in the interests of the residential amenities of adjacent residents and in association with the occupation of 11 Clinton Road having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.*

**Condition 4** of permission APP/20/00840 states:

*The hair and beauty treatment premises shall only be open for trade or business on the following days and hours:*

*Tuesdays 09:00 hrs to 18.00 hours;*

*Wednesdays 09:00 hrs to 18.00 hours;*

*Fridays 09:00 hrs to 18.00 hours;*

*Alternate Saturdays: 09:00 hours to 15:30 hours*

The reason for such a condition was:

*To protect the amenities of nearby residential properties and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.*

**Condition 5** of permission APP/20/00840 states:

*The business use hereby permitted shall operate within the following criteria:*

*Clients shall visit the premises by appointment only;*

*There shall be a maximum of 5 appointments on any one day;*

*Each appointment will be for a maximum of 3 people arriving together;*

*There shall be one member of staff - Mrs A. Beasley;*

*A detailed register of appointments shall be kept and available for inspection by the Local Planning Authority upon request.*

The reason for such a condition was:

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

**Condition 7** of permission APP/20/00840 states:

*The rooms within the existing outbuilding annotated 'Hair and Beauty Salon Room 1' and 'Hair and Beauty Salon Room 2' on the plans hereby approved shall be used either for a hair and beauty salon operated by Mrs A Beasley only; or for purposes incidental to the use of 11 Clinton Road as a dwellinghouse only.*

The reason for such a condition was:

*In the interests of the amenities of the area and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning policy Framework.*

- 7.8 Whilst it is understood that the hours now requested under the current application would remain the same and be extended to additional days there would be an increased level of activity over the week as a result which is identified below. As presently conditioned the use would allow for the following weekly use:

**Week 1**

Tuesdays 09:00 hrs to 18.00 hours;  
Wednesdays 09:00 hrs to 18.00 hours;  
Fridays 09:00 hrs to 18.00 hours;

Saturday 9.00 to 15.30 hours

**Total weekly hours 33 ½ Hours**

**Week 2**

Tuesdays 09:00 hrs to 18.00 hours;  
Wednesdays 09:00 hrs to 18.00 hours;  
Fridays 09:00 hrs to 18.00 hours;

**Total Weekly Hours 27 Hours**

7.9 The new days / hours requested would be:

Monday 09.00 hrs to 18.00 hours;  
Tuesdays 09:00 hrs to 18.00 hours;  
Wednesdays 09:00 hrs to 18.00 hours;  
Thursdays 09:00 hrs to 18.00 hours;  
Fridays 09:00 hrs to 18.00 hours;  
Saturday 9.00 to 15.30 hours

**This would allow 51 ½ hours a week, every week.** This is considered a significant change in terms of the use of the site for business activity compared to the existing operation

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

7.10 The previous officer report in relation to the approved proposal (APP/20/00840) commented that the outbuilding is sited to the rear of the dwelling and that any view from Clinton Road is limited by the fact that the building is set back from the road and the previous rear extension together with a gate which partially blocks any view.

7.11 As such, the previous proposal for a change of use of a section of the existing rear outbuilding for hair and beauty salon was not considered to have a harmful impact on the character and appearance of the area.

(iv) Impact on residential amenity

7.12 The main issue is the effect that varying the condition would have on the living conditions of neighbours in respect of privacy, activity, noise and disturbance.

7.13 Due to a new fence that has been erected in accordance with condition 3 imposed on application APP/20/00840 and the existence of existing vegetation screening it is not considered that the proposal would cause unacceptable harm to the amenity of neighbours through the loss of privacy and overlooking.

7.14 Whilst it is noted that the Council's Environmental Manager has no adverse comments to make regarding the application, the local planning authority needs to be satisfied, before a positive recommendation could be made, that the scale of the use is such that it would not adversely impact on residential amenity.

- 7.15 In terms of noise and disturbance, whilst the business operation is within a building, there would, however, be external activity associated with clients coming and going from the site and to and from the rear building, including additional vehicle movements and car doors closing. There is also likely to be some degree of conversation, as it is unrealistic to expect that all greetings and farewells would take place inside the building with the doors closed. It should be noted that the applicant requested in the original consent a maximum of 3 people arriving together for each appointment and this is reflected in Condition 5. Whilst such activity is likely to occur with the existing permission, due to the restrictions that are currently in place, this would result in such impacts to neighbouring occupiers being limited over the week in respect of noise and disturbance with a break in commercial activity on Mondays, Thursdays, Sundays and every other Saturday. The only break in business activity under the current proposal would be on Sundays.
- 7.16 Such activity is not common in a residential area, the proposal would result in essentially a full time business use operating 6 days a week and would be a significant increase in the level of activity normally associated with a single dwelling and significantly more than currently consented. As such, the proposal to vary the business operation would result in an increase in the amount of additional activity, noise and disturbance to the detriment of the living conditions of neighbouring occupiers.
- 7.17 The proposed variation of the condition restricting the days/hours of operation would represent an increase of 18 or 24.5 hours per week, which is considered significant. As currently constrained the permission allows the neighbouring occupiers some rest bite from the activity associated with the use and was considered appropriate as a balance between the requirements of the applicant and residential amenity.
- 7.18 It is recognised that Condition 7 would allow for the use of the outbuilding for purposes incidental to the use of 11 Clinton Road as a dwellinghouse in addition to the business use. This would allow the use of the outbuilding for many domestic activities, including working from home, and may involve family members or friends coming to and from the site and consequent external activity. However, it has not been demonstrated that the use of the outbuilding in accordance with the existing conditions would result in external noise and disturbance / activity comparable to the business use with its potential adverse impacts over an extended period of the week sought by the variation of the condition.

(v) Parking

- 7.19 The Highway Authority raise no objections on highway safety grounds. By its very nature, appointments would be staggered throughout the day and it is not considered that allowing additional trading would result in any significant impact on parking in the vicinity and it is noted that there is some off street parking available.

## **8 Conclusion**

- 8.1 Policy CS16 generates a presumption in favour for permission that, among other things, does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.
- 8.2 Whilst a level of business use was considered acceptable and that the level of activity was reduced following discussions between the applicant/agent and the Council, the

proposed variation of Condition 4 of planning permission APP/20/00840 would allow for business activity for six days a week with all the associated comings and goings of clients. This is considered to give rise to an unacceptable level of activity, noise and disturbance over and above that which currently takes place to the detriment of the living conditions of neighbouring occupiers.

As such, the variation of Condition 4 would conflict with Policy CS16 of the Havant Borough (Core Strategy) 2011 and the National Planning Policy Framework 2021.

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## 9 RECOMMENDATION:

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That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/21/01247 for the following reasons:

- 1 The proposed variation of Condition 4 of planning permission APP/20/00840 would allow for business activity for six days a week with all the associated comings and goings of clients. This is considered likely to give rise to a consistent level of activity, noise and disturbance for the majority of the week which would be significantly over and above that of the extant planning permission and would be to the detriment of the living conditions of neighbouring occupiers. As such, the variation of Condition 4 would conflict with Policy CS16 1 e) of the Havant Borough (Core Strategy) 2011 and the National Planning Policy Framework.