
Site Address:	Units 12 A, B, C Solent Retail Park, Former site of ICTS Limited, Solent Road, Havant		
Proposal:	Variation of condition 11 of planning permission APP/16/00161 to enable 35% of retail floorspace to be used for the sale of other non-food goods.		
Application Type:	Variation/Relief of Condition		
Application No:	APP/24/00399	Expiry Date:	16/07/2024
Applicant:	Mr Gittoes Hargreaves Properties Limited		
Agent:	Mr Wadcock Urban Agile Limited	Case Officer:	Tina Pickup
Ward:	Bedhampton		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site relates to a typical shallow pitched industrial style single storey row of commercial units located on the south side of Solent Road, immediately west of Tesco's petrol filling station. The front forecourt area is block paved for the parking of 19 cars and there is a landscaped border adjacent the highway. The western boundary of the site includes a line of conifer trees and fencing, providing some screening to the rear gardens of a row of terraced residential cottage, numbers, 27 - 39 Solent Road, which back onto the site.
- 1.2 The units were originally constructed as 3 units, providing 948sq.m of Class B1c (light industry) and/or Class B2 (general industrial) and/or Class B8 use (storage and distribution) and or Class A1 (retail) , including ancillary trade counters and B1a (offices). Currently the eastern third of the building is occupied by DWF Flooring and the central and western unit (that has become a single large unit) is vacant.
- 1.3 The original consent APP/16/00161, limited via condition 11 the type of Class A1 products that could be sold to protect the viability and vitality of Havant town centre and for parking reasons. The precise wording of condition 11 states:

*"Use Class A1 floorspace within this development shall only be used for the sale of DIY products (including materials and accessories) and home improvement, gardening and outdoor activities, furniture including hard and soft furnishings and fabrics, carpets and floor coverings, motor vehicles and cycles, electrical goods, office equipment and supplies; in each case to include associated products and ancillary items and accessories, unless otherwise agreed with the Local Planning Authority.
Reason: In the interests of the viability and vitality of Havant town centre in particular and to secure the adequacy of car parking to serve the new development and having due regard to policies CS4 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012."*
- 1.4 The site lies outside any current flood zone, but within the future flood zone. Brockhampton Conservation Area abuts the site to the west, as it includes the cottages to the west. The site also lies just outside but immediately adjacent the town centre boundary as defined by Policy CS4.

2 Planning History

95/56804/017 - Demolition of existing structure and erection of building for freight distribution and maintenance, and associated car and lorry parking.,
PERM,22/06/1995

94/56804/013 - Ground and first floor extensions to provide office/ storage accommodation., PERM,09/06/1994

94/56804/016 - Ground and first floor extensions to provide office and storage accommodation ancillary to use of site for industrial purposes (RESUBMISSION),
PERM,19/01/1995

92/56804/002 - Change of Use to business (B1) use., PERM,30/07/1992

APP/11/00974 - Outline application for demolition of existing industrial building with ancillary showroom, offices and yard, and construction of a non food retail store.,
REF,06/12/2011

APP/12/00504 - Outline Application for redevelopment of site to provide up to 948 sqm (gross internal) of Class B1c (light industry) and/or Class B2 (general industrial) and/or Class B8 use (storage and distribution), to include ancillary trade counters and Class B1a use (offices), with associated access and car parking., PERM,19/11/2012

APP/15/00965 - Reserved matters application for landscaping (Condition No. 2) of Outline Planning Permission APP/12/00504 together with discharge of conditions 3, 4, 5, 6, 7, 9, 10, 12, 15, 16, 17 and 18., PERM,02/11/2015

APP/15/01358 - Application to include Class A1 use on site. (Class B1c (light industry) and/or Class B2 (general industrial) and/or Class B8 use (storage and distribution), and Class B1a use (offices), already permitted under planning permission APP/12/00504)., UNK,

APP/16/00161 - Redevelopment of site to provide up to 948sq.m (gross internal) of Class B1c (light industry) and/or Class B2 (general industrial) and/or Class B8 use (storage and distribution) and/or Class A1 (retail), to include ancillary trade counters and Class B1a use (offices), with associated access, car parking and landscaping (approved 18/04/2016). Request to Discharge Condition 12 (03/10/2018).,
PERM,18/04/2016

APP/16/01162 - Display of 1No. internally illuminated double-sided totem sign.,
PERM,22/12/2016

APP/17/00902 - 3No. illuminated fascia signs; 4 No. non-illuminated fascia signs; 1No. non-illuminated window graphic., PERM,13/10/2017

APP/18/00990 - Approved public realm improvements comprising four benches and two totem signs, UNK,

3 Proposal

- 3.1 Variation of condition 11 of planning permission APP/16/00161 to enable 35% of retail floorspace to be used for the sale of other non-food goods.
- 3.2 The proposal is to assist in the re-letting of the vacant unit to the Salvation Army who as a charity sell second-hand goods including furniture, furnishings, electrical goods etc. These items largely fall under the definition of condition 11 but the Salvation Army also sells a range of other smaller second hand goods including clothing, books, toys and other miscellaneous items. It does not sell food or other convenience items.
- 3.3 The proposal is therefore to vary condition 11 to enable 35% of the floorspace to be used for the sale of other types of non-food goods. As submitted, the suggested updated condition was:

"Use Class E(a) floorspace within this development shall primarily be used for the sale

of DIY products (including materials and accessories) and home improvement, gardening and outdoor activities, furniture including hard and soft furnishings and fabrics, carpets and floor coverings, motor vehicles and cycles, electrical goods, office equipment and supplies; in each case to include associated products and ancillary items and accessories. No more than 35% of the Use Class E(a) floorspace shall be used for the sale of other types of non-food goods, unless otherwise agreed with the Local Planning Authority."

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

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS4	()
DM14	(Car and Cycle Parking on Development (excluding residential))
DM3	(Protection of Existing Employment and Tourism Sites)

Havant Borough Local Plan (Allocations) July 2014

HB2	(Havant and Bedhampton Employment Allocations)
DM20	(Historic Assets)
AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

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

5 Statutory and Non Statutory Consultations

Councillor Liz Fairhurst - Bedhampton

None received

Councillor Michael Lind

None received

Councillor Phillipa Gray

None received

Hampshire Highways

There is limited information provided to support this planning application. The planning statement does not outline the potential impact that the change of use will have on the highway network and therefore further information is required.

The applicant is required to undertake a TRICS assessment to provide a multi-modal trip rate for the proposed use to demonstrate whether any additional demand is likely to be generated as a result of this change of use application. This should be compared against the multi-modal trips rates for the previously consented use as determined under planning application APP/16/00161.

Additionally, the applicant should demonstrate that the parking provision is appropriate for this change of use and whether any additional demand could be accommodated appropriately without causing overspill parking onto the highway network.

The planning statement suggests the proposed tenant undertakes sale of bulky second-hand goods including furniture and electricals. The applicant should confirm delivery arrangements required for such goods and tracking for the largest vehicle to access the site should be submitted to support this application to ensure these vehicles can manoeuvre within the existing site parking layout appropriately.

Having regard to the above, there is currently insufficient information for the Highway Authority to determine this planning application, and the further information requested should be submitted for consideration. The Highway Authority reserve the right to request further information on receipt of the requested information should this be considered necessary.

Hampshire Highways - following submission of requested details:

In response to previous comments raised by the Highway Authority dated 06 June 2024, the applicant has submitted a Transport Note which the Highway Authority have reviewed and have the following comments to make.

Trip Generation:

Given the change in use classes since the extant consent, the Highway Authority have undertaken their own multi-modal trip generation assessment using the TRICS database. As laid out within the TN the assessment work has been undertaken for a Saturday as this is where the highest trip generation is present. Given the available multi-modal site surveys within the TRICS database the use classes for the existing and proposed use are generally comparable given the evidence base requiring an additional 35% of other 'non-food goods' utilising category G (other individual non-food superstore) survey selection within TRICS. When undertaking a multi-modal trip assessment the Highway Authority are content that the development does not generate any additional daily multi-modal trips (albeit has a marginal increase in vehicular traffic in the Saturday peak periods).

Parking Provision:

Given the evidence base provided, the maximum demand of parking spaces is 19 in the Saturday peak. The Highway Authority are content that appropriate parking provision is provided on site and no additional quantum needs to be provided.

Servicing Arrangements:

The TN states that the proposed change of use will not result in any larger vehicles accessing the site. This is noted.

The Highway Authority have only considered this site on the understanding that 35% of the floor space is for use only by the Salvation Army and their sale of goods and not for any other users which may be a higher trip generator, demand additional parking and require larger vehicles to access and service the site. Given the congestion issues and constraints along the Solent Road corridor the Highway Authority may have concerns with other trip attractors which would possibly require additional mitigation. Should the variation of condition be sought for additional uses then the Highway Authority should be reconsulted for further comments. The Planning Authority should consider whether the condition wording needs to restrict it for this specific use and not a flexible use given the above concerns.

Recommendations:

Having regard to the above, the Highway Authority provide no objections to this variation of condition application subject to the wording of the condition restricting the use specifically to matters relating to the Salvation Army and their proposed sale of goods.

Planning Policy

We have reviewed the information submitted and have no policy objection to varying the condition.

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: 31

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
None received	

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 of proposed change on highways and parking
- (iii) Impact of proposed change on town centre viability and vitality
- (iv) Impact of proposed change on residential amenity
- (v) Impact on Brockhampton Conservation Area

(i) Principle of development

7.2 This is a Section 73 application and if approved, its granting effectively re-issues the original permission and must repeat the relevant conditions unless they have been discharged. In this case condition 11 of APP/16/00161 is being sought to be varied, which limited the type of A1 (now Class E) products that could be sold from the site. The other conditions also maintain control of the site in respect of noise, delivery hours, lighting, outside storage, retention of screening hedging etc.

7.3 This application must consider the impact of the proposed changes only, ie type of goods to be sold, and cannot re-consider the principal of the use which already has planning permission under APP/16/00161.

(ii) Impact of proposed change on highways and parking

- 7.4 During the course of determining this application, a Highways Note was requested and provided, setting out the highways impacts of the proposal. With respect to trip generation the Highway Authority concur that the additional 35% of smaller retail non-food items would not generate additional daily modal trips apart from a marginal increase during the Saturday peak. The Highways Note also indicates that the maximum demand for parking from the whole site would be 19 spaces and that the proposed change would not result in any larger vehicles accessing the site.
- 7.5 The Highway Authority note that their assessment relates specifically to 35% of the floorspace being used by the Salvation Army and their goods, and not by any alternative higher trip generator. Since the Solent Road corridor has congestion issues then the Highway Authority are anxious that any variation in wording of condition 11 would still maintain sufficient control of alternative future occupiers of the site to prevent higher trip generators from complying with any revised wording. This has been discussed with the agent who has subsequently agreed to the re-worded condition 11 including reference to the sale of 'donated and second hand goods' which recognises that not all goods donated are necessarily second-hand/used goods, but would prevent a retail business selling a mix of new smaller items as well as larger items with associated higher trip generation, from occupying the site.
- 7.6 The agent has suggested the revised condition could state:
'Use Class E(a) floorspace within this development shall primarily be used for the sale of DIY products (including materials and accessories) and home improvement, gardening and outdoor activities, furniture including hard and soft furnishings and fabrics, carpets and floor coverings, motor vehicles and cycles, electrical goods, office equipment and supplies; in each case to include associated products and ancillary items and accessories. No more than 35% of the Use Class E(a) floorspace shall be used for the sale of other types of non-food goods (these goods to be donated/second hand items), unless otherwise agreed with the Local Planning Authority.'
- 7.7 On this basis the Highway Authority raise no objection.

(iii) Impact of proposed change on town centre viability and vitality

- 7.8 The reason for condition 11 in part relates to the need to protect the viability and vitality of Havant town centre. The double unit within the site was previously occupied by Evans Cycles but has been vacant for over 2 years. The modest change to condition 11 being proposed would allow the re-letting of the unit which in turn would bring the unit back into active use and thus again contribute to the vitality and viability of the area. By continuing to limit the types of goods sold it would ensure that future occupiers of this edge-of town site would not however undermine the retail function of the main defined town centre.
- 7.9 As the site is adjacent but not within the defined town centre, but is proposing main town centre uses, then an up-to-date sequential assessment has been submitted in accordance with paragraph 91 of the NPPF. This found that no alternative site was available that offered the same suitability for the sale of bulky goods with adjacent surface car parking. Since the site has a tight relationship with the adjacent town centre uses and retail park, with likely shared trips, then it is considered that the proposed variation to condition 11 with inclusion of reference to 'donated and second hand goods' would compliment and not necessarily duplicate the main town centre uses.
- 7.10 As such it is considered that the vitality and viability of the main town centre would be

adequately protected whilst a vacant unit would be brought back into use. It is noted that there was no objection raised from the Policy team.

(iv) Impact of proposed change on residential amenity

- 7.11 The site does lie adjacent residential properties but as the Highways Note concludes trip generation would be largely the same and as a result it is not anticipated that there would be any significant increase or change to noise and disturbance that might affect neighbouring amenity. The other conditions would be repeated and maintain some control of hours of delivery etc. As such it is considered that the proposal would have limited and acceptable impact on the properties immediately adjacent to the application site, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is noted no letters of objection were received with respect to the scheme.

(v) Impact on Brockhampton Conservation Area

- 7.12 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving or enhancing the character and appearance of Conservation Areas. The site immediately abuts the Brockhampton Conservation Area but notably there would be no operational development associated with the proposal and the subtle change in use would have a neutral impact on character and appearance of the Conservation Area. As such it is considered that the proposal would preserve the character of the Conservation Area and would not harm its significance, and as such is considered compliant with policies CS11 and CS16 of the Havant Borough Core Strategy 2011 and policy DM20 of the Allocations Plan, 2014.

8 Conclusion

- 8.1 It is considered that the inclusion of up to 35% of the Class E(a) floorspace for the sale of other types of non-food goods which are donated/second hand items, would not have any adverse impact on either highway safety or amenity, or affect the vitality and viability of Havant town centre. As such the proposal is supported.
- 8.2 As a Section 73 application, its granting effectively re-issues the original permission APP/16/00161 and must repeat or amend accordingly the relevant conditions unless they have already been discharged or complied with as part of the construction process. In this instance, due to an updated Use Classes Order some of the conditions require updating.

9 **RECOMMENDATION:**

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/24/00399

(A) subject to the following conditions

- 1 Any proposal relating to the installation and operation of potential noise creation equipment (manufacturing plant, refrigeration units, air conditioning, extract ventilation equipment and so forth) shall be agreed and approved in writing by the Local Planning Authority prior to any such development taking place.

N.B. Noise resulting from the use of any/all plant, machinery or equipment shall not exceed a level of 5dB(A) below the existing background level (or 10dB(A) below if there is a particular tonal quality) when measured according to British Standard BS4142-1997.

Reason: In the interests of protecting local residents from unreasonable noise levels which would be detrimental to the residential character of the area, and having due regard to Policy DM10 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework.

- 2 Unless otherwise agreed in writing with the Local Planning Authority deliveries of goods in connection with the Class E(g), B2, B8 and/or E(a) uses hereby approved shall only be taken and/or dispatched from the site between the hours of 07:00 hours – 21:00 hours Monday to Saturday and 10:00 hours – 17:00 hours on Sundays and recognised public Holidays.
Reason: In the interest of the amenities of occupiers of nearby residential properties and having due regard to Policy DM10 of the Havant Borough Core Strategy 2011 and the National Planning Policy Framework.
- 3 The car parking, cycle provision, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be 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.
- 4 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, the total amount of floorspace in the building hereby approved shall not at any time exceed the amount shown for the building on the approved drawings.
Reason: To safeguard the adequacy of the associated vehicular parking provision and having due regard to policy DM13 of the Havant Borough Core Strategy 2011 and the National Planning Policy Framework.
- 5 There shall be no external lighting on the site other than as hereby approved.
Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Core Strategy 2011 and the National Planning Policy Framework.
- 6 With the exception of waste materials stored within the designated waste container area, no article of any description shall be manufactured, assembled, altered, repaired or stored outside the building hereby approved.
Reason: In the interests of the amenity of the area and having due regard to policies CS16 and DM10 of the Havant Borough Core Strategy 2011 and National Planning Policy Framework.
- 7 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no additional windows / doors or other openings shall be constructed within the west elevation without the prior

written approval of the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Core Strategy 2011 and National Planning Policy Framework.

- 8 The hedging along the entirety of the western boundary as shown coloured green on the site plan hereby approved shall be retained and managed at a height of not less than 4m and not more than 6m, unless an alternative scheme of screen planting is first agreed with the Local Planning Authority.
Reason: To safeguard the amenities of the locality and occupiers of adjoining properties, and having due regard to policies CS11 and CS16 of the Havant Borough Core Strategy 2011 and National Planning Policy Framework.
- 9 Use Class E(a) floorspace within this development shall primarily be used for the sale of DIY products (including materials and accessories) and home improvement, gardening and outdoor activities, furniture including hard and soft furnishings and fabrics, carpets and floor coverings, motor vehicles and cycles, electrical goods, office equipment and supplies; in each case to include associated products and ancillary items and accessories. No more than 35% of the Use Class E(a) floorspace shall be used for the sale of other types of non-food goods (these goods to be donated/second hand items), unless otherwise agreed with the Local Planning Authority.
Reason: In the interests of the viability and vitality of Havant town centre in particular and to secure the adequacy of car parking to serve the new development and having due regard to policies CS4 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 10 The approved public realm improvements (benches) installed as shown on the Bench Locations plan Rev A (submitted pursuant to condition 12 of application APP/16/00161 and discharged on 08/10/2018), shall be retained for the lifetime of the development.
Reason: In the interests of highway safety and the viability and vitality of Havant town centre in particular and having due regard to policies DM13 and CS4 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 11 The development hereby permitted shall be carried out in accordance with the following approved plans:

Planning Statement by Urban Agile dated May 2024

Transport Note by DTA Transport Planning Consultants dated 24th June 2024
And from APP/16/00161:

Site Location Plan Drwg.No 148-100-102 P received 12 February 2016

Solent Park Whole Site Plan P02 rev J received 15 April 2016

Hard and Soft Landscaping Plan Drwg.No 148-100-101 P rev a (revised) received 15 April 2016

Additional Plan - External Works Details Drwg.No 146-300-109 rev C received 12 February 2016

Drainage Plan Drwg.No 148-100-105 P received 12 February 2016

Elevations and Section including Materials Specification Drwg.No 148-100-300 received 12 February 2016

Dust Assessment and Mitigation Measures received 12 February
2016

Reason: - To ensure provision of a satisfactory development.