

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)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)

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

E1*	(High quality design)
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Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Brenda Linger - Hayling West

No comments received.

Councillor Clare Satchwell - Hayling West

No comments received.

Councillor I Scott Hayling West

No comments received.

Environmental Health Manager, Community Group

Thank you for consulting Environmental Health on the above proposed prior approval to change Jaspers from Class E at ground floor level (commercial, business and service) to 1No. dwelling house (Class C3), by combining existing first floor resident accommodation into a single dwelling.

I have reservations regarding the proposal due to the close proximity of the site to the West Town Inn and the potential risk of harm to future occupants of the proposed dwelling. However, I note the site is located in an established mix use area as well as there already being a residential use at first floor level. As the site is already used for residential at first floor level and the application is not introducing additional units of accommodation, I raise **no objection** to the prior approval.

Hampshire Highways

The Highway Authority are satisfied that the proposed change of use from Class E into Class C3 will lead to a reduction in trips generated by the development. As such, the Highway Authority would provide **no objection** to these proposals.

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: 22

Number of site notices: one site notice

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

(i) Principle of development

- 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 criteria for such appositions (MA.1.) These 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;
 - (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and
 - (h) where the development involves the loss of services provided by—
 - (i) a registered nursery, or

(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006(4),

the impact on the local provision of the type of services lost.

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

- 7.4 Under Class MA the General Permitted Development Order (GPDO) (Part 3 of Schedule 2) also 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. The applicant has confirmed that the final trading day for the restaurant was 26 September 2021, and therefore the premises has been vacant for the necessary time period to qualify for Prior Approval.

Assessment

- (i) Highways and parking
- (ii) Contamination
- (iii) Flooding risks
- (iv) Noise impacts
- (v) Natural light and amenity space
- (vi) CIL/NN/SMRS

(i) Highways safety and parking

- 7.5 The existing approved access allows safe egress and ingress to a gravelled parking area forward of the building which would be retained. The Highway Authority were consulted and have confirmed that the proposed change of use from Class E into Class C3 would lead to a reduction in trips generated by the development and no highway safety concerns are raised.
- 7.6 The existing provision of seven on-site car parking spaces would more than exceed the minimum requirement of two car parking spaces for a three-bedroomed dwelling laid out within the Havant Borough Council Parking SPD. The application proposes to retain all seven on-site car parking spaces.

(ii) Contamination

- 7.7 Land contamination is not anticipated upon site. No groundworks are proposed and the existing mixed Class E and Class C3 uses are not considered to result in any land contamination which would have implications for the proposed residential use.

(iii) Flood risk

- 7.8 The site falls within Flood Zone 1 of the Environment Agency's identified areas of risk to flooding. No physical changes are taking place to the footprint of the dwelling and no flood risk concerns are raised.

(iv) Noise amenity issues from nearby commercial premises

- 7.9 The proposed full residential use of the building would be within an established residential area. The proposed residential change of use to the ground floor would not result in any detriment to the existing level of amenity enjoyed by the surrounding neighbouring occupiers.

7.10 It is acknowledged the application site adjoins an existing public house to the east. However, the public house is located within an urbanised residential area and surrounded by residential dwellings on all sides. It is anticipated that noise levels associated with the public house would be recognised and carefully controlled and monitored. The subject site is already utilised as residential on the first floor, and the current noise level from the public house experienced by the existing occupants is not likely to increase through the residential use of the ground floor.

7.11 Comments provided from Council's Environmental Health Officer note the proximity of the proposed residential use to the West Town Inn public house, but acknowledges the residential location and existing residential use on the first floor. No objections are raised to the prior approval regarding noise amenity concerns.

(v) Access to natural light and amenity space

7.12 All proposed habitable rooms on the ground floor would be supplied by natural light through established windows and therefore the provision of adequate natural light in all proposed habitable rooms would be achieved.

7.13 The proposed layout shows the installation of an open courtyard central to the proposed dwelling, which is functional amenity space, in addition to the existing private residential open space to the rear of the site. No concerns are raised with the provision of private open space for the proposed dwellinghouse use.

(vi) CIL/NN/SMRS

7.14 As no new dwellings are proposed, the site would not be subject to any CIL payments and would not trigger any Nutrient Neutrality (NN) or Solent Recreation Mitigation Strategy (SMRS) mitigation requirements.

8 Conclusion

8.1 The proposed change of use is supported by the current GPDO and the NPPF. It is considered that there would be no adverse impacts relating to flooding, transport, contamination or noise and light amenity impacts arising from the proposal. Prior Approval is therefore required and granted subject to relevant conditions and informatives.

9 RECOMMENDATION:

That the Head of Planning be authorised to for application APP/21/01447, 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:

Location and Block Plan - received 11 Jan 2022
Existing Ground Floor Plan - received 23 Dec 2021
Proposed Ground Floor Plan - received 11 Jan 2022
Proposed First Floor Plan - received 28 Jan 2022

Reason: To ensure provision of a satisfactory development.