

The Head of Development Control
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
Hampshire
PO9 2AX

1 November 2021

Dear Sir,

Planning Statement.

11 Clinton Road, Waterlooville, Havant, PO7 6DT.

Variations to Condition 4 of permission APP/20/00840 to allow the premises to operate Mondays-Fridays 0900-1800 hours and Saturdays 0900-1530 hours.

We have been instructed by Mr and Mrs Beasley of 11 Clinton Road to seek variations to Condition 4 that was imposed on planning permission APP/20/00840 in August this year and restricts the days on which the outbuilding in their back garden may be used as a hair and beauty salon. Condition 4 stipulates that hair and beauty treatments may only be undertaken at the premises on three days in the week (Tuesday, Wednesday and Friday) and alternate Saturdays. The 'Reason' cited for the restriction was *"To protect the amenities of nearby residential properties and having regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework."*

Core Strategy Policy CS16 re 'High Quality Design' generates a presumption in favour of permission *"...for development that is designed to a high standard, which helps to create places where people want to live, work and relax"*; it sets seven generic tests, of which criterion 1(e) appears to have been the most pertinent: *'The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.'* As Policy CS16 was acknowledged in the Officers' Report as being a relevant 'Policy Consideration' and permission came to be granted, it surely follows that criterion 1(e) was seen to be satisfied; it is unclear however, why the permitted use was considered to be acceptable on a Tuesday, Wednesday or Friday but not on a Monday or a Thursday; it is also unclear why the treatments would be found acceptable on one Saturday but not the next.

Core Strategy Policy DM10 re 'Pollution' warns that development which may cause pollution through various means will only be permitted where, inter alia, *"The health and safety of existing and future users of the site or nearby occupiers and residents is not put at risk."* As Policy DM10 was acknowledged by the Officers as being a relevant 'Policy Consideration' and permission came to be granted, it again surely follows that criterion 1 of the policy was satisfied; it is also unclear, however, why the permitted use was considered to satisfy Policy DM10 on a Tuesday, Wednesday and Friday but not on a Monday or a Thursday; it is also unclear why nearby occupiers and residents would be put at risk on one Saturday but not the next.

The Officers' Report on application APP/20/00840 recognised that the use of the subject outbuilding as a hair and beauty salon generated 'Policy Considerations' for the National Planning Policy Framework (NPPF) but did not specify which part(s) of its 75 pages were seen to germane to their consideration of the application. In the absence of evidence to the contrary, it has been necessarily assumed that attention was being drawn to paragraph 56 of the NPPF, which states that "*Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.*" As the use of this modest outbuilding as a hair and beauty salon was seen to **satisfy** the requirements of Core Strategy Policies CS16 and DM10 on a Tuesday, a Wednesday and a Friday (but not on a Monday or a Thursday) and on one Saturday but not the next, it is evident that Condition 4 was neither necessary nor reasonable from the outset and should be varied, to read "*The hair and beauty treatment premises shall be open for trade or business on Mondays to Fridays 0900 hours to 1800 hours and Saturdays 0900 to 1530 hours.*".

Our clients trust that their proposal to vary Condition 4 in this way will be seen to accord with the relevant policies of the development plan and the requirements of the NPPF and will thereby enjoy the benefit of your support. Please do not hesitate to contact our office, however, if there are any matters of concern.

Yours faithfully,



Niall Tutton
Director