

- 3.2 Whilst the application is described as a 'variation' to condition 1, it is in essence a relaxation of condition 1.
- 3.3 The description has been amended during the consideration of the proposals and reconsultation was carried out including a revised site notice.
- 3.4 Following comments from the Highway Authority a Transport Statement was submitted.

4 Policy Considerations

National Planning Policy Framework 2021
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)
CS2 (Employment)
CS4 ()

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: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Gwen Robinson

No comments received.

Councillor Mike Sceal

No comments received.

Councillor Peter Wade

No comments received.

Crime Prevention -Minor Apps

No comments received.

Environmental Health Manager, Community Group

This office has no adverse comments to make in relation to the applied for variation allowing the sale of food.

However if this were to incorporate use as a take-away / restaurant, we would expect to see an additional planning application in this regard.

Hampshire Highways

In order for the Highway Authority to consider the impact of the proposal a Transport Statement should be provided which considers the additional trip generation as a result

of the proposed change and appropriately assesses the impact of additional trips on the network.

The transport assessment should assess the site in the AM and PM weekday peak as well as the Saturday peak, and consider additional traffic generation across the day. There is an acknowledged issue with the access to the site from the A3 Hambledon Road Roundabout, where traffic backs onto the roundabout from the access and this should also be appropriately considered within the assessment.

It is noted an assessment was undertaken in relation to application APP/12/00330 however this only accounted for the variation sought at that time and does not consider this additional amendment.

The Highway Authority understand that previous discussions were held regarding amendments to the internal layout of the car park. This should be considered as a mitigation measure to reduce the impact on site access from the A3 Hambledon Road Roundabout.

Summary

The Highway Authority require additional information before the Highway impacts of the application can be considered. If the Planning Authority wish to determine the application in the absence of this information please do not hesitate to contact me for our reasons for refusal.

Further Comments

Following our previous response dated 12th January 2022 the applicant has since submitted a Transport Statement (TS) which the Highway Authority have reviewed and have the following comments to make.

Trip Generation

The proposed use will generate a considerable higher number of trips than the existing use.

	AM Peak (08:00-09:00)		PM Peak (17:00-18:00)		Daily 12-hour total	Sat Peak (12:00-13:00)		Sat 12-hour total
	Arr.	Dept.	Arr.	Dept.		Arr.	Dept.	
Existing use	2	1	13	14	280	40	41	804
Proposed use	24	15	40	44	912	58	64	1,133
Net increase	+22	+14	+27	+30	+632	+18	+23	+329

The Highway Authority did not agree with the proportions of the linked trips and pass-by trips presented within the TS. The deduction for linked trips is not agreed as it

assumed that these have already been counted elsewhere within the retail park. In addition, the pass by trips are still required to utilise the immediate road network in a different manner and add trips to the network through access and egress. Therefore, the Highway Authority only consider the assumption of 20% of total trips being diverted as appropriate for a reduction. This equates therefore to 80% of the total trip generation as new trips on the network. With this assumption, the revised net increase of new trips on the network are as follows:

AM Peak (08:00-09:00)		PM Peak (17:00-18:00)		Daily 12-hour total	Sat Peak (12:00-13:00)		Sat 12-hour total
Arr.	Dept.	Arr.	Dept.		Arr.	Dept.	
+17	+11	+19	+21	+450	+6	+10	+102

As can be seen the trip generation across the peak hours is not at a level that could be considered significant to warrant offsite highway mitigation. However, it should be noted that in particular during the weekdays the forecast increase in daily traffic movements to the site is a substantial change to the existing.

Parking

The proposed amendment to the permitted use will demand an additional 6 parking spaces above the existing permitted use, based on the applicants' assumptions. No evidence has been provided to demonstrate that parking capacity exists for these additional parking requirements. It is up to Havant Borough Council as the Local Parking Authority to determine whether the car park can accommodate the proposed use and that the calculations to generate a proposed demand of 6 additional spaces are fair.

Highway Impact

It is noted by the Highway Authority through onsite observations and discussions with the Retail Park that the current off-slip into the retail park from the A3 / Hambledon Road / Houghton Avenue roundabout queues back onto the Highway at busy times (not just the peak hours). It is considered that the blocking back issues onto the A3 /Hambledon Road / Houghton Avenue roundabout are largely caused by the internal arrangement of the car park. Conversations have already been had between the Retail Park and the Highway Authority regarding the concerns with the internal layout of the car park and the impact this is having on the off-slip. It is strongly recommended that the internal layout should be amended to prevent blocking back onto the highway. This is given the context of the total forecast daily trip rates and the fact that queues on the access road are not limited to the peak hour period but occur as a result of internal operations, combined with demand for access.

The Hambledon Road/Aston Road signalised junction is also understood to suffer congestion issues at peak times; however the proposed change of use could not be deemed to add a significant amount of additional impact that would justify specific offsite mitigation.

No modelling work has been provided by the applicant due to the level of overall increase in traffic during the peak times. Whilst it is acknowledged that the application itself may not warrant significant offsite improvements, it is considered reasonable for the Planning Authority to require amendments to the internal layout to mitigate the impact of increased demand for use at the site. Appropriate amendments could be secured through condition.

Recommendation

Given the above, the Highway Authority have no objections to the application, subject to appropriate amendments being made to the internal layout to minimise any blocking back issues onto the wider highway network.

The Highway Authority would welcome further discussions with the applicant on this point.

Planning Policy

The reason for the condition the applicant is seeking to remove refers back to the old District Wide Local Plan 1996-2011 so cannot see any policy issues with this being removed.

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: 20

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

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) Background
- (iii) Impact upon the character and appearance of the area
- (iv) Impact upon residential amenity
- (v) Highway implications
- (vi) Other matters

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development management criteria.

7.3 Section 73 provides for the determination of applications to develop land without

compliance with conditions previously attached. It only provides for the variation of conditions attached to an existing permission; it does not provide a means of varying the development permitted (other than through the imposition of new/varied conditions).

(ii) Background

- 7.4 The Retail Park comprises three blocks of shop units. The application site is situated in what was the first phase of the retail park. This originally comprised two units occupied by Focus DIY and DFS. However, in 2012, as noted above, permission APP/12/00330 was granted for the sub division and alterations to the former Focus store into two units which are now occupied by B & M and Benson for Beds.
- 7.5 In December 2010 planning permission was granted (APP/10/00585) for works to Unit 1, the former Focus Store. The two units are now known as Units 1A and IB. Condition 2 of permission APP/10/00585 stated:

“Notwithstanding the provisions of the Town and Country Planning Use Classes 2005 Order as amended, or any order revoking or re-enacting that Order, the development hereby permitted shall not be used for the sale of food (other than confectionery and pet foods).”

Reason: *In order to ensure that the vitality and viability of the existing Waterlooville Town Centre is not undermined by the nature of retail uses permitted on this site and having due regard to saved policies D1 and TC1 of the Havant Borough District Wide Local Plan 1996-2011 which forms part of the Havant Borough Local Development Framework and Planning Policy Statement 4.”*

- 7.6 In June 2012, as noted above, planning permission was granted (APP/12/00330) to vary the above condition to allow for the sale of food in one of the two units. Condition 1 was imposed (the subject of this application) and effectively varied Condition 2 of permission APP/10/00585 to read:

- (1) *Condition 2 of Planning Permission APP/10/00585 dated 14 December 2010 is hereby varied to read: Notwithstanding the provisions of the Town and Country Planning Use Classes 2005 Order as amended, or any order revoking or re-enacting that Order, no more than one of the two units of the development hereby permitted shall be used for the sale of food (other than confectionery and pet foods which can be sold in both units).*

Reason: *In order to ensure that the vitality and viability of the existing Waterlooville Town Centre is not undermined by the nature of retail uses permitted on this site and having due regard to policy CS4 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.*

- 7.7 The reason for the conditions refers back to the old District Wide Local Plan 1996-2011 and at that time, the application site was outside the Town Centre boundary. The conditions were imposed to protect the vitality and viability of the town centre at that time.
- 7.8 Policy AL3 states, inter alia, that main town centre uses such as shops, restaurants, hotels, offices, arts and community facilities should be located in town, district and

local centres.

- 7.9 The planning policy position has now changed in that since 2014, the Retail Park has been situated within the Town Centre boundary and, as such, a food retailer would strengthen the vitality and viability of the designated Town Centre.

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

- 7.10 There would be no adverse impact on the character and appearance of the area as a result of the proposal and there is a variety of uses in the immediate locality.

(iv) Impact upon residential amenity

- 7.11 It is considered that there would be no adverse impact on residential amenity as a result of the proposal.

(v) Highway implications

- 7.12 Following consultation the highway authority advised that a transport statement was required before the Highway impacts of the application could be considered. As such, the highway authority wanted a transport statement which considered the additional trip generation as a result of the proposed change and appropriately assess the impact of additional trips on the network.

- 7.13 The applicant provided a transport statement which was considered by the highway authority.

- 7.14 The Highway Authority comments are set out above in this report. In conclusion, the Highway Authority raise no objections to the application, subject to appropriate amendments being made to the internal layout of the car park to minimise any blocking back issues onto the wider highway network, which can be controlled by suitable conditions which were put forward by the highway authority in their original form.

- 7.15 The applicant's transport consultant has been in discussions directly with the highway authority and it is understood that the suggested improvements to the internal layout of the car park surrounding the off slip from the roundabout is considered an acceptable proportional low-cost improvement to the car park arrangement in the context of the application and thus would override concerns that were laid out in the highway response. This is, however, subject to a Stage One Road Safety Audit.

- 7.16 Whilst the highway authority cannot guarantee that this would be a final solution to the issue with the blocking back onto the roundabout, they feel this is an adequate and proportional improvement to the internal layout of the car park relevant to this application. The Highway Authority advise that it will continue to monitor complaints regarding the blocking back issue onto the roundabout and may require the car park company to undertake wider improvements to the car park should this be necessary.

- 7.17 Pre commencement conditions have been agreed with the applicant's agent in consultation with the highway authority relating to reasonable amendments to improve the car park entrance arrangement internal to the site from Hambledon Road roundabout associated with the development.

(vi) Other matters

- 7.18 The application is to vary the condition, albeit in essence a relaxation of condition 1 of permission APP/12/00330, to enable the sale of food as set out within the planning statement. Specifically, the sale of food would now fall under Class E of Schedule 2 Part A (a) of the Town and Country Planning (Use Classes) Order 1987 (as amended):

(a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public.

- 7.19 Other uses within Class E would also be considered as Town Centre uses as set out in policy CS4, however, not all of them would and the traffic generation would also be different. The planning statement accompanying the application, and which forms part of, refers to the ability to sell food from Unit 1B and that this would promote and enhance Waterlooville Town Centre. It is considered that, in addition to conditions relating to the car park layout, a condition should be imposed restricting the use of the premises to Part A (a) of Class E to accord with the details of the application and highway safety. Whilst not a pre commencement condition, the applicant's agent has also agreed to such a condition.

8 Conclusion

- 8.1 The reason for the condition being attached to permission APP/12/00330 was to protect the viability of Waterlooville Town Centre. As outlined above, the site is now within the town centre and therefore it is recommended for approval subject to the conditions regarding reasonable amendments to the internal layout of the car park and restriction on the use of the premises.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/01246.

- 1 The premises shall not be brought into use for the sale of food (other than confectionery and pet foods) until details of proposed reasonable amendments to improve the car park entrance arrangement internal to the site from Hambledon Road roundabout associated with the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interest of Highway Safety having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

- 2 The premises shall not be brought into use for the sale of food (other than confectionery and pet foods) until the approved car park entrance arrangement internal to the site from Hambledon Road roundabout as agreed pursuant to Condition (1) above has been fully implemented.

Reason: In the interest of Highway Safety having due regard to policies CS16

and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

- 3 The premises shall be used only for the display or retail sale of goods, other than hot food, principally to visiting members of the public and for no other purpose whatsoever including any other purpose in Class E of Schedule 2 Part A of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To accord with the details submitted with the application and in the interest of Highway Safety having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.