

DELEGATED OFFICER REPORT

Site Address: Unit 21A and 21B Park View Apartments, Station Road,
Hayling Island, PO11 0FZ

Proposal: Change of Use Application to permit 2no. commercial office units
approved under APP/25/19/00324 to be used under Use Class E (Commercial, Business
or Service uses) of the Town and Country Planning (Use Classes)(Amendment) (England)
Regulations 2020.

Application Type: Full Planning Permission

Application No: APP/25/00341 Expiry Date: 8th August 2025

Applicant: Mr D Shephard & Mr Louis
Savage

Agent: Mr Gailitis, SLR Consulting Case Officer: Richard Hawkey
LTD

Ward: Hayling West

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site is located on the southern side of Station Road, towards the eastern limit of the West Town Local Centre as defined by the Havant Borough Local Plan. Immediately to the west lies a public car park and to the east is a terraced row of commercial units with flats above. To the rear of those adjacent commercial units is located a car repair workshop. To the north of the site is the Barley Mow Public House, as well as a two storey terrace of residential properties which comprises Nos. 2 to 8 Station Road. To the south of the application site is the open expanse of Hayling Park.
- 1.2 The application site has recently been redeveloped with a development comprising 19 flats and two commercial units which were shown as being used for Class B1 purposes under the previous Use Classes Order. The two commercial units front onto Station Road with flats above with the built form projecting to the rear of the site and adjacent southern boundary. The development takes the form of a two storey / three storey building, with facing materials comprising a mixture of brick and render, and roofing materials of metal seamed construction.
- 1.3 The site is accessed off Station Road with a courtyard area containing the communal parking spaces for the development as well as bin and cycle storage. There is also access to the site from the east which provides further parking spaces as well as servicing access to a separate site at the rear.
- 1.4 It is the two commercial units (forming part of the existing building) which are under consideration under this application.

2 Planning History

APP/19/00324 Demolition of existing dwelling and business units and construction of a 2 / 3 storey building to provide 19 flats and 2 commercial units with vehicle and bicycle parking and bin store. Granted: 11th February 2021

3 Proposal

- 3.1 A Change of Use Application has been submitted to permit the 2no. commercial Office units approved under APP/19/00324 to be used under Use Class E (Commercial, Business or Service uses) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.
- 3.2 Under the 2019 consent a condition was imposed restricting the use of the proposed commercial units which read as follows:

Condition 18:

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (as amended) and any Town and Country Planning (General Permitted Development) Order, the commercial units shall only be used as Class B1(a) offices, and for no other purposes within Class B1 of the above Use Classes Order, without the prior written consent of the Local Planning Authority.

Reason: To accord with the terms of the application submitted; to ensure that the use of the commercial units is compatible with the Local Centre setting of the site; to ensure that satisfactory car parking provision is available locally for the development; and having due regard to Policies CS4, CS16 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011, Policy AL3 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework.

- 3.2 Since the original consent was granted the Use Classes Order in place at that time has been updated such that the previous B1 office type use would now come under Class E. Whilst the new Class E contains a much greater range of uses than the previous B1 Class, consent would be required in this instance to use the two commercial units for anything other than an office type use due to the condition attached to the existing consent for the premises. In this case the applicant is seeking consent to be able to use the units for any of the uses now contained within Class E.

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

CS2 (Employment)

CS4 (Town, District and Local Centres)

CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)

CS15 (Flood & Coastal Erosion Risk)

CS16 (High Quality Design)

CS17 (Concentration and Distribution of Development Within The Urban Areas)

DM3 (Protection of Existing Employment and Tourism Sites)

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)
AL3 (Town, District & Local Centres)
DM18 Protecting New Development from Pollution

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

5 Statutory and Non Statutory Consultations

Councillor Jonathan Hulls

No comments received.

Councillor Paul Gray

No comments received

Councillor Wilf Forrow

No comments received

Environmental Health Manager, Community Group

No objection has been raised to the proposal by the Environmental Health Manager with their full comments being duplicated below:

Approved Document E of the Building Regulations 2010 (as amended) sets out 'minimum' legal standards for buildings' for resistance to the passage of sound. The performance standards in Tables 1a and 1b apply to walls, floors and stairs separating spaces used for normal domestic purposes. The document makes it clear that a higher standard of sound insulation may be required between domestic spaces and those used for communal or non-domestic purposes. In such cases, the appropriate level of sound insulation depends on the specific operational characteristics of the proposed commercial use, with higher performance needed where commercial activity occurs late at night, early in the morning or involves loud, unpredictable or low-frequency noise sources.

Airborne sound insulation testing carried out by APT Ltd on 16/08/23 indicates that the separating wall between the commercial Unit and Flat 5 achieves 66 dB $D_{nT,w} + C_{tr}$, which is excellent and does not require further acoustic enhancement. The separating floor between the commercial unit and Flat 12 performs within the range of 52-55 dB $D_{nT,w} + C_{tr}$, which is considered good.

To minimise the risk of noise disturbance between commercial and residential uses, it is reasonable to expect that the separating structure to provide a good inherent level of sound insulation between different use classes. Accordingly, we recommend imposition of the following condition:

Planning Condition:

Prior to the commencement of the development, full details shall be submitted to, and approved in writing by, the Local Planning Authority, setting out how the separating construction between the commercial and residential elements of the scheme will achieve a minimum airborne sound insulation performance of ≥ 55 dB $D_{nT,w} + C_{tr}$, when

measured in accordance with BS EN ISO 16283-1.

Where the commercial use involves, or is proposed to involve, operation before 07:00 or after 23:00, or includes activities likely to generate elevated, low-frequency, or unpredictable noise (such as amplified music, mechanical plant or kitchen extraction), the submitted details shall demonstrate how an appropriately enhanced level of airborne sound insulation will be provided to protect residential amenity.

This requirement shall also apply to any future change of use or variation in the nature or hours of operation of the commercial unit. Where such changes are proposed, an updated assessment of the adequacy of the separating construction shall be submitted to the Local Planning Authority for approval, along with any necessary mitigation measures to ensure continued protection of residential amenity.

The approved scheme shall be implemented in full prior to first occupation of the affected units and shall be retained and maintained thereafter.

Please note that if the space is a low-noise commercial use, such as office-based, quiet retail, then we will accept the real-world testing of 52–55 dB $D_{nT,w} + C_{tr}$ as compliant.

Hampshire Highways

Site Access

Access to the site is currently gained via a two dropped kerbs, and the previously approved application sought to formalise the access arrangements by reducing the width of the western access to 6m and the eastern access to 5m, with the full height footways reinstated in between. The junction visibility splays were agreed and accepted based on the submitted speed survey data. Vehicle swept path analysis was also undertaken which demonstrated that the accesses can accommodate delivery vehicle and car movements. The current application submission appears to reflect the previously approved site access arrangements, therefore, the accesses are considered to be acceptable.

Traffic Generation

The submitted application includes a calculation of the development trip rates, based on TRICS data. This predicts that the proposals could potentially result in an increase of approximately 9 trips during the weekday peak hours. This predicted increase in traffic generation is unlikely to result in any capacity issues on the local highway network.

Internal Layout

The approved layout included the provision of approximately 24 parking spaces. As part of the previous planning application, the Highway Authority noted that this fell short of HBC's parking standards, but also noted that the public car park next to Hayling Park was proposed to accommodate any overspill parking. As the local parking authority, it was recommended that Havant Borough Council satisfied themselves that the proposed shortfall can be accommodated by this car park. The current submission includes a comparison of parking accumulation between the retail and office uses. This predicts that the proposed class E uses would result in a lower

parking demand (9 spaces vs. 5 spaces maximum). Consideration is also given to the location of the site, and presence of Traffic Regulation Orders in the vicinity of the site to control on street parking. Overall, it is considered that the proposals are unlikely to result in any overspill parking on the local highway network.

Pedestrian Accessibility

As part of the Highway Authority's response for the previously approved application, it was highlighted that pedestrian improvements were being investigated in the vicinity of the site, and a contribution of £3,000 towards improving sustainable local transport infrastructure was secured on the basis that the proposals would result in an increase in pedestrian trips. It is noted that this was secured as part of a S106 Agreement, and the contribution has subsequently been made. On this basis, no further mitigation is requested as part of the current application.

Recommendation

There are no objections to the proposals, subject to confirmation that the highways-related conditions which were imposed as part of the previously approved application are also included for this development.

Property Services Manager

No comments 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: 37

Number of site notices: 2

Statutory advertisement: Not applicable.

Number of representations received: 0

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) Highways and Parking
- (v) Flood Risk
- (vi) Biodiversity Net Gain (BNG)

- (i) Principle of development

7.2 The application site is situated within an urban area as defined by Policies CS17 of the Havant Borough Local Plan (Core Strategy) 2011 and AL2 of the Havant Borough Local Plan (Allocations) 2014 where there is a presumption in favour of sustainable

development subject to other detailed considerations as set out in this report. The National Planning Policy Framework (NPPF) also emphasises the need to support sustainable development.

- 7.3 The site also lies towards the eastern limits of the West Town Local Centre as defined by Policy AL3 of the Allocations Plan, and here there is a presumption that permission will be granted for development proposals that provide town centre uses and contribute to the vitality and viability of the local centre. Policy CS4 of the Core Strategy supports “appropriate town centre development proposals” in local centres that include proposals which support small and independent businesses and also encourage high quality mixed use development that retain active ground floor frontages. The Allocation Plan defines town centre uses as “retail, leisure, entertainment facilities, offices, arts, cultural and tourist development”.
- 7.4 The principle of an office type use was established under the previous consent which was granted in 2019. Consent is now being sought for a more general Class E type use which under the Use Class Order contains the following types of commercial / business and service type uses:
- (a) For the display or retail sale of goods, other than for the sale of hot food, principally to visiting members of the public,
 - (b) For the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,
 - (c) For the provision of the following kinds of services principally to visiting members of the public:
 - (i) Financial services
 - (ii) Professional services (other than medical services)
 - (iii) Any other service which is appropriate to provide in a commercial, business or service locality
 - (d) For indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public
 - (e) For the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,
 - (f) For a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
 - (g) For:
 - (i) an office to carry out any operational or administrative functions;
 - (ii) the research and development of products or processes; or
 - (iii) any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit)
- 7.5 Under the Use Classes Order changes of use between the different uses within Class E would not usually be considered as development, although in this instance a condition limiting the consented uses of the commercial units to an office use has been imposed. However, it is considered that any of the uses listed above which are contained within Class E would be appropriate within a commercial location and as such the principle of the proposal is considered to be consistent with the requirements of Policies AL3 and CS4 of the Local Plan.
- (ii) Impact upon the character and appearance of the area
- 7.6 The proposals seek to change the use of the two units from the currently consent office use, to Class E. No external alterations are included in the proposals. The type

of uses contained within Class E are outlined above.

- 7.7 The unit is located within a mixed use commercial and residential area, where the commercial units are of a relatively small scale and at ground floor fronting onto Station Road. The proposed Class E use is generally considered to be an appropriate use in both form and scale, in keeping with the character of the area and the local amenity. However, given the range of uses pertaining to Class E, the agent has agreed that the proposed use would be restricted to Class E(a), E(b), E(c), E(e) and E(g)(i).
- 7.8 It is therefore recommended that permitted development rights to change the use of the unit to Class E(d), E(f), or E(g) (ii and iii) in Schedule 2, Part A of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 are removed, notwithstanding any provisions, unless agreed otherwise through written consent of the Local Planning Authority. This is to protect the amenity of the local area.
- 7.9 The proposed use is considered to be appropriate within its context, meeting the requirements of Policies CS16 and DM10 of the Havant Borough Core Strategy.

(iii) Impact upon residential amenity

- 7.10 There are flats immediately adjoining both of the existing commercial units and well as being located in proximity to the site. No changes to the size or appearance of the existing units are proposed, and therefore there will be no impact to the light, outlook or privacy of those residential dwellings. However, it is acknowledged that some uses included under Class E, particularly the preparation of food, may result in additional smoke, fumes or odours which need to be mitigated against in accordance with Policy DM10.
- 7.11 The Council's Environmental Health Team were consulted and have raised no objection to the proposals, however it is appropriate to ensure that potential future impacts from uses under Class E are appropriately controlled. It is considered that any future installation of plant or machinery be conditioned in order to fully consider potential noise, pollutants, or disturbance to neighbours on a more detailed basis. As indicated above, it is also recommended that the use be restricted to remove some uses under Class E that would potentially have an unacceptable impact on nearby residents.
- 7.12 With respect to acoustic mitigation and the adjacent residential units it is recommended that prior to the commencement of the change of use that details of this are submitted by the applicant for approval. A suitably worded condition to cover this point is to be included on the decision notice for this application.
- 7.13 The applicant has confirmed that the hours of operation for the businesses would be 7am to 9pm Monday to Saturday and 7am to 4pm Sundays. Given the location of the site and its proximity to other commercial operations these hours would seem reasonable and would not result in an undue detrimental impact on the amenities of nearby / adjoining residential uses particularly as the range of E Class uses is to be restricted. A condition is recommended to be imposed to restrict the hours of operation of the units to the times indicated above.
- 7.14 Consequently, it is considered that the proposal will not appear overbearing or lead to a loss of light, outlook or privacy and would have a limited and acceptable impact on the adjacent and adjoining properties thereby meeting the requirements of Policies CS16 and DM10 of the Havant Borough Core Strategy (2011).

(iv) Highways and Parking

- 7.15 The existing commercial units have car parking available which was provided as part of the larger re-development of the site. The Highway Authority have not raised any objection to the current proposal on the basis of site access, traffic generation, internal layout or pedestrian accessibility. It is noted from the officer report for the original consent that 24 car parking spaces were to be provided and that this was considered to be an acceptable quantum of provision for the site. The parking provision was shown on approved drawing: 5531 1200R (Proposed Ground Floor Layout). Despite an extensive search of the documents held for the original consent it has not been possible to locate this approved drawing and the equivalent plan now submitted for this application is 5531 1200Q. Whilst it has not been possible to undertake a comparison between the two plans, it is noted that the plan provided for the current application also contains 24 parking spaces in the same arrangement as other parking plans on the original consent submitted in connection with the discharge of conditions for it. The Highways Authority have also not raised an objection subject to the imposition of any highways conditions on the original consent being reimposed.

- 7.16 Condition 17 of the original consent states:

The development shall not be brought into use until space for the parking and turning of vehicles has been provided within the site, surfaced and marked out in accordance with the approved details. Such areas shall thereafter be retained and used solely for those purposes.

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

Whilst the car parking has already been laid out in accordance with the plans, it is recommended that the condition be re-imposed to ensure that the parking continues to be provided and available for that purpose. On this basis the proposal is considered acceptable from a highway safety point of view.

(v) Flood Risk

- 7.17 In terms of flood risk, the site lies within Flood Zone 1, whereby Government Guidance advises that there is a low probability of flooding and all forms of development are appropriate. Matters relating to surface water drainage and sewer capacity for the site were dealt with as part of the earlier consent and conditions relating to those matters satisfactorily discharged. As such this aspect of the proposal is considered acceptable under the requirements of Policy CS15 of the Core Strategy.

(vi) Biodiversity Net Gain (BNG)

- 7.18 It is noted that this application meets the De Minimus exemption requirements relating to Biodiversity Net Gain.

8 Conclusion

- 8.1 The proposed development is considered 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 neighbouring properties. On this basis the application is recommended for approval.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/25/00341 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:

Draw.No. 5531 1100 Rev E Site Location & Block Plan received by the Local Planning Authority on 2nd April 2025

Draw.No. 5531 1200 Rev Q Proposed Ground Floor Layout received by the Local Planning Authority on 12th May 2025.

Reason: To ensure provision of a satisfactory development.

3. The change of use hereby permitted shall not be brought into use until space for the parking and turning of vehicles has been provided within the site, surfaced and marked out in accordance with the approved details. Such areas shall thereafter be retained and used solely for those purposes.

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

4. Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the Use Class shall be restricted to Class E(a), E(b), E(c), E(e), and E(g)(i) of Schedule 2 Part A of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order and for no other purpose whatsoever.

Reason: To safeguard the amenities of the locality and / or occupiers of neighbouring property and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

5. The commercial premises hereby approved shall only be open to the public between 7am to 9pm Monday to Saturday and 7am to 4pm on Sunday.

Reason: To protect the amenities of nearby residential properties and having due regards to policy DM10 of the Havant Borough Local Plan (Core Strategy) and the National Planning Policy Framework.

6. No plant, machinery, or structures required for heating, cooling, ventilation or filtration purposes including kitchen exhaust systems shall be installed at the premises until and unless details of the external appearance and acoustic performance of the same have been submitted to and approved in writing by the Local Planning Authority. Thereafter any plant, machinery, or structures approved shall be fully implemented in accordance with the approved details and shall be retained and maintained for their designed purpose.

Reason: To safeguard the amenities of the locality and/or occupiers of neighbouring property 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. Prior to the commencement of the change of use hereby permitted, full details shall be submitted to, and approved in writing by, the Local Planning Authority, setting out how the separating construction between the commercial and residential elements of the scheme will achieve a minimum airborne sound insulation performance of $\geq 55 \text{ dB } D_{nT,w} + C_{tr}$, when measured in accordance with BS EN ISO 16283-1.

Where the commercial use involves, or is proposed to involve, operation before 07:00 or after 23:00, or includes activities likely to generate elevated, low-frequency, or unpredictable noise (such as amplified music, mechanical plant or kitchen extraction), the submitted details shall demonstrate how an appropriately enhanced level of airborne sound insulation will be provided to protect residential amenity.

This requirement shall also apply to any future change of use or variation in the nature or hours of operation of the commercial unit. Where such changes are proposed, an updated assessment of the adequacy of the separating construction shall be submitted to the Local Planning Authority for approval, along with any necessary mitigation measures to ensure continued protection of residential amenity. The approved scheme shall be implemented in full prior to first occupation of the affected units and shall be retained and maintained thereafter.

Reason: To ensure the residential amenity of the dwellings adjacent to the development hereby approved is not impacted upon by noise levels arising from the approved change of use and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM18 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.

Informatives:

1. In accordance with paragraphs 39-51 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants / agents on development proposals in a manner focussed on solutions by:

- Offering a pre-application advice service, and
- Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions

In this instance you were updated about issues after the initial site visit which were satisfactorily addressed and your application was considered acceptable.