
Site Address:	38 Western Road, Havant, PO9 1NJ		
Proposal:	Removal of condition 6 of planning permission 88/51778 which required land to be retained for parking, loading and unloading of vehicles in connection with the 3 bed unit (No 38).		
Application No:	APP/18/00472	Expiry Date:	03/07/2018
Applicant:	Ms Savage		
Agent:	Mr Tutton	Case Officer:	Tina Pickup
	Robert Tutton Town Planning Consultants Ltd		
Ward:	Bedhampton		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site relates to the former detached Victorian dwelling of 38 Western Road that was subdivided into two dwellings following a grant of planning permission in 1988 under 88/51778 to a 3 bed and 1 bed unit. The site now comprises Nos 38a which is the 1 bed property at the eastern end; and Nos 38 which is a 3 bed property at the western end. The building fronts the highway with only a very small forecourt with pedestrian only side access at its western end (serving No 38) and has a side drive/hardstanding area and old garage set back at its eastern end. The dwelling also has an integral garage at its eastern end.

The 1988 planning permission conditioned an area hatched blue to provide the parking for the 3 bed unit; and an area hatched green to provide the parking for the 1 bed unit. The approved plan clearly shows that the area hatched blue to be the hardsurfaced area to the east of 38a and the area hatched green to be the integral garage. This would have been inconvenient for occupiers as the hardsurfaced area meant to provide parking for No 38 is actually removed from their front door and actually adjacent the access to 38a. It is understood that since the subdivision the 3 bed unit (No 38) has been rented out without the use of any parking and the occupiers of the smaller 1 bed unit (No 38a) has had the use of both the integral garage and the side hardsurfaced parking.

Western Road is a cul-de-sac mainly characterised by inter-war high density terraced dwellings having no on site parking. The road does not currently have any parking restrictions but does get parked up. The site is close to Bedhampton railway station and about a 10 to 15 minute walk into Havant town centre.

2 Planning History

88/51778 - Single storey rear extension and sub-division of existing dwelling to form two units - as amended by plan received 8th September 1988. - permitted 5 October 1988

The relevant conditions state:

" 5. The development hereby permitted shall not be brought into use until the areas shown on the approved plan for the parking, loading and unloading of vehicles shall have been made available, surfaced and marked out, and the area shall be retained in a condition to

the satisfaction of the Local Planning Authority and reserved for that purpose at all times.

6. Notwithstanding the provisions of the Town and Country Planning General Development Orders the area hatched blue shall be retained at all times for the parking, loading and unloading of vehicles associated with the 3 bed unit created by this permission and shall not be used for any other purpose whatsoever unless agreed in writing with the Local Planning Authority.

7. Notwithstanding the provisions of the Town and Country Planning General Development Orders the area hatched green shall be retained at all times for the parking, loading and unloading of vehicles associated with the 1 bed unit created by this permission and shall not be used for any other purpose whatsoever unless agreed in writing with the Local Planning Authority.

The reasons for the conditions are:

5. In the interests of highway safety

6. and 7. In the interests of highway safety and to minimise the likelihood of car parking outside the areas provided on site. "

02/51778/002 - Relief of condition 6 of planning permission 88/51778 to allow for transfer of use of parking area to the east of 38A Western Road., REFUSED 11/04/2002 for the following reason:

"The proposal would result in the loss of car parking serving the 3 bedroomed dwelling which is considered essential in the interests of highway safety. The proposal is thereby contrary to Policy T2 of the Hampshire County Structure Plan Review, Policies T5 and GDD1 of the Havant Borough Local Plan and Policy T17 of the Havant Borough District Wide Local Plan (Revised Deposit)."

3 Proposal

Removal of condition 6 of planning permission 88/51778 which required land to be retained for parking, loading and unloading of vehicles in connection with the 3 bed unit (No 38).

This proposal would essentially allow for the side hardsurfaced parking area to no longer be retained for the use of No 38 ie the 3 bed unit and instead allow it to be used in connection with the smaller unit 38a. This would mean that no 38 would have no on site parking.

To justify the proposal the agent argues that the imposition of condition 6 failed the then Circular 1/85 and current NPPF tests for the imposition of conditions; and the site is within a sustainable location.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)

DM3 (Protection of Existing Employment and Tourism Sites)

Listed Building Grade: Not applicable.

Conservation Area: Brockhampton

5 Statutory and Non Statutory Consultations

Conservation Officer

No Objection

Highways Engineer

I do not think we would win a planning appeal based on refusal based on the lack of parking resulting in harm on the Highway network

Traffic Management

There is restricted amount of kerbside parking in Western Road and additional restrictions are likely to be installed in the near future reducing the available parking further. This area is 10-20 minute walk to the town centre (depending on mobility).

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: 15

Number of site notices: 1

Statutory advertisement: 25/05/2018

Number of representations received: 0

Comment	Officer Comment
None	

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 and tests for conditions
- (ii) Effect on parking and highway amenity

- (i) Principle of development and tests for conditions

- 7.2 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria. At the time of making the decision and imposing condition 6, Circular 1/85 was in force which was subsequently replaced by Circular 11/95 and now the NPPF. Para 206 of the NPPF requires conditions to be necessary, relevant, enforceable, precise and reasonable. The agent argues that condition 6 fails these tests for the following reasons: it is unenforceable by virtue of the fact that the hatched plan is missing; that it is not necessary because kerbside parking is unrestricted in Western Road; and it is not precise because it fails to refer to specific categories of the GDPO that were being removed.
- 7.3 However since the submission of this application the scanned records for the 1988 application have been further researched and the approved plan with hatching (blue for condition 6 and green for condition 7) has been located. Therefore the LPA is of the opinion that condition 6 would be enforceable and that the combined effect of conditions 5, 6 and 7 is clear and precise. They were imposed to ensure that the development as proposed in 1988 met the then highway standards and parking requirement and as such were reasonable and necessary to make the development acceptable.

(ii) Effect on parking and highway amenity

- 7.4 Notwithstanding the contested issues relating to compliance with para 206 of the NPPF, the site is acknowledged as being within a relatively sustainable location. The site is located within 5 minutes walk from Bedhampton train station and within 800m of the pedestrianised town centre section of West Street. The adopted Parking SPD at section 3 considers parking standards in relation to accessible areas and notes that within some areas of the Borough, such as town centres, reliance on private vehicles should be less. It is noted at par 3.02 that access to public transport and services varies with Havant Town Centre noted as the most highly accessible location, followed by Waterlooville and then in third place Bedhampton Train Station. Since this site is located between the most highly accessible location and the third (ie Havant town centre and Bedhampton train station) then it is concluded to be within a relatively highly accessible location. Furthermore at par 3.05 it is stated that a reduced parking standard can also apply to sites located less than 800m from the town centre. This site is within 800m walking route from the main primary shopping area of Havant town centre.
- 7.5 Accordingly the site is considered to be within a reasonably accessible location where reduced parking could be considered. Whilst the current adopted Parking SPD would normally require 2 on site spaces for a 3 bed dwelling, a reduction can be justified in this instance given the location. Regard is also had to a recent appeal decision at The Railway Inn, 95 North Street (APP/16/00821) where the Inspector noted that site was close enough to Emsworth station and within reasonable walking distance of local services and facilities giving realistic alternative travel methods, sufficient to allow a reduction in usual parking standards. He did not consider that despite the high demand for parking spaces the proposed shortfall in spaces would result in any significant harm to the amenity of surrounding residents or any highway safety implications would arise. Whilst circumstances are not identical (and notably that appeal case related to 2 bedroom units not 3), the locational accessibility of the sites is fairly similar. Given this appeal decision it is considered the circumstances are similar enough for a refusal to be difficult to substantiate and defend at appeal.
- 7.6 Whilst a similar application at this site was refused in 2002, the policy background has changed with the introduction of the NPPF and an emphasis on sustainable

development. The current Parking SPD was adopted in 2016 and allows parking standards to take account of accessibility. On balance it is considered that the actual harm to highway amenity from a 3 bed dwelling having no on site parking provision in this relatively highly accessible location, would be relatively limited. Consequently, on balance it is considered that permission can be recommended to remove condition 6 of 88/51778.

8 **Conclusion**

- 8.1 Due to the sites relatively sustainable location that is easily accessible to the town centre and rail and bus links, overall it is considered appropriate to remove condition 6 from 88/51778. This is a Section 73 application and its granting effectively re-issues the original 1988 permission and must repeat the relevant conditions from the original permission unless they have already been discharged. In this instance it would be appropriate to update and re-impose conditions 3 (obscure glass window), 4 (removal of permitted development rights for extensions to either plot) and 5 (retention of parking area) but condition 7 becomes unnecessary as the area hatched blue would instead become available for the parking of 38a and therefore the integral garage (area hatched green) is not required to meet the parking standards for 38a.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00472

(A) subject to the following conditions

- 1 The window marked 'x' on Drawing number 2378/1 Rev B dated July 1988 shall at all times be and remain glazed entirely with obscure glass, the particular type of which glass shall provide a degree of obscuration no less obscure than that which is provided by Pilkington's Texture Glass Obscuration Level 4; and consist of at least two lights divided horizontally with only the top light capable of being opened.
Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 2 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no enlargement or extension permitted by Part 1 Class A of the 2015 Order (as amended) to either 38 or 38a shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.
Reason: To prevent overdevelopment and maintain control of development on this subdivided site, in the interests of residential amenity and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 3 The external car parking and servicing arrangements shown hatched on Drawing number 2378/1 Rev B dated July 1988 shall be retained, maintained

and kept available for the parking of vehicles at all times.

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.