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|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------------------|
| Site Address:   | 8 New Lane, Havant                                                                                                                                                 |               |                  |
| Proposal:       | Change of use from storage associated with builders yard to the keeping/storage and retail (A1) sale of cold water fish and associated equipment. (Retrospective). |               |                  |
| Application No: | APP/17/01046                                                                                                                                                       | Expiry Date:  | 24/11/2017       |
| Applicant:      | Mr Eames<br>A1 Recovery Ltd                                                                                                                                        |               |                  |
| Agent:          | Mr Lovatt<br>JSL Architectural Services Ltd                                                                                                                        | Case Officer: | Rachael McMurray |
| Ward:           | St Faiths                                                                                                                                                          |               |                  |

Recommendation: **GRANT PERMISSION**

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## **1 Site Description**

The site is located on the edge of Havant Town Centre, occupying a plot on the corner of New Lane and Eastern Road which primarily consists of a number of industrial buildings including a workshop premises and a variety of storage and distribution uses.

The building subject of this application is located to the south west corner of the site, immediately adjacent to the railway line and is set back from New Lane by approximately 10 metres.

The surrounding area comprises a mix of two and three storey residential development all of a varying age, style and design. The site is separated from the residential development to the south by the existing railway line.

## **2 Planning History**

02/50472/005 - County Matters application for improvement of waste transfer and recycling facility, construction of new building, REF,28/11/2002

99/50472/004 - Retention of vehicular access to Eastern Road, PERM,28/10/1999

94/50472/002 - Two storey store & replacement office extension. (Readvertised), PERM,08/12/1994

92/50472/001 - Erection of radio communications transmission tower with aerial (minimum 30 metres high) to replace existing mast., PERM,18/03/1993

07/50472/006 - Construction of 49No. 1 and 2 bedroom apartments in 3No. 3 and 4 storey blocks; associated car parking; cycle and bin stores. New access to Eastern Road following demolition of existing buildings., REF,26/02/2008

08/50472/007 - Construction of 44No. 1 and 2 bed. flats in 3No. 3 storey blocks, associated car parking, cycle and bin stores, new access to New Lane, following demolition of existing buildings. (Revised application.), NPW,28/01/2010

APP/12/00748 - Retention of signage at 8 New Lane, including 5No. fascia and 3No. boarding and other signs., SPL,24/09/2012

APP/12/00749 - Change of use of workshop from B1/B8 use to B2 use. Change of use of Havant Cabs Office from B1 to Sui Generis. Retention of whip radio aerial. Retention of 2No. air conditioning condenser units. (Part Retrospective.), PERM,30/07/2013

APP/15/01425 - Proposed residential development comprising 41 one and two bed apartments with associated car parking, cycle and refuse storage, following demolition of existing buildings (Approved 07.07.16). Request to Discharge Condition 9 (11.01.17), PERM,07/07/2016

APP/17/00046 - Geo Environmental Site Assessment, UNK,

APP/17/00575 - Variation of Condition 22 of planning permission APP/15/01425 (Residential development comprising 41 one and two bed apartments with associated car parking, cycle and refuse storage, following demolition of existing buildings) to vary approved plans relating to alterations to ground levels in regard to land contamination remediation (approved 25.08.17). Request to Discharge Condition No/s 4, 5, 6, 7, 8, 9, 12, 15 and 17 (19.09.17)., PERM,25/08/2017

APP/17/01030 - 15.2094.001,155p1 16.2730  
100p2,101AP2,101BP2,102P2,103P2,111AP2,111BP2,112P2,113P2,151P2,500P1,5  
11P1,512P1,513P1,514P1 Frankie Foundations Management Plan Piling Risk  
Assessment Groundwater Risk Assessment, UNK,

### **3 Proposal**

This application has been submitted retrospectively following an investigation by the Planning Enforcement Team. The application therefore seeks retrospective consent to change the use of the premises from storage associated with a builders yard to the keeping/storage and retail (A1) sale of cold water fish and associated equipment.

### **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)) |
| DM3  | (Protection of Existing Employment and Tourism Sites)          |

#### Havant Borough Local Plan (Allocations) July 2014

|     |                                                    |
|-----|----------------------------------------------------|
| AL1 | (Presumption in Favour of Sustainable Development) |
|-----|----------------------------------------------------|

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

## **5 Statutory and Non Statutory Consultations**

Not required in relation to this application.

## **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: 2

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

Summary: No representations 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 upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Parking

(i) Principle of development

7.2 The application site is situated within an urban area and is a site with previous business use (primarily B1/B8). The proposed business uses are therefore considered to be acceptable in principle subject to their impact on the surroundings, including nearby residential uses.

(ii) Impact of the proposed change of use

7.3 It is considered important for the economy of the borough to protect existing employment sites that are fit for purpose and on this basis Policy DM3 of the Havant Borough Local Plan (Core Strategy) seeks to safeguard B use classes.

7.4 The current lawful use of the site comprises a variety of uses, primarily B1, B8 and some small scale A1 uses and as such Policy DM3 forms a fundamental material planning consideration in determining this application.

7.5 Ordinarily, a proposed change of use from a B class use would require the premises to be marketed in order to demonstrate that this use is no longer fit for purpose. However, Policy DM3 does specify that a flexible approach should be taken and the type and scale of marketing should be commensurate with the scale of the employment space to be lost. Whilst it is acknowledged that no evidence of any

marketing has been submitted as part of this application, it is noted that over 80% of the application site will remain as a B8 use. Whilst the change of use does incorporate a small scale level of retail sales, it is not considered appropriate nor would it be justified in this instance to require extensive marketing of the premises when the site is largely being retained as a B8 use.

7.6 It is also important to acknowledge that there is other examples evident within the site where a small scale retail use has been provided and as such the proposed retail element would not be considered to be inappropriate or out of keeping with the surrounding locality.

7.7 On the basis of the above, it is considered that the change of use subject of this application is considered to be acceptable, meeting the requirements of Policy DM3 of the HBLP (Core Strategy).

(iii) Impact upon residential amenity

7.8 The building subject of this application is located to the southern boundary of the site, immediately adjacent to the railway line. On this basis, the premises would be located in excess of 20 metres from the residential properties to the south, with the railway line running in between. The residential properties to the west would similarly be located in excess of 25 metres away from the premises.

7.9 It is important to acknowledge that the site is largely to be retained as a B8 use and as such would not incorporate any machinery which is likely to result in any additional noise and disturbance to the surrounding residential premises.

7.10 Consequently, it is not considered the change of use subject of this application would result in any additional impact which would be considered unacceptable to the neighbouring amenity of the surrounding residential properties or the surrounding businesses within 8 New Lane.

(v) Parking

7.11 In order to comply with Havant Borough Council's Design Guidance, 1 parking space would need to be provided for every 30sqm of retail (uncovered areas) and 1 parking space for every 90 sqm of B8 use. The applicant has demonstrated within the approved plans that 4 off-road parking spaces can be accommodated in connection with the change of use and based on the internal floor measurements for both the retail and B8 use, it is considered that the number of parking spaces shown on the plans submitted (Drawing No: EFP/1723/01) would comply with Havant Borough Councils Adopted Parking Standards.

## 8 **Conclusion**

The change of use subject of this application is considered to be acceptable, meeting the requirements of Policies DM3, CS16 and DM14 of the HBLP (Core Strategy) and Policy AL1 of the Allocations Plan. It is therefore recommended that retrospective planning permission is granted for the change of use.

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## 9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/17/01046 subject to the following conditions;

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

Slte location and block plan (EFP/1723/01)- received 21st September 2017  
Existing floor plan (EFP/1723/02)- received 21st September 2017

**Reason:** - To ensure provision of a satisfactory development.