

Recommendation: **GRANT PERMISSION**

The planning history of the Vets at 17 Middle Park Way is also considered relevant:

24357/2 - Change of use of ground floor of dwelling to veterinary surgery PP 25/8/1982 with conditions re number of staff, consultation hours; no overnight boarding etc

Some of these conditions have subsequently been varied by: 93/58120 which allows for an extension of hours to 8.30 - 18.30 Mon -Fri and 8.30 - 13.00 Saturdays; 00/58120/003 - increase in number of staff from 2 to 5; use of entire ground and first floor as vets; lift restriction on number of consultations; - temporary pp granted 01/11/2000; 01/58120/004 - renewal of above; staff limited to 5; consultations limited to 0900 - 1830 Mon-Sat and not at all Sundays or Bank Holidays; ff used for storage only

3 Proposal

As originally submitted the application sought to: Removal of Conditions 3 (Hours) and 4 (Use) of Planning Permission 95/57502/000 to allow more flexible use within Class D1.

However during the course of determining the application the description has been amended to:

Variation of Conditions of Planning Permission 95/57502/000: Variation of Condition 3 (Hours) to 08.30 – 21.00 Mon to Sat and 8.30 - 17.00 on Sundays; and Variation of Condition 4 (Use) of to allow more flexible use within Class D1.

The application now seeks to vary the existing hours restriction of 0830 to 1830 Monday to Friday and 0830 to 1300 on Saturdays; and to vary the restriction that limits the use to a medical or health service to enable it to be used for any D1 use ie a creche/nursery, education, museum/art display, library, public hall, place of worship. The property is on the market and this application is intended to broaden the potential uses to attract further prospective purchasers, so the use is speculative and not known.

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)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS4	()
CS6	(Regeneration of the Borough)
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM2	(Protection of Existing Community Facilities and Shops)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL3	(Town, District and Local Centres)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

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

5 Statutory and Non Statutory Consultations

Environmental Health Manager, Community Group

As the use of the site is rather broad in what business could potentially occupy it, without some idea of what could be the use, I would need to go for the “worse case scenario”.

In principle, the D1 use would not necessarily be negative, but information as to the actual use of the site would need to demonstrate that the occupation would not be detrimental to the existing residents or prevent them to use and enjoy their dwelling.

As it stands and without any information of the potential disturbances created potentially by noise (from users/occupiers, vehicles, equipment, machinery etc..), Lights (display /advertising signs, security light etc), odour (cooking facilities etc), I would not be able to provide you with a decent comment. Further D1 use, as I understand it, allows for a permitted use change to A1, A2, A3 and more of concern D1. As the application stands and without any information as to the actual use, I would like to object to this application to remove existing conditions. However, If you are minded to grant this application, I would recommend for conditions covering the following details be applied to any consent. :

1. Noise generated from the refrigeration units and other equipment's.
2. Noise generated from delivery vehicles and times of delivery.
3. Lighting scheme.
4. Smell suppression system.
5. Noise from demolition/Construction.
6. Dust suppression method.

Informative;

Please could you add the “no Bonfires” informative please

Highways Engineer, Development Engineer

No adverse comment to this application

Planning Policy, PPUD

Policy Status: The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan provide the development plan for the borough. In addition, the Local Plan Housing Statement (LPHS) and its guiding principles, adopted December 2016, is also a material consideration.

The following policies and documents are of particular relevance:

- ☐ CS17 Concentration and Distribution of Development within the Urban Areas
- ☐ DM14 Car and Cycle Parking on Development (excluding residential)
- ☐ AL2 Urban Area Boundaries and Undeveloped Gaps between Settlements
- ☐ Havant Borough Parking SPD (July 2016)

Principle of Development: The site lies within the urban area as defined by Policies

CS17 and AL2 of the Local Plan which seek to concentrate new development within the five urban areas of the borough.

The site is adjacent to the Middle Way Local Centre as defined by Policies CS4 and AL3.

Planning Policy cannot comment on Condition 3 (Hours) but can offer guidance on Condition 4 (Use).

The original permission (planning reference 92/57502/000) was granted for the purpose which falls within the scope of paragraph (a) of class D1 in the Schedule to the Town and Country Planning (Use Classes) Order 1987. Paragraph (a) of class D1 includes medical and health services. This was done to protect the amenities of occupiers of adjoining residential properties.

The proposal is to allow for more flexible use within class D1 (i.e. sections (b) to (h)) for the currently vacant unit.

In this instance, as the proposal is to keep the site within class D1 use, the criteria of Policy DM2 do not apply.

Parking: Policy DM14 and the Havant Borough Parking SPD (July 2016) set out the minimum parking standards for new development in the borough. Please note that the required minimum vehicular and cycle parking varies for D1 uses. The requirements can be found on Table 5 and 6 on pages 14 and 15 respectively of the Havant Borough Parking SPD:

Community Infrastructure Levy: The proposal is not CIL liable and does not have to pay the Solent Recreation Mitigation Partnership (SRMP) contribution. Therefore, Policies CS21 and DM24 do not apply.

Traffic Management, HBC

No adverse comment to make on this application

Clinical Commissioning Group

Note that the GP surgery at Middle Park Practice closed some time ago and re-provision of services for those patients has been re-commissioned

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: 6

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

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
Our house backs on to the car park of 15 Middle Park Way, we object of the extended hours for the building, My granddaughters bedroom overlooks the	see below to amenity considerations

car park and if the extend hours their will be traffic noise and pollution issues, also the entry and exit is not suitable for the extra traffic. reduce the parking spaces and also the opening times, ie. 08.30am to 18.00pm and also a gate to the shut the car park off out of hours, like the vets next door.	
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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 character of area and residential amenity

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The site, although a former residential dwelling, has an authorised use as a doctors surgery, which falls within class D1 and is located between the A1 retail Co-op in the Middle Park Local Centre and the Vets to the north, also a D1 use. Therefore the continued use of the property for some alternative D1 use is acceptable in principle and since there would be no loss of a D1 use then the marketing requirements of policy DM2 are not necessary. The Clinical Commissioning Group have also confirmed that the loss of the GP surgery has no wider impact - the patients have all been re-commissioned. Therefore it is the detailed considerations of an alternative D1 use that needs careful consideration, as below.

(ii) Impact upon character of area and residential amenity

Without knowing the precise user the impact of alternative D1 uses, which could include other medical practices, a creche/nursery, education centre, museum/art display, library, public hall, place of worship etc would vary enormously. Some are sessional by nature, others day time and others could include evening use. The associated comings and goings and hours of use would vary with each user. But the site is located adjacent a Local Centre and close to the roundabout with the petrol filling station. Generally this is a more noisy/active location that is also sustainable, suitable for multi-trip journeys and has a local residential catchment where trips could be made by foot, cycle or bus.

It has been indicated that the initial user could be a local church group. On this basis the activity could include sessional meetings. However given the limited size of any internal space the numbers the building could hold would be proportionate to the site's parking capacity - the rear area is shown to accommodate 10 car parking spaces but realistically 12 - 13 cars could probably be parked. This is likely to be sufficient for the size of the building on the site. It is noted that the highway engineer and traffic team raise no objection.

Because the car park is sited to the rear, abutting residential gardens to the west, the

comings and goings to the site and the parking of vehicles with associated noise and car lights, could however harm the quiet residential amenity of these adjacent dwellings. However discussions with the applicant have acknowledged that the complete removal of the hours condition, which would have allowed 24/7 access to the site, would have been harmful in such close proximity to some dwellings. Therefore it is now sought to vary the hours condition with a church group in mind, so 08.30 – 21.00 Mon to Sat and 8.30 - 17.00 on Sundays is sought. This is considered appropriate to respect the quiet enjoyment of the properties to the rear without causing late night nuisance. The Co-op opens until 11pm, but this is accessed from the south and east, and public comings and goings would not affect the properties to the north and west.

The objector requests the hours are limited to 1800 but in this part commercial location this is considered overly restrictive and not compatible to the adjacent Local Centre. The 9pm cap on Mon to Sats and 5pm on Sundays now sought is considered appropriate as a compromise to limit activity in the car park adjacent residential gardens. This would limit harm from noise to amenity and comply with Policy CS16 and DM10.

In terms of possible noise emitting from the actual building from various uses, it is noted that the attached building is a vets with no residential accommodation, and the building sits adjacent the Co-op, with a back-to-back separation of some 50m from the dwellings to the rear. At this distance it is unlikely that any use inside the building would cause nuisance to the residents to the west; but if there were issues in the future this could be investigated and controlled via Environmental Health legislation. A Noise informative can be added.

The objector also requests a gate to close off the car park - but this is considered a matter for the management of the site rather than necessary for planning reasons. The siting of any gate must be set back sufficiently from the highway to avoid vehicles turning into the site and then overhanging the highway causing a safety hazard. This could be conditioned.

It must also be noted that if an open ended D1 use is permitted, then the property would have future permitted development rights for change of use to either A1, A2 or B1. Such uses could have adverse impacts and so to maintain long term control of future uses at the site it is recommended that permitted development rights for these change of uses are removed. Environmental Health have also recommended other precautionary controlling conditions and some of these are appropriate to be imposed.

8 Conclusion

It is considered that the use of the site for alternative D1 uses is acceptable in this mixed commercial/residential area, but due to the sites car park being located adjacent residential properties the hours of use should continue to be controlled to ensure residential amenity is protected.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/17/00209

(A) 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 premises shall only be open and occupied between the hours of 08.30 to 21.00 on Mondays to Saturdays and between 8.30 to 17.00 on Sundays.
Reason: To protect the amenities of nearby 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.
- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (as amended) and any Town and Country Planning (General Permitted Development) Order, the premises shall only be used for D1 purposes and shall not be converted to any other use, including A1, A2 or B1 Use under the above Use Classes Order or General Permitted Development Order.
Reason: In the interests of amenity and highway safety and having due regard to Policies CS16, DM10 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 Any gates to be provided shall be set back a distance of at least 10 metres from the edge of the carriageway of the adjoining highway.
Reason: In the interests of highway safety and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 5 No externally visible or audible plant, machinery or structures required for ventilation, extraction 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 safeguard the amenities of the occupiers of neighbouring properties and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 6 No floodlighting or other form of external lighting scheme shall be installed unless it has been approved by the Local Planning Authority. Such details shall include, location, height, type and direction of light sources and intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.
Reason: To protect the occupants of nearby properties from light disturbance, having regard to policies DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

1:500 Parking Plan

Reason: - To ensure provision of a satisfactory development.