
Site Address: Unit 4, Phase 1 Dunsbury Business Park Development,
Fulford Road, Havant

Proposal: Change of use of land to allow provision of fast food mobile van with
static seating area to rear and CCTV camera.

Application No: APP/14/00055 Expiry Date: 26/05/2014

Applicant: Mr L Waters Team: Team 2
Larchwood MOT Service
Centre

Agent: Case Officer: Rachael McMurray

Ward: Warren Park

Recommendation: **GRANT TEMPORARY PERMISSION**

1 Site Description

The site is located in the Dunsbury Business Park which is located off Fulford Road in Leigh Park. Unit 4 comprises an MOT centre with a car park located to the front of the unit with six spaces. Three of the existing car park spaces are currently being used for the use of a mobile fast food unit, which faces out onto the access road in and out of the business park and a covered seating area which is attached to the rear of the unit with a separate entrance on the side elevation. Unit 4 sits within the middle of a row of seven units, all of which has parking areas at the front.

To the north of the business park is Little Hackets which is a residential area and to the south of the site lies a vacant unit of land. Part of this land is used by the MOT centre to provide additional parking for customers of the MOT centre and mobile food unit.

2 Planning History

None relevant to this application.

3 Proposal

Retrospective approval for change of use of land from car parking to serve Unit, to allow provision of fast food mobile van with static seating area to rear and CCTV cameras.

4 Policy Considerations

National Policies

NPPF

Core Strategies 2011 forming part of the HBLDF

DM10 (Pollution)

DM14 (Car and Cycle Parking on Development (excluding residential))

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:

The redline plan needs to extend around the additional parking area and notices served on any owners of that land. At least then the lease holders/owners will be aware of any of the ramifications of any future planning conditions on their land.

Officer Note: A revised red line plan was submitted on 2/4/14 which outlines the additional parking area.

Further response:

The proposal is acceptable however, a condition should be imposed which links the use of the building to the availability of the off site parking.

Environmental Health:

No adverse comments

Crime Prevention:

The fast food van and the seating area will occupy a number of parking spaces to the front of unit 4. This will reduce the natural surveillance across the car park; which will increase the opportunities for crime. There will be a reduction of parking spaces to the front of unit 4. Although further spaces have been provided it is not clear how visitors will know to use these parking spaces; indeed the area shown on the plan is not yet surfaced or marked.

The structure itself and those queuing for service will obscure the view along the footpath / cycle way this may cause some difficulties for motor vehicles leaving the parking areas.

The structure itself may become the target of vandals, which may cause a range of issues. It is easily possible to gain access beneath the structure.

The 'statement of support' advises that patrons of the fast food van may use the toilet facilities located within unit number 4. It is unclear whether these people will be escorted, or have casual access to the unit, which will increase the opportunities for crime. It is unclear as to whether there will be any health and safety issues associated with people using this facility.

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: 10

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: Two objections were received against the application and four were in support. The points raised are summarised below:

a. The burger van is out of character for the business park and alters the quality of the landscape

b. There are several license requirements which the landlord is in breach of - ***this is not a planning consideration***

c. There is no ventilation from the fast food unit and this creates an undesirable smell across the business park.

d. The burger van causes traffic to stop in the road which causes an obstruction to traffic.

e. The hours of opening of the fast food burger van are working outside the current license of use opening to the small hours of the morning causing noise and nuisance to neighbouring residential properties.

f. The burger van poses a fire risk to neighbouring units.

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) Effect on the character of the area
- (iii) Effect on the nearby residential amenity
- (iii) Highways / parking considerations

(i) Principle of development

7.2 The site is located in a defined urban area whereby development is considered to be acceptable in principle subject to the consideration of other development control criteria.

(ii) Effect on the character of the area

7.3 The burger van is located in a purpose built business park which comprises industrial style units with Class B1 and B2 use including. The visual character is industrial, with no noticeable features of architectural merit. The burger van does have bright signage but it is noted that the signage on other units already varied in style. Overall, the visual impact of the burger van is not considered to be overly harmful given its context.

7.4 Concerns have been raised that there is no ventilation from the burger van and that undesirable smells are created across the business park. The Council's Environmental Health Officer (EHO) was consulted and did not raise any objections to the development. They are satisfied that the facility would be contrary to Policy DM5 (Control of A3, A4 and A5 uses) of the Local Plan.

(iii) Effect on the nearby residential amenity

7.5 There are residential properties located to the rear of the industrial units in Little

Hacketts. However, these are some 25m - 35m in distance from mobile unit and have the larger industrial units located inbetween. Overall given the size and nature of the fast food facility, it is not considered that at this distance, the smells created would be overly harmful to the nearby residential amenity. Furthermore, no objections relating to this were received against the application from residents or Environmental Health. The proposed hours of use are for up to 9pm during weekdays and 5pm at weekends/bank holidays, so there is little risk of late night increase in activity and this can be controlled by planning condition.

(iii) Highways / parking considerations

- 7.6 The proposal would result in the loss of three parking spaces for the MOT centre. However, the operator of the MOT centre had advised that these three parking spaces had been surplus to requirements due to how the business operates. This includes customer vehicles being collected from homes and parked in a designated area on the other side of the access road into the business park until they are ready for their MOT. When the work is finished they are either returned to customers or parked in the separate parking area.
- 7.7 The Highways Officer raised concerns with the ownership of this additional parking area which includes seven parking spaces. A revised red line plan was submitted to include this area and notice served on the owners. This additional parking area relieves the pressure on the resultant parking spaces at the unit and also provides some parking for any customers using the burger van who aren't already parked elsewhere in the business park.
- 7.8 Concern has been raised that vehicles stop in the road to use the burger van facility and that this causes congestion on the highway. The Highways Officer did not raise any objections with regards to this however, it would seem a valid point of concern. For this reason, it is considered that a temporary permission may be more suitable for the burger van facility. This would enable a record of any issues which arise, particularly with regards to traffic issues, to be collated and if and when full planning permission is applied for, further assessed.

Temporary Permission

- 7.9 Given that the development relies on a temporary, moveable structure, a permanent permission would not be appropriate here. Secondly, the parking land is awaiting development and is unlikely to be available in the long term. The impact on surrounding uses may also be assessed in any application for renewal.

8 Conclusion

The application is considered to be acceptable with a temporary permission for 18 months.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT TEMPORARY PERMISSION** for application APP/14/00055 subject to the following conditions:

- 1 This permission shall be for a limited period expiring on 31 December 2015 on or before which date the mobile unit and associated seating area and signage shall be permanently removed from the site and the land shall be restored to car parking spaces for the use of Unit 4 unless the prior written consent of the Local Planning Authority has been obtained in writing for a further period.

Reason: In light of the temporary nature of the mobile unit, also because the parking area may be subject of redevelopment and to enable a further assessment of any potential impacts having due regard to policies DM5, DM10 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 2 The additional parking area as shown on the revised red line plan received on 2 April 2014 shall be kept available for use by customers and staff of the fast food hereby approved only. Signage restricting the use of the parking spaces shall be displayed alongside these spaces for the duration of the period of the use hereby permitted in accordance with details of the signage which shall first be submitted to and approved in writing by the Local Planning Authority within 30 days of the date of this notice of permission.

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.

- 3 The fast food and mobile seating area shall not open to the public before 08.00 hours or remain so open after 21.00 hours on Mondays to Fridays nor before 08.00 hours or after 17.00 hours on Saturdays, Sundays or any recognised Public Holiday

Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

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

Application form received on 20/1/14

Supporting photographs received on 20/1/14

Letters of support from other units received on 20/1/14

Revised red line plan received on 2/4/14

Site location plan received on 20/1/14

Planning Statement received on 20/1/14

Letter from Vision Travel confirming lease of additional parking area received on 19/3/14

Reason: - To ensure provision of a satisfactory development.