
Site Address:	403 Middle Park Way, Havant, PO9 5DP		
Proposal:	Change of use from A1 retail to either B1 office use or A1 retail.		
Application No:	APP/14/01097	Expiry Date:	13/01/2015
Applicant:	Miss Naessens	Team:	Team 2
	Portsmouth City Council		
Agent:	Miss Naessens	Case Officer:	Stephen Cantwell
	Portsmouth City Council		
Ward:	Battins		

Recommendation: **GRANT PERMISSION**

1 Site Description

The site relates to the ground floor unit that was formerly a retail unit within a parade of 3 shops, located on the north side of Middle Park Way close to the junction with Crondall Avenue. The units are within a three storey building with maisonettes above. The site is at a slightly higher level than the road, with pedestrian steps and a ramp up to a joint forecourt. At the roadside is a lay by used as both a bus stop and parking. The other two units in the terrace are currently in use as a chip shop takeaway (A5 use) and convenience store (A1).

To the rear of the site is a garage court and access to a first floor balcony area serving the maisonettes above. The building is linked with a glass stairwell to the three storey block of flats immediately to the west on the corner with Crondall Avenue. None of this rear parking is available for the application site which does not have any parking.

This is a renewal application - the use of the site as a base for environmental improvement teams has been operating from the site since December 2010 under a temporary permission. The 'shopfront' of the application site includes a red roller shutter.

2 Planning History

APP/10/00746 - Change of use from A1 (retail) to B1 (office) - this was submitted by Portsmouth city council to provide rest and store for 2 environmental improvement gardening teams operating in the local Leigh Park community Area.

Temporary Planning permission granted 26/01/11 expiring on 31/3/14 & personal to PCC Environmental Improvement Team

3 Proposal

This application now seeks a permanent use of the site following the implementation of the temporary use granted in 2011.

This use involves a rest room base for employees who are responsible for the cleaning and landscaping in the area - they are working locally so do not need to drive to this base. The office is used by 8-15 operatives throughout shifts between 10:00 to 13:00 during the week only.

As originally submitted the application sought a general change of use from A1 to B1 office use (retrospective). However as a result of the consideration process - see

below - the description of the development has been changed, in agreement with the applicant, to be a flexible permission seeking a Change of use from A1 to either B1 office or A1 retail.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS6	(Regeneration of the Borough)
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)
DM19	(Small Shops outside Town, District and Local Centres)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environmental Health Manager, Community Group
Economic Development - Commercial and Housing
Development Engineer - Highways - no adverse comment
Crime Prevention - Minor Apps

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: 26

Number of site notices: At least one site notice exists - 1

Statutory advertisement: Not applicable.

Number of representations received: 0

Summary:

Comment:

7 Planning Considerations

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) Effect on street scene and character of the area.
- (iii) Effect on neighbouring properties.

(i) Principle of development

The site lies within the urban area where development is acceptable in principle. The application site is not within an identified centre as defined by the adopted Local Plan - either policy CS4 of the Core Strategy or policy AL3 of the Allocations Plan. Therefore as a unit within a small parade of local shops policy DM2 of the Core Strategy is most relevant. This seeks to protect existing shops and community facilities from loss and where a loss is proposed requires it to be demonstrated that there has been an active marketing campaign for 6 months.

Whilst originally an A1 unit (that had been vacant for two years), the existing B1 use for the Clean and Green team, operating via a temporary permission, is nonetheless considered to be a 'community facility' in that the service provided requires locally based premises to serve numerous residents in the area. Having the unit in some sort of active use assists in the regeneration of the area (policy CS6) and is preferable to the previously vacant shop unit. The previous temporary and personal permission was granted on the basis that with no physical changes the use would not be irreversible allowing a retail use to return in the future.

Having successfully operated from the site for the last 4 years the applicant now wishes to make the arrangement permanent. As a community facility the Clean and Green team currently complies with policy DM2. However an open B1 use may in the future mean that the use would not serve the local community and would hence be contrary to policy DM2. To ensure compliance with DM2 it would be necessary for the unit to remain as either a retail unit or community facility in the long run. It is therefore recommended that a permanent permission can be granted but that is personal to Portsmouth City Council Environmental Improvement Team. To ensure the premises could revert to an A1 use upon the cessation of the Clean and Green teams occupation of the unit without the need for a further planning application, it is further recommended to make the permission flexible with a condition allowing for the reversion to an A1 use. The flexible permission approach underpins the Governments current two year temporary permitted development changes, from such as A1 to B1 - which this site would not benefit as it was already in B1 use by virtue of the temporary planning permission in 2011.

(ii) Effect on street scene and character of the area.

No further external alterations are proposed and the development continues to make use of a previously vacant unit which will have a positive impact.

(iii) Effect on neighbouring properties

The teams come and go by foot during the day and so do not result in any detrimental impact on neighbouring amenity.

8 Conclusion

The continued use on a permanent basis of this community facility is considered appropriate to the area and compliant with policy DM2, subject to a personal permission. To ensure future reversion to A1 without the need for a further change of

use application a flexible permission is recommended.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/01097

(A)

(B) subject to the following conditions

1 This permission for Class B1 use shall enure for the benefit of Portsmouth City Council Environmental Improvement Team only and for no other B1 use.
Reason: The continuation of the Clean and Green teams use of the site is considered a community facility compliant with policy DM2 of the Havant Borough Local Plan (Core Strategy) 2011 which alternative B1 uses would not necessarily provide.

2 When the use of the premises for a B1 office by Portsmouth City Council Environmental Improvement team is discontinued the site shall revert to an A1 retail use unless the prior consent of the Local Planning Authority has been obtained in writing for an alternative use.
Reason: To ensure the site remains available for A1 purposes, compliant with policy DM2 of the Havant Borough Local Plan (Core Strategy) 2011.

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

1:500 Site Location Plan
Leigh Park plan

Reason: - To ensure provision of a satisfactory development.