
Site Address: 194-196 Dunsbury Way, Havant, PO9 5BG
Proposal: Variation of Condition 2 of Planning Permission APP/18/00764 to vary approved plans in relation to changing the opening of new shopfront door, removal of previously approved rear extension, changes to rear elevation fenestration and installation of new fence to secure privacy.
Application No: APP/20/00262 Expiry Date: 22/05/2020
Applicant: Mr Lott
 Southern Co-Op
Agent: Mr Murray Case Officer: Lewis Oliver
 JLL
Ward: Battins

Recommendation: **GRANT PERMISSION**

1 Site Description

194-196 Dunsbury Way, Havant is a two storey property located on a prominent corner plot with the site area measuring 0.05ha. The building is residential in nature, however, appears to have been converted to facilitate different development types over the years.

The application site has a yard located to the front with a large grassed area located to the rear. The application sites last use appears to have been a family centre, similar to that of the adjacent building and would fall under the C2 use class.

The Oakleigh Family Centre is located to the north of the site. Residential properties are located to the east and west of the site. These are two storey in nature. The Leigh Park District Centre is located some 100m to the south of the site and provides a range of community and retail uses.

2 Planning History

APP/18/00764 - Change of Use from Residential Institution (Use Class C2) to End of Life Services (Use Class A1) (including exterior alterations and single storey rear extension) and the creation of a 2 bed apartment on first floor. Permission 31 October 2018

3 Proposal

Variation of Condition 2 of Planning Permission APP/18/00764 to vary approved plans in relation to changing the opening of new shopfront door, removal of previously approved rear extension, changes to rear elevation fenestration and installation of new fence to secure privacy.

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)
CS4 (
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)
DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
DM21 (Shopfronts, Signs, Security Shutters and Advertisements)
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Havant Borough Pre Submission Local Plan 2036

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Community Infrastructure

No response

Councillor Jo Lowe

No response

Councillor Malc Carpenter

No response

Hampshire Highways

Highways Development Planning raises no objections to this proposal. Line marking upon the carriageway will be subject to relevant TRO/S.278 Highway Legislation and the applicant will be required to engage the Highway Authority at its earliest convenience.

Natural England Government Team

No response

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: 68

Number of site notices: At least one site notice exists - check the number.

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

- 7.1 This application has been submitted pursuant to S73 of the Town and Country Planning Act, in order to seek approval for a form of development on the site which differs from the original APP/18/00764 to vary approved plans in relation to changing the opening of new shopfront door, removal of previously approved rear extension, changes to rear elevation fenestration and installation of new fence to secure privacy between parking of funeral vehicles and main public areas of the business.
- 7.2 The Council has conducted a Habitats Regulations Assessment (HRA) 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, when considering the impact of the S73 changes in the context of the project approved under APP/18/00764 and which is still extant, there was not likely to be a significant effect on any Solent European Sites (as defined in the application's HRA) due to any increase in recreation or decrease in water quality that might result from the development.
- 7.3 The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have chosen not to make any representations within the standard 21-day period for consultation. The HRA has therefore been able to be completed on this basis and concludes that the proposal would not lead to a likely significant effect on European site integrity.
- 7.4 In other respects, S73 (2) of the Act states: On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted.
- 7.5 The matters considered under the original application which are not affected by the proposed changes - which comprise the principle of development; housing provision; and financial implications - therefore do not fall to be reconsidered.
- 7.6 Therefore, having regard to the relevant policies of the development plan it is considered that the main issues arising from the changes proposed in this S73 application are:
- (i) Impact upon the character and appearance of the area
 - (ii) Impact upon residential amenity
 - (iii) Impact on highways

(i) Impact upon the character and appearance of the area

As outlined above, this planning application seeks minor changes to the previously approved plans. These can be detailed as:

- Changing the opening of the new shopfront door. In terms of changes to the front elevation, the originally proposed roller shutter has now been replaced by a double door. This will be opaque to limit the inward views to the mortuary. The shop entrance door has changed location from being located on the right-hand side of the entrance to the left.
- Removal of the previously approved rear extension
- Changes to fenestration on the rear elevation
- Installation of new fence to secure privacy for transferring the deceased in to the mortuary

The proposed changes highlighted above, will actually reduce the built form, through the removal of the rear extension element. With regard to the other changes on the front, and including the privacy fence, these changes are not considered to have a significant adverse impact on the character and appearance of the property or area, and are therefore considered acceptable.

(ii) Impact upon residential amenity

The changes to this application are considered to have a minimal impact on the amenities of neighbouring properties compared to the previous permission. As per the last application, a condition is proposed to ensure that development is undertaken in accordance with the submitted noise assessment regarding the proposed plant machinery, which comprises 3 condenser units to service the mortuary. Furthermore it is again considered reasonable in this instance to place a condition restricting the use to A1 End of life services (which is what is applied for) in order to be able to control the use of the site, in the interests of the amenities of the neighbouring residential properties. As other A1 uses could include general retail, which would result in an intensification of use at the site, including further highway movements.

iii) Impact on highways

The proposal also seeks to remove the rear extension from the approved scheme which as a result has an impact on the site layout. The proposal therefore seeks to allow the hearse to reverse off the highway, onto the forecourt of the end of life service centre. To facilitate this, the scheme seeks to install hatched lines in front of the new dropped kerb which will deter people from parking in front of the site. This will also allow the hearse to have an adequate area to be able to reverse into the site which will then allow the vehicle to exit the site in forward gear.

The Highway Authority have raised no objection to this, and have advised that the line marking upon the carriageway will be subject to relevant TRO/S.278 Highway Legislation and the applicant will be required to engage the Highway Authority at its earliest convenience, an informative in this regard has been added.

8 Conclusion

The proposed revisions to the elevational treatment and layout of the development approved under APP/18/00764 are considered to be relatively minor and will not result in any harm to the impact of the development on the character and appearance of the Area, nor its impact on neighbouring properties or highway safety when compared with the scheme originally approved.

This S73 application is therefore recommended for approval. In drawing forward relevant conditions from the APP/18/00764 permission which this will replace, the same conditions are to be applied, as no relevant conditions have been discharged from this consent. The only condition that will be different is the time limit, which is required to have a time period of commencement of three years from the date of the original permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00262 subject to the following conditions

- 1 The development must be begun not later than 31st October 2021.
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 PLAN - 18-XXX-101-
PROPOSED GROUND FLOOR PLAN SC-XXX-V1-GF-DR-K-0001 REV E
SITE AND BLOCK PLAN SC-XXX-V1-GF-DR-K-0006 REV A
PROPOSED ELEVATIONS - SC-XXX-V1-GF-DR-K-0007 REV A
Plant Noise Impact Assessment - September 2018 undertaken by Mayer Brown
Reason: - To ensure provision of a satisfactory development.
- 3 The development hereby permitted shall be carried out in accordance with the mitigation measures outlined in the Plant Noise Impact Assessment Version 1.0 dated September 2018. Any changes to the proposed plan prior to installation will require an updated acoustic assessment to be submitted to and agreed in writing by the Local Planning Authority. Any such agreed variation shall be carried out in accordance with any subsequent approved details.
Reason: In order to safeguard the amenities of adjoining residential occupiers in accordance with policies CS16 and DM10 of the Havant Borough Core Strategy 2011 and the National Planning Policy Framework.
- 4 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 5 The development hereby permitted regarding the business use shall be used only for A1(End of Life Services), and for no other purpose whatsoever including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
Reason: To restrict the use of the premises in the interests of local amenity as residential properties are around the application site, and associated further highway movements, having due regard to Policies CS16, DM14 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

