

Recommendation: **GRANT PERMISSION**

3.1 The application seeks planning permission for two distinct elements, which are:

1. The variation of Condition 3 of Planning Permission 06/59412/007 to allow the sales of food from up to 1.574sq.m of floorspace (i.e. an increase of 664sq.m) within the overall retail park.
2. Physical works including extension and alterations to Unit 6 to allow a subdivision and associated alterations to the layout of the car park. Including:
 - a minor rear extension to Unit 6A to create a new goods bay and loading dock (measuring 137sqm).
 - Alterations to the front (south) elevation of Unit 6 to create two, new entrances and shop fronts with an extended glass canopy at Unit 6A.
 - Alterations to the rear (north) elevation of Unit 6 including the realignment of existing palisade fence and gates to create a secure compound for Unit 6B.
 - Works in the service yard for Unit 6 to remove existing canopy, block up existing service doors and introduce new service shutter for Unit 6B.
 - Alterations to the layout of the car park including revising the location of spaces, trolley bays and cycle parking.
- 3.2 The Planning Statement submitted with the application advises that the development is required to facilitate the right sizing of the two existing tenants - Aldi and Wickes. The physical works proposed are necessary to facilitate the sub-division. The proposed scheme of works would ensure that both tenants can continue to trade successfully within Havant in the future.
- 3.3 The application proposes to increase the amount of floorspace permitted to be used for the sale of food by 664sq.m. The indicative breakdown of how this floorspace would be used is set out below for information purposes only:
 1. Up to 1254sq.m from Unit 6A; and
 2. Up to 320sq.m from Unit 4/5
- 3.4 The application is therefore proposing to vary Condition 3 of 2006 Planning Permission with the following revised wording:

"Not more than 1574sq.m of the gross retail floor space created within the buildings hereby permitted shall be used for discount food retail. There shall be no other food retail use within the site (other than confectionary and pet foods).
- 3.5 No loss of parking spaces will occur as a result of the physical works but there will a material uplift in the number of accessible and 'parent and child' spaces. The number of cycle parking spaces will also increase by 4.

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)
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 and Local Centres)

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

5 Statutory and Non Statutory Consultations

Environment Agency

No response provided.

Highways Engineer, Development Engineer

The Highway Authority has no adverse comment on this application.

Network Rail

No response provided.

Planning Policy, PPUD

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan form the development plan for the borough. In addition to these, the council adopted its Local Plan Housing Statement in December 2016, which can therefore be afforded some weight. Also relevant, though with limited weight, is the emerging Havant Borough Local Plan 2036, in preparation of which a Regulation 18 consultation took place in January and February 2018. The above documents are available at www.havant.gov.uk/localplan.

This application seeks the variation of condition 3 of a previous variation application (06/59412/007), which restricted the amount of food retail at Central Retail Park. The reason for that condition was highways safety and capacity, rather than any concern regarding the type of retail per se.

Central Retail park lies within Havant Town Centre as defined by AL3 of the Local Plan. I therefore agree with the applicant's assertion that in land use terms the proposal is entirely acceptable.

The chief consideration in determining the appropriateness of the variation of condition is therefore Highways safety, which I am unable to comment on.

Parking

The applicant has confirmed that although the car parking on site will be reconfigured, the overall number of bays will remain the same (242 spaces).

HBC's Parking SPD applies in situation where 'a significant increase in area' of new floor space is being created. I do not consider that the small extension proposed here is significant. Nevertheless, a variation of condition would increase the amount of floorspace that could be used for food retail, which in the SPD attracts a greater amount of parking than non-food retail. Conversely, paragraph 3.05 acknowledges that

within Havant Town Centre, a reduced standard of parking is expected.

Overall, therefore, there is no objection to the proposed parking arrangements on the basis of parking standards.

Conclusion

So long as the Highway Authority is satisfied that the reason for the original condition (highways safety) remains safeguarded, there is no policy objection to this proposal.

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: 56

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

Local Plan Position

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan form the development plan for the borough. In addition to these, the council adopted its Local Plan Housing Statement in December 2016, which can therefore be afforded some weight. Also relevant, though with limited weight, is the emerging Havant Borough Local Plan 2036, in preparation of which a Regulation 18 consultation took place in January and February 2018. The above documents are available www.havant.gov.uk/localplan.

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) Highway considerations
- (iv) Impact on the neighbouring properties

(i) Principle of development

7.2 This application seeks the variation of condition 3 of a previous variation application (06/59412/007), which restricted the amount of food retail at Central Retail Park. The increase is necessary to allow the units to continue trading at the retail park. The restriction on the amount of floorspace relating more to highways safety and capacity, rather than any concern regarding the type of retail per se. Highway considerations are discussed in more detail below.

- 7.3 Central Retail Park lies within Havant Town Centre as defined by AL3 of the Local Plan. Policy AL3 advises that planning permission will be granted for development proposals that provide main town centre uses and promote and enhance the primary shopping areas for the town and district centres. The proposal is therefore in accordance with the requirements and aims of Policy AL3.

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

- 7.5 Both companies are already established at the retail park along with their associated signage. The relocating of Aldi from one unit to another, along with the associated alterations required, is not considered to have a significant impact on the character and appearance of the area, as everything will be contained within the context of the retail park.

(iii) Highway considerations

- 7.6 The planning statement submitted with the application confirms that although the car parking on site will be reconfigured, the overall number of bays will remain the same (242 spaces). The Council's Parking SPD applies in situation where 'a significant increase in area' of new floor space is being created. However as the extension to the overall floor space is relatively small (167sq.m), it is considered that this does not constitute a significant increase. Nevertheless, a variation of condition would increase the amount of floor space that could be used for food retail, which in the SPD attracts a greater amount of parking than non-food retail. Conversely, paragraph 3.05 acknowledges that within Havant Town Centre, a reduced standard of parking is expected and overall, therefore, there is no policy requirement for further parking to be included given the highly accessible, town centre location.
- 7.7 The application is supported by a Transport Statement prepared by Vectos Transport Engineers which assesses the accessibility of the site and the potential impacts of the proposed development on the local highways network and car park capacity. The Council's Development Engineer has been consulted and has raised no objection to the application with regards to highways safety.

Impact on neighbouring properties

- 7.8 There are residential properties located to the west of the site which have a shared boundary with the service road for the retail park. The delivery area and loading bay for the relocated Aldi store will be located further away from the residential properties on the north boundary with the railway line. Delivery vehicles will be required to manoeuvre in the delivery yard on the north west corner however, this would be no different to the existing situation for the Wickes unit. The former condition restricting delivery times at the retail park would be reapplied to a new permission.
- 7.9 With regards to opening times, these were permanently extended from 2100hrs to 2200 hours in a 2014 planning permission. However, the extended opening hours only related to the Aldi unit. It is therefore reasonable to reapply these extended opening hours to the newly created unit, so as not to limit the business which has already been established over the past 4 years.

8 Conclusion

There are no material considerations which outweigh the presumption in favour of development and as such, the application is recommended for permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00812 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:

Proposed elevations and part section - DN: 9958/PL/E02 E
Proposed external works / alterations - DN: 9958/PL/P01 G
Amended proposed GF plans - DN: 9958/PL/P03/G
Location Plan and existing car park - DN: 9958-PL-L01C

Reason: - To ensure provision of a satisfactory development.

- 3 Not more than 1,574sq.m of the gross retail floor space created within the buildings approved under Planning Permission 04/59412/002 and the extension hereby permitted, shall be used for discount food retail. There shall be no other food retail within the site (other than confectionary and pet foods).

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 The external materials used shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable.

Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The car parking, cycle parking, 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.

- 6 No deliveries or collections shall be made to the premises in the area to the rear of the retail units (north and west elevations) except between the hours of

0700-2100 on Monday to Saturday and 1000-1700 hours on Sundays and recognised Public Holidays.

Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 The newly created retail unit 6B as hereby permitted shall not open to the public before 0700 hours or remain so open after 2200 hours on Monday to Saturday and 1000 hours to 1700 hours on Sundays.

Reason: To protect the amenities of adjacent residential properties and having due regard to policies DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012

- 8 No externally visible or audible plant, machinery or structures required for ventilation or filtration purposes 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.

Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

- 9 If at any time a cooking process, other than the preparation of hot beverages or the heating of food in a microwave oven, is undertaken on the premises, an extraction and ventilation system shall be installed and maintained in full working order including suitable and sufficient grease filters and odour neutralising plant. The details of the equipment shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of such cooking processes.

Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

- 10 No article of any description shall be stored outside the storage compound, garden centre or retail units or displayed for sale outside the garden centre or retail units unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of highway safety (by preventing display on parking/circulation areas), the visual amenity of the locality and in order to control the level of retail sales area, and having due regard to policies and proposals