

24 March 2017

Section 73 Town and Country Planning Act 1990

Planning Statement

Removal of Conditions 3 and 4 of Planning Permission 92/57502/000 .

15 Middle Park Way Leigh Park Havant

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1. Introduction

1.1. This statement has been prepared to support the following development:

Removal of Conditions 3 and 4 of Planning Permission 92/57502/000.

1.2. The site comprises a 1 ½ storey challet bungalow located on the west side of Middle Park Way and is part of a semi-detached pair of properties. The site was formerly occupied by a doctor's surgery and is now vacant.

1.3. Middle Park way is characterised by a mix of single and two storey dwellings.

1.4. Planning permission was granted for the use of the property as a Doctors Surgery within Class D1 in 1992.

1.5. This application now seeks relief from conditions 3 and 4 of that planning permission limiting the hours of use and the specific use within Class D1. This is to enable a more flexible use of the building.

1.6. The applicants say that, relief from the proposed conditions will aloow an alternative use within Class D1 that will maintain the commercial use of the building already approved by the principal planning permission.

2. Site Context

2.1. Middle Park way is characterised by a mix of single and two storey dwellings

2.2. The adjoining semi-detached property is in use as a vetenary surgery within Class D1. The site is adjacent to the substantial Co-Operative supermarket and the Middle Park Way Local Centre.

3. Policy Framework

National Policy

3.1. The National Planning Policy Framework (NPPF) became the primary national planning policy guidance on 27 March 2012. It replaced the previous PPS/PPG system of

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guidance documents and deleted a significant proportion of planning policy including the Regional Spatial Strategies (RSS). The NPPF includes transitional arrangements for Local Authorities to either prepare a plan that would be NPPF compliant or adapt an existing post 2004 plan to be compliant.

Implementation of the NPPF

3.2. Paras 214 to 216 of Appendix 1 give relevant advice stating:

214. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.

215. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

216. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Sustainable Development

3.3. Paragraph 7 of the NPPF sets out the Government's overriding objectives of securing sustainable development. Para 7 of the NPPF identifies the roles of the planning system in achieving sustainable development:

7. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places

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and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

3.4. Para 14 goes on to provide further emphasis on the focus towards sustainable development stating:

14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For plan-making this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

Retail Development

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3.5. Para 23 of the NPPF encourages planning policies that should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. It includes a number of bullet points which I will reflect on later in this statement.

Local Policy

3.6. At present the Local Development Framework comprises the Core Strategy. The relevant policies are listed as follows:

CS1, CS2, CS4, CS7 and DM2.

4. Planning Statement

4.1. Section 73 of the Town and Country Planning Act makes clear that relief from conditions may be granted where the harm the condition sought to mitigate has either altered so as to not result in the harm first identified or it is not longer relevant to policy.

4.2. The principle planning permission was granted subject to conditions 3 and 4. These conditions sought to limit the use of the building within Class D1 in order to protect the amenity of adjoining and surrounding occupants.

4.3. Since planning permission was granted the applicants say that the surrounding environment has changed and the harm has not arisen.

4.4. The site is now adjoined on two sides by other commercial uses. To the south is a Co-operative supermarket and Middle Park Way Local Centre, to the North is a Veterinary Surgery. The nearest adjoining residential occupiers are located some 50m to the west in properties fronting Bransgore Avenue.

4.5. Between the building and the boundary of the Bransgore Avenue properties is a 10 space car park.

4.6. Non-residential institutions within Class D1 do not generally generate excessive noise or general disturbance. In this instance the area has altered to such a degree that the nearest residential occupier would not otherwise be disturbed by a Class D1 use in this property.

4.7. It is noted that with the presence of an existing rear car park the comings and goings associated with a fully functional doctor's surgery have already been considered acceptable.

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4.8. Given this it is submitted that relief from conditions 3 and 4 would not give rise to a substantial impact on the amenity of adjoining occupiers in terms of noise and general disturbance.

