

DELEGATED OFFICER REPORT

PROPOSAL	Application to determine if Prior Approval is required for a proposed Change of use from Commercial, Business and Service (Use Class E) to mixed use including up to two flats (Use Class C3)
LOCATION:	13 Elm Grove, Hayling Island, PO11 9EA
REFERENCE NO:	APP/25/00766
APPLICANT:	Ms K Salisbury
APPLICATION TYPE:	Prior approval Part 3 Class G: Retail or betting office or pay day loan shop to mixed use
CONSULTATION EXPIRY DATE:	29/10/2025
APPLICATION EXPIRY DATE:	01/10/2025
WARD:	Hayling East
SUMMARY RECOMMENDATION:	Approve with Conditions

1. Site Description

This application site comprises a terraced, two storey property located on the west side of Elm Grove . This is currently a commercial premises and forms part of a run of shops , many of which feature residential space above. To the rear of the site is a public car park . The property elevations are formed from brickwork and render and the building has a flat roof.

2. Planning History

Is there any planning history relevant to the current application?

None relevant

3. Proposal

Application to determine if Prior Approval is required for a proposed Change of use from Commercial, Business and Service (Use Class E) to mixed use including up to two flats (Use Class C3)

4. Policy Considerations

In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the Planning Considerations section of the report.

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)
CS17 (Concentration and Distribution of Development within the Urban Areas)
CS21 (Developer Requirements)
DM10 (Pollution)
DM13 (Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

DM17 (Contaminated Land)
AL1 (Presumption in Favour of Sustainable Development)
DM18 (Protecting New Development from Pollution)
DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: NA
Conservation Area: NA

5. Statutory and Non Statutory Consultations

Environmental Health

Initial comment

I have reviewed the covering letter, floor plans and area on google maps. It is noted that the covering letter includes that a noise assessment should not be necessary due to the Separating floor between ground floor shop and first floor change of use flats to be acoustically insulated to meet current building regulations, and the laundry's extraction does not terminate near any windows of the proposed development.

No consideration has been made to the neighbouring Indian restaurant and commercial kitchen extraction system which terminates at first floor level to the rear of the proposed development. This introduces concerns of noise disturbance to future residents of the proposed flat 2.

I therefore recommend that in order for this section to make an informed comment the applicant should be requested to provide further information assessing the noise impact of the external noise sources on the proposed residential accommodation. The report should include, if appropriate, measures to be taken to mitigate excess noise impact.

The report should be prepared by a person with appropriate acoustic qualifications and should be with full regard to all relevant guidance including BS8233:2014 - Guidance on Sound Insulation and Noise Reduction for Buildings and BS4142:2014 Methods for rating and assessing industrial and commercial sound.

Further comment following receipt of additional information:

The document entitled 'BS8233 & BS4142 ASSESSMENT OF 13 ELM GROVE, HAYLING ISLAND PO11 9EA' (dated 10th December, 2025) [prepared by E2 Consultants Ltd.] has been reviewed. The report, methodology and findings are

broadly reliable and in accordance with appropriate guidance, however it is noted that no facade correction has been applied to data obtained during the environmental noise survey. Figures 1 and 2 show sound level meter microphones installed at first floor level, less than 1 meter from the facade. A correction of -3dB should therefore be applied to the measurement data. The calculations have been undertaken without the facade correction and as such the glazing for the front of the building is likely over prescribed. The lack of facade correction in the BS4142 assessment has resulted in an overestimate of typical background noise levels, and as such the specific noise level of the extraction exhaust at the adjacent Indian restaurant is anticipated to exceed the background noise level by 7dB. This would be indicative of an adverse impact; however, it is accepted that the provision of standard thermal double glazing and alternative ventilation (trickle vents/acoustic vents or mechanical ventilation) should result in target internal noise levels being achieved. I am satisfied that the report demonstrates that target internal noise levels can be achieved subject to glazing and ventilation with adequate sound insulation being installed. The following condition is recommended, should permission be granted.

Prior to the occupation of the approved residential accommodation, details of a scheme for protecting the proposed dwellings from external noise shall be submitted and approved in writing by the Local Planning Authority. Such a scheme shall ensure that upon completion of the development, the following noise criteria (as recommended in BS8233:2014) shall be met:

- i. all bedrooms shall achieve an 8-hour LAeq (23:00 to 07:00) of 30dB(A)*
- ii. all living rooms and bedrooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)*
- iii. LAmax,F noise levels shall not exceed 45 dBA more than 10 times between 23.00 – 07.00 hours inside bedrooms*

A noise validation report demonstrating compliance with these noise criteria shall be submitted to and approved by the Local Planning Authority before any dwelling is occupied. This assessment shall be conducted with windows open for ventilation, unless mechanical ventilation has been provided, in which case these tests shall be performed with such mechanical ventilation running. Such noise protection measures shall thereafter be maintained and operated in accordance with the approved scheme.

Reason: *To protect the amenity of future residents*

Nutrient 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/>.

Natural England

SUMMARY OF NATURAL ENGLAND'S ADVICE NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Natural England considers that without appropriate mitigation the application would have an adverse effect on the integrity of European designated sites. Your authority has measures in place to manage potential impacts through contributions to an agreed strategic solution(s) which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the Habitats Site(s) for the duration of the proposed development. Mitigation measure(s) to offset any positive nutrient budget should be provided within the relevant catchment area(s). We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered, and relevant local bodies are consulted. Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below. Date: 22 October 2025 Our ref: 530486 Your ref: APP/25/00766 Havant Borough Council planning.development@havant.gov.uk BY EMAIL ONLY Hornbeam House Crewe Business Park Electra Way Crewe Cheshire CW1 6GJ T 0300 060 3900 Page 2 of 7 Further Advice Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process. The advice within this letter 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). With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

6. Publicity and Community Involvement

This application was publicised in accordance with the Council's Local Code of Corporate Governance and the Statement of Community Involvement.

Neighbouring properties consulted (as defined by the Statement of Community Involvement)

Number consulted: 8 – no comments received

Material planning considerations are addressed in Section 7.

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) Class G criteria

(i) Principle of development

7.1 Article 3 (1) , 'Permitted development of The Town and Country Planning (General

Permitted Development) (England) Order 2015 (as amended) states: "Subject to the provisions of this Order and regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017, planning permission is hereby granted for the classes of development described as permitted development in Schedule 2."

- 7.2 In turn Regulation 75 of the Conservation of Habitats and Species Regulations 2017 (as amended) sets out that to be permitted development, any development that is likely to have a significant effect on a European site must not be begun until written notification of an appropriate assessment has been undertaken in accordance with Regulation 77.
- 7.3 In this instance, as part of the Prior Approval process, 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.
- 7.4 The 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 and Mitigation Plan for Nutrient Neutral Development. The applicant indicated a willingness to enter into a legal agreement to secure the mitigation packages.
- 7.5 The Appropriate Assessment concluded that the avoidance and mitigation packages are sufficient to remove the significant effects 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. The nitrogen budget is based on the assumption that the fixtures and fittings in the development meet a water efficiency of 110 litres per person per day and so it is necessary to condition the provision of a water calculator to ensure compliance with the nutrient budget and HRA AA.
- 7.6 A sum of £4916.35 has now been paid by the applicant.

(ii) Class G criteria

- 7.7 Class G Prior Approval applications relate to changes of use of existing commercial, business and service uses (typically Use class E) to mixed use which may include up to 2 dwellings. For such proposals, there are various qualifying criteria and conditions set out in the Order, one of which requires a developer to first apply to the local planning authority for a determination as to whether the prior approval of the authority will be required.
- 7.8 Statutory Instrument 2020 No. 1243 introduced paragraph (9A) under Article 3 of the GPDO 2015 (as amended), which came into force on 6th April 2021, and this states that "Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—

(a) where the gross internal floor area is less than 37 square metres in size; or
(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015(a)."

- 7.9 In this instance, two flats are proposed, a studio flat and a 1 bedroom flat at first floor level directly above the existing ground floor. The minimum space standard for a 1 bedroom, 1 person flat is 39m². The studio flat would be 41.4 m². The space standard for a 1 bedroom, 2 person flat would be 50m². The one bedroom, 2 person flat would be 51.8 m². For both flats the space standards have been met.

Regard is also given to the NPPF as if the application were a planning application.

Class G Restrictions

G.1 Development permitted by Class G is subject to the following conditions—

(a) some or all of the parts of the building used for a use within, as the case may be, article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of, or Class E of Schedule 2 to, the Use Classes Order is situated on a floor below the lowest part of the building used as a flat;

Comment: The flat would be located above the part of the building used for a use within Class E and this criteria is therefore met.

(b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat;

Comment: The building does have a display window however the ground floor would be retained as a hairdressers .

(c) a flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence)—

(i) by a single person or by people living together as a family, or

(ii) by not more than 6 residents living together as a single household (including a household where care is provided for residents);

Comment: The submitted application form confirms that this criteria would be met.

(d) before beginning development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(i) contamination risks in relation to the building;

Comment: Given the proposal relates to new flats on the upper floor, there would be no pathways for any contamination. As such, it is not anticipated that there would be a contamination risk.

(ii) flooding risks in relation to the building;

Comment: The site lies within Flood Zone 1, which has a low probability of flooding. Furthermore, the site does not lie within a critical drainage area. A Flood Risk Assessment is not required.

(iii) impacts of noise from commercial premises on the intended occupiers of the development;

Comment: At ground floor level would be the existing hairdressing salon. Adjacent to the property is a laundrette and an Indian restaurant. It is understood that there are residential uses at first floor level. The applicant has stated that the separating floor between ground floor shop and first floor change of use flats would be acoustically insulated to meet current building regulations and that, whilst the neighbouring Laundrette has an extraction system, none of the windows are near to this.

Havant's Environmental Health Team has been consulted in relation to this proposal and they have noted that :

'No consideration has been made to the neighbouring Indian restaurant and commercial kitchen extraction system which terminates at first floor level to the rear of the proposed development. This introduces concerns of noise disturbance to future residents of the proposed flat 2.'

A noise report was therefore requested to provide further information in relation to potential external noise impacts and, where appropriate, mitigation measures. The applicant has since provided a noise assessment which states that the residential development would not be impacted by the extraction plant subject to the implementation of double glazing and alternative ventilation. This assessment has been reviewed by Havant's Environmental Health Officer who is satisfied that the report demonstrates that target internal noise levels can be achieved subject to glazing and ventilation with adequate sound insulation being installed. Subsequent conditions have been requested by Havant's Environmental Health Officer :

Prior to the occupation of the approved residential accommodation, details of a scheme for protecting the proposed dwellings from external noise shall be submitted and approved in writing by the Local Planning Authority. Such a scheme shall ensure that upon completion of the development, the following noise criteria (as recommended in BS8233:2014) shall be met:

- i. all bedrooms shall achieve an 8-hour LAeq (23:00 to 07:00) of 30dB(A)*
- ii. all living rooms and bedrooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)*
- iii. LAmax,F noise levels shall not exceed 45 dBA more than 10 times between 23.00 – 07.00 hours inside bedrooms*

A noise validation report demonstrating compliance with these noise criteria shall be submitted to and approved by the Local Planning Authority before any dwelling is occupied. This assessment shall be conducted with windows open for ventilation, unless mechanical ventilation has been provided, in which case these tests shall be performed with such mechanical ventilation running. Such noise protection measures shall thereafter be maintained and operated in accordance with the approved scheme.

Reason: *To protect the amenity of future residents*

Such conditions can be reasonably imposed on any consent as they relate to the subject matter of the prior approval.

(iv) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

Comment: All habitable rooms would be served by windows - as the kitchen is open plan for the rear flat it is considered that this would adequately be served via the rear elevation windows . All windows would face towards the east or west with open outlooks. It is considered that these would provide adequate natural light.

(v) arrangements required for the storage and management of domestic waste.

Comment: The proposal would make use of the existing bin siting to the rear of the property as specified in the supporting statement.

8 Conclusions

The proposed change of use is supported by the current GPDO and the NPPF, and there are considered to be no adverse impacts relating to contamination, noise, flooding, light amenity and the storage and management of domestic waste arising from the proposal. Prior Approval is therefore required and granted subject to relevant conditions and informatives.

9. RECOMMENDATION:

That the Development Manager be authorised to Approve with Conditions for application APP/25/00766

Conditions:

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

BS8233 & BS4142 ASSESSMENT OF 13 ELM GROVE prepared by James Flitton AMIOA dated 10.12.2025

Location and Block Plans drawing no 1000 REV C

Proposed floor plans drawing no 1125 REV B

Elevation plans drawing no 1275 REV B

Cover letter 13 Elm Grove 5th August 2025

Reason: - To ensure provision of a satisfactory development.

2. The development hereby permitted shall not be occupied until:
 - a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste efficiency calculation must be installed before first occupation and retained thereafter; and
 - b) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

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, and Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), 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.

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, and Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), 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.

4. The bin arrangements as stipulated in the Covering Letter dated 5th August 2025 shall be provided and installed and made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

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

5. Prior to the occupation of the approved residential accommodation, details of a scheme for protecting the proposed dwellings from external noise shall be submitted and approved in writing by the Local Planning Authority. Such a scheme shall ensure that upon completion of the development, the following noise criteria (as recommended in BS8233:2014) shall be met:
 - i. all bedrooms shall achieve an 8-hour LAeq (23:00 to 07:00) of 30dB(A)
 - ii. all living rooms and bedrooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)
 - iii. LAmax,F noise levels shall not exceed 45 dBA more than 10 times between 23.00 – 07.00 hours inside bedrooms

A noise validation report demonstrating compliance with these noise criteria shall be submitted to and approved by the Local Planning Authority before any dwelling is occupied. This assessment shall be conducted with windows open for ventilation, unless mechanical ventilation has been provided, in which case these tests shall be performed with such mechanical ventilation running. Such noise protection measures shall thereafter be maintained and operated in accordance with the approved scheme.

Reason: To ensure the residential amenity of the dwellings hereby approved is not impacted upon by any external noise levels 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 38-50 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused 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, and,

In this instance:

You were updated about issues after the initial site visit,

Your application was acceptable as submitted and no further assistance was required.