

PLANNING APPLICATION RESPONSE OF PLANNING POLICY

Application No:	APP/23/00193
Site Address:	11-15 South Street, Havant, PO9 1BU
Development:	Part demolition and part redevelopment of existing buildings and change of use from Class A2, B1(c) and B8 to C3 use with the construction of 7 town house dwellings and 10 apartments at land to the rear of 11, 13 and 15 South Street, Havant.
Case Officer:	Arleta Miszewska
Comments by:	Emma Chisnall
Date of Comments:	22nd May 2023

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.

Following the receipt of the Inspectors' Interim Findings, the Examination was concluded, and the Havant Borough Local Plan was formally withdrawn from Examination on the 16th March 2022.

The Council's Housing Delivery Position Statement is therefore of relevance to the application proposals which was adopted by the Council on 16 March 2022, which is a material consideration in the determination of this application

The following policies are of particular relevance:

- CS4 – Town, District & Local Centres
- AL3 – Town, District & Local Centres
- CS6 – Regeneration of the Borough
- CS9 – Housing
- CS11- Protecting and Enhancing the Special Environment and Heritage of Havant Borough
- CS15- Flood and Erosion Risk
- CS16 – High Quality Design
- CS19 – Effective Provision of Infrastructure
- CS21 – Developer Requirements
- DM2- Protection of Existing Community Facilities and Shops
- DM3- Protection of Existing Employment and Tourism Sites
- DM8- Conservation, Protection and Enhancement of Existing Natural Features
- DM10 – Pollution
- DM13 – Car and Cycle Parking on Residential Development
- DM20- Historic Assets
- DM21- Shopfronts, Signs, Security Shutters and Advertisements
- DM24- Recreational Disturbance to Special Protected Areas (SPAs) From Residential Development

Principle of Development:

The site lies within the urban area as defined by policies CS17 and AL2 in adopted local plan. As such there is a presumption in favour of sustainable development subject to other considerations.

The site is located within the built-up area of Havant within the Town Centre which would seek to protect existing retail/commercial/employment/tourist and office uses.

The application would appear to not impact the three commercial units to the north of the site located along south street at Nos 11,12 and 13 South Street which is confirmed in the applicant's design and access statement.

However, the application seeks to change the use of the garage to the rear of the development along Twittens Way. This would constitute a loss of an employment use and would trigger the requirement of marketing information through policy DM3.

The change of use or development of land or premises currently or last used for B use class employment purposes to non-B use class employment will only be permitted where it has been demonstrated that the land or premises are not fit for purpose and financially unviable for B use class purposes. Where it is clearly demonstrated that the site is no longer suitable for B use class employment, other types of economic development should be considered in the first instance. These uses will be expected to provide employment opportunities of similar quality and quantity as those which previously existed. Only if another type of economic development cannot be found which provides similar quality and quantity of employment opportunity, will other uses then be considered.

For both employment and tourism sites this shall be demonstrated through an active and exhaustive marketing process covering at least 18 months for a major site and 12 months for all other sites.

In all cases the marketing process requires as a minimum:

- i) Confirmation by the marketing agent on headed company paper that the premises were appropriately and extensively marketed for the required length of time as set out by the council.
- ii) Dated photographs of marketing board/s of an appropriate quality, size, scale, location and number, during this time, on the premises.
- iii) An enquiry log, how it was followed up and why it was unsuccessful.
- iv) A copy of all advertisements in the local press and trade journals (should be at least four weeks' worth of advertisements spread across a six month period).
- v) Evidence of marketing via the internet.

It is noted that no marketing information has been submitted with the application and therefore this assessment is not able to be carried out. As a result the proposal is considered to not comply with policy DM3 and a policy objection would therefore have to be raised.

It would be advised that the developer submits evidence to address the above so that the assessment can be completed.

5 year housing land supply

Following the receipt of the Inspectors' Interim Findings Report, the Council's [Five Year Housing Land Supply Update \(November 2021\)](#) indicates the Council has 1.81 years supply with a 20% buffer applied. This is below the five year supply threshold, and as such there is a presumption in favour of sustainable development (para 11d of the NPPF).

It does not follow that planning permission should automatically be permitted for development which would boost housing supply. However, permission should only be

refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In the case of this application weight must be given to the 17 units that would provide a valuable contribution to the Borough's supply. In particular, given the location of the development, a high-density development is considered acceptable in principle.

Affordable housing

Policy CS9 requires 30-40% affordable housing on developments resulting in a net gain of 15 dwellings or more. Of the total number of new homes, 30% should be for shared ownership as part of the affordable housing provision.

The Council's Housing Team have supplied further comment on this in their consultation response below.

'The applicants are proposing a housing development of 17 new homes providing 7 town houses and 10 apartments. To meet policy requirements this proposal would be expected to deliver 30% affordable housing i.e., 5.1 units, split across both affordable/social rented and Shared ownership tenures.'

'The applicants have confirmed within their submission that they do not intend to deliver a policy compliant scheme due to viability concerns and have included an Affordable Housing & Viability Statement which shows that even an exclusive market housing scheme would still require any developer to accept a lower-than-average profit level. I would expect that this viability statement was referred at the applicant's expense to an independent assessor who would test the various assumptions made and the estimated sales values of the individual units.'

'As the demand for affordable housing remains consistently high, with an upward trend, within Havant borough, it is very disappointing that this site appears unable to provide any affordable housing due to viability issues, and in a high value area.'

The proposal therefore does not meet with policy CS9.

Housing mix

The proposal consists of a mix of 1, 2 and 3 bedroom dwellings and apartments which provides a good mix of type, size and tenure which would help meet identified local need. This would comply with policy CS9 of the Havant Borough Local Plan and would provide a good contribution to its 5 year housing supply.

The Council's Housing Team have submitted further comments in relation to this.

Type	Bedrooms	Persons	Number	% of site
House	1	2	1	6
House	2	4	2	11
Flat	2	3	6	35
Flat	2	4	4	24
House	3	5	4	24
TOTAL			17	100

'The PUSH Strategic Housing Market Assessment (SHMA) indicates that there is a projected need for approximately 35% of new properties to have 2 bedrooms in both the market & affordable sectors and this is echoed within the housing Delivery Position Statement at para. 2.32 n). This proposed development significantly exceeds that requirement by proposing 70% of the site as 2-bedroom homes.'

Heritage

The development site is within the Conservation Area with some of the buildings listed. As such due care and consideration has to be given to the protection of such assets. It is noted the submitted Design and Access statement has commented on this with reasoning around the design and materials chosen to reflect the locality and heritage of the area. It would be advised that a consultation with the heritage team is requested to assess this part of the proposal in more detail. Works would need to comply with policy DM8 and DM21 of the Core Strategy and Allocations Plan (Local Plan).

Due to the history of the area it would be further recommended that a consultation with the archaeological team takes place.

Flooding and Drainage

Based on the latest Environment Agency mapping, the South Street frontage is at risk of flooding. A site specific Flood Risk Assessment (FRA) and a sequential test are therefore required. The applicant has submitted an FRA, which the EA has commented on (see further below). Within it, the sequential test is discussed, but the applicant has not undertaken one. It appears this is based on a number of incorrect assumptions made by the applicant.

- a) The assumptions made in section 6 of the FRA are considered incorrect. The applicant claims that it is more appropriate to use the 2016 PfSH than the currently published mapping from the EA for the current day fluvial flood extent. The present day flood risk outlines in the PfSH SFRA reflect latest EA mapping at the time (2016). The EA periodically update their flood risk mapping. The 2016 PfSH SFRA mapping for the present day therefore represents a snapshot in time and the Council (and the EA) will always take the latest published EA maps as a basis for the application of the sequential test and flood risk assessments, in line with national guidance.
- b) The applicant at 3.11 of their FRA has divided the sequential test into three levels. The second, after a strategic LPA led test, is described as being 'implemented for a specific development at the request of the LPA to assess other sites within an area defined by the LPA'. I do not disagree with the three levels in principle, but it is unclear why the applicant considers that level 2 is outside of the scope of their FRA. At the pre-application stage, the applicant was advised that the sequential test was required and guidance was provided as to the area of search.
- c) At paragraph 3.13, the applicant has presented 'Table 2' from national flood risk guidance as an indication of the appropriateness of the development. While the associated text recognises that the 'the LPA may still consider that full application of the Sequential Test is required in accordance with the NPPF' it does not acknowledge that national guidance, as a footnote to table 2, specifically states that 'This table does not show the application of the Sequential Test which should be applied first to guide development to the lowest flood risk areas'.

To summarise, the South Street frontage of the site is in the present day at risk of flooding according to Environment Agency mapping. As highlighted in the pre-application advice, the

Council considers that a sequential test is required. The Council has provided a guide for applicants on the test, which can be accessed at <https://www.havant.gov.uk/flood-risk-development>

Following the submission of this application the Environment Agency has raised an objection to the application on the grounds that 'The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development.'

A revised FRA is requested by the Environment Agency in order to remove the objection.

It is noted that in addition to this, Hampshire County Council as Lead Local Flood Authority has raised concern over a lack of information being submitted in relation to surface water drainage. Part of their consultation requires a list of additional information to be submitted before an assessment can be made.

Design

Both the adopted and emerging local plan require high quality design in all development under policies

- CS16 High Quality Design (Core Strategy)
- Havant Borough Design Guide

Parking

The proposals would need to ensure that appropriate parking provision is provided in accordance with Policy DM13 and the Council's Parking SPD. It is appropriate that car parking requirements reflect the fact that some areas of the Borough, such as town centres, are closer to shops and services and more accessible by non-car means. In these areas, reliance on private vehicle use and ownership should be less.

Given its comparatively higher level of accessibility, zero parking development schemes could be considered suitable in Havant Town Centre if supported by appropriate evidence.

Electric Vehicle charging infrastructure should be provided for each new residential unit with private off-street parking.

Conclusion:

Without further evidence to support the loss of the garage to the rear of the site a policy objection would arise. There are continued issues with the proposal in regards to affordable housing, flooding and drainage that need to be addressed and it is recommended that additional information is submitted in regards to these points in order to address the objections that have been raised.