
Site Address: 4 Purbrook Chase Precinct, Waterloooville, PO7 5QH
Proposal: Variation of Condition 8 of Planning Permission APP/13/00570 to allow the A5 use to continue whilst pending provision for two on-site parking spaces upon completion of the permitted rear extension.
Application No: APP/14/00215 Expiry Date: 30/04/2014
Applicant: Mr A Ozdemir Team: Team 1
Agent: Mr R Tutton Case Officer: Sally Smith
 Robert Tutton Town Planning
 Consultants Ltd
Ward: Purbrook

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 This is a unit that is already operating as a take away. The permission allowed for an extension and demolition of the garages at the rear to provide parking. However, the extension has not been built and the garages have been bricked in to provide a store at this point in time. Consequently there is no parking on site.

2 Planning History

APP/13/00570 - Proposed change of use from retail shop (Class A1) to hot-food takeaway (Class A5); erection of flat-roofed rear extension; and the provision of an extraction system. Condition 8 requires that the development shall not be brought into use until a minimum of 2 parking spaces and 2 cycle spaces have been provided within the curtilage of the site and thereafter all of those spaces kept available for such purposes.

3 Proposal

- 3.1 To vary condition 8 to allow the A5 use to continue pending provision for two on-site parking spaces upon completion of the permitted rear extension.

4 Policy Considerations

National Policies

National Planning Policy Framework 2012

Core Strategies 2011 forming part of the HBLDF

CS16 (High Quality Design)
CS4 (
DM10 (Pollution)
DM14 (Car and Cycle Parking on Development (excluding residential))
DM2 (Protection of Existing Community Facilities and Shops)
DM5 (Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses)

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

5 Statutory and Non Statutory Consultations

Development Engineer - No objection to wording proposed.

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: 12

Number of site notices: One

Statutory advertisement: Not applicable.

Number of representations received: Two

Summary:

- 6.1 Queries if the parking provision is for the public or the owner. No objection if for the public.

Comment: A response has been sent about this query confirming that the parking area was to be for private use.

- 6.2 Concerns that the private car park to the rear of the shop is principally for local residents with only limited rights for local shops to park there. Currently those shops have more than their entitlement parking there, plus delivery lorries which are causing the car park surface to erode. Concern that planning authority should not have the right to determine who can park in the private car park.

Comment: The question of who/how many vehicles are legally entitled to park in the rear car park is not a planning consideration but is instead a private matter. The principal issue for the authority to address in considering this application is whether the failure to provide the two spaces in the area of the garages before the A5 use commenced is harmful to local amenity/highway safety.

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) Parking considerations
- (iii) Effect on neighbours' residential amenity.

- (i) Principle of development

- 7.2 The principle of the A5 use of the property and the building of an extension has been established by the planning permission APP/13/00570. The proposal which seeks to amend the detail of one of the conditions attached to APP/13/00570 raised needs to be considered in that context and against our detailed policies of the Core Strategy.

(ii) Parking considerations

- 7.3 Prior to the implementation of the A5 use there were two garages on site and under the permission for the changes to the use and the extension the proposal was to introduce 2 car parking spaces in the area of the garages which were to be demolished. The site abuts a large car parking area serving the shops, the residences above and the rear of the adjacent housing development. Whilst it is a private car park, it nonetheless can be accessed by the public. With the garages blocked up parking can take place directly in front of the garages. This is not detrimental to the parking that takes place in the adjacent car park - however this parking is outside the area under the control of the applicant.
- 7.4 The applicant has undertaken snap shot surveys of the car park and adjacent roads and shown that there are spaces available in the area. There is the possibility that the applicant may decide not to build the extension in which case it needs to be considered whether there is any long term harm likely to arise through failing to provide the two car parking spaces on site in the way that Condition 8 of APP/13/00570 originally intended. If the adjacent units also parked in the rear area rather than their garages there would be a further 3 cars displaced into the rear car park. It is considered that if this occurs, based on the survey data submitted with the application, that there is adequate space in the rear area for this to occur without implications for highway safety. However, even if this were not possible (bearing in mind that the car park is private) the survey would indicate that there are other viable parking options locally to accommodate the needs of the business.
N.B. The application request does not mention the requirement for cycle parking. As the physical provision may adjust with the construction of the extension it is considered the requirement for the cycle parking should remain.

(iii) Effect on neighbours' residential amenity.

- 7.5 It is considered that the displacement of the car parking should not be detrimental to the amenities of the residents in the flats above or surrounding the site as the movements within the car park will have similar impact to the movements by other cars and should have similar impact to the movements into or out of the garages that were on site prior to the change of use.

8 Conclusion

- 8.1 It is concluded that the non provision of the car parking pending the construction of the extension is acceptable.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/00215 subject to the following condition:

- 8 The rear extension approved under Planning Permission APP/13/00570 shall not be brought into use until a minimum of 2 parking spaces and 2 cycle spaces have been provided within the curtilage of the site and thereafter all of those spaces shall be kept available for such purposes.

Reason: In the interests of highway safety and having due regard to policy

DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.