

PLANNING APPLICATION RESPONSE OF PLANNING POLICY

Application No:	APP/20/00875
Site Address:	Aura House, New Road, Havant PO9 1DE
Development:	Change of use of Office (Use Class B1) to 6 residential flats (Use Class C3) with parking and associated changes to facilitate the change of use, including the two storey extension previously approved under Planning Permission APP/18/00449
Case Officer:	David Eaves
Comments by:	Jade Ellis
Date of Comments:	9 th April 2021

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. The [Havant Borough Local Plan](#) (HBLP) was submitted for Examination on the 12th February 2021 and can be afforded limited weight.

The following policies are of particular relevance:

- CS2 – Employment
- DM3 – Protection of Existing Employment and Tourism Sites
- CS6 – Regeneration of the Borough
- CS9 – Housing
- CS16 – High Quality Design
- CS19 – Effective Provision of Infrastructure
- CS21 – Developer Requirements
- DM10 – Pollution
- DM13 – Car and Cycle Parking on Residential Development

In the Submission Plan the following policies are of particular relevance:

- C1 | Protection of existing employment sites
- H1 | High quality new homes
- H3 | Housing density
- E1 | High quality design
- IN1 | Effective provision of infrastructure
- IN3 | Transport and parking in new development
- E22 | Amenity and pollution

The application was due to be considered at Development Management Committee (DMC) at its meeting on the 25th February 2021 but was withdrawn before the meeting took place. The applicant's agent has subsequently submitted a response to some of the matters raised by the DMC report. These comments update and supersede that of the Planning Policy Team's response dated 29th October 2020.

Principle of Development: The site lies within the built-up area as defined by Policies CS17 and AL2 of the Adopted Local Plan, and emerging policy E3 in the emerging Local Plan. As such, there is a presumption in favour of sustainable development, subject to other material considerations.

Housing Land Supply: The Council's [Five Year Land Supply Update \(February 2021\)](#) indicates the Council has 4.2 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). However, significantly it does not follow there is a tilted balance in favour of permission being granted – permission should only be refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is also noted that the scheme would make an indiscernible contribution to housing land supply in the context of the overall planning balance.

It is noted that the submitted Planning Statement also refers to the Borough's housing need of 963 dwellings per annum under the revised standard method¹ for calculating housing need. However, it should be noted that the Government has subsequently confirmed the revised standard method, this includes an uplift only for cities and urban centres (of which Havant is not one).

The submitted Plan makes provision for at least 10,433 dwellings over the plan period (2016-2037), based on a minimum annual housing need requirement of 504 dwellings per annum (dpa) from the current year going forwards.

Loss of employment: Given the building's last use for office purpose (Class E), ALP Policies CS2 and DM3 and C1 in the HBLP Policy C1 apply. These policies seek to safeguard existing employment sites and that are fit for purpose from development proposals for non-employment uses.

Specifically, Policy DM3 indicates that development of employment sites will only be permitted where it is demonstrated the land or premises are not fit for purpose and are financially unviable. This should generally be covered by an exhaustive marketing process for a minimum of a 12-month period. This requirement is carried forward in the emerging Local Plan as one of three criteria under criterion c – which must be met in order to justify the loss of employment provision.

Paragraph 6.10 of the Planning Statement provides some limited commentary on the marketing exercise undertaken, but is deemed to be inadequate to justify the loss of employment in the context of Policies CS2 and DM3 and emerging Policy C1:

Marketing evidence requirement	Comment
An official confirmation by the marketing agent that the premises were appropriately and extensively marketed with no reasonable offer for sale or rent.	Appendices B and C of the Planning Statement relate to correspondence from AJ Lettings and Sales Ltd and Hellier Langstone respectively. These documents do not provide confirmation of the marketing period, nor do they detail on what basis the property/units were marketed. The agent's response confirms the building was marketed from 2018-2020 with no interest shown. But does not provide an indication of dates in the calendar year and does not indicate whether this was on a continuous basis. It is also noted from the Planning Statement that planning permission was granted for an extension in March 2019 to improve the marketability of the facility, but this has not been evidenced. No further information has been provided following the withdrawal of the item from DMC on the 25th February 2021.

¹ [Ministry of Housing, Communities & Local Government \(August 2020\) Changes to the current planning system – Consultation on changes to planning policy and regulations](#)

An enquiry log, how it was followed up and why it was unsuccessful	Appendix B of the Planning Statement includes a list of reasons why there has been “very little success” in letting the units/suites over the last year. This does not relate to the marketing exercise, nor constitute an enquiry log. The letter from AJ Knight attached to the agent’s response details the level of interest received by virtue of the number of enquiries received. However, it mainly indicates that occupiers took space elsewhere rather than documenting reasons why the building was unsuitable.
Evidence of extensive marketing through the internet e.g. screenshots from online advertisements and accompanying analysis of activity.	Appendix A contains screenshots of “Various Adverts over previous 12 months”. The majority of these are not dated by year – though two of them include ‘2018’, and no source is given to verify whether the websites are appropriate. No analysis of activity associated with the online marketing is given.

In addition to the above, it is noted the submitted Planning Statement considers the supply of employment land in Havant Borough, and concludes there would not be adverse harm resulting from the loss of office space. Whilst it is noted that this may constitute a material consideration, it does not address the relevant criteria in the policy.

As such, a policy objection would arise in the absence of evidence which satisfactorily demonstrates that an active and realistic marketing exercise has been carried out in line with the requirements of ALP Policies CS2, DM3 (ALP) and emerging HBLP Policy C1.

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

- CS16 High Quality Design (Core Strategy)
- E1 High Quality Design (HBLP)

Noise and Amenity Considerations: It is noted the southern boundary of the site adjoins the railway line, and as such there would be the potential for prospective occupiers to be subject to noise and vibration. Indeed, it is the main issue which has arisen in previous appeals for the residential development of the site. ALP Policy DM10 and HBLP Policy E22 are therefore of relevance in terms of whether there would be likely to be a significant negative effect on the amenity of the future occupiers. The Council’s Environmental Health Team should be consulted accordingly.

In addition, it is noted that paragraph 6.23 of the Planning Statement suggests that would not be appropriate. Indeed, it is noted Paragraph 14 of the appeal decision 2191295 states *“the rear grassed area would provide a very poor environment for amenity purposes.”* However, it is also noted that in the now submitted Plan that emerging HBLP Policy H1 indicates that sufficient private and/or communal outdoor amenity space should be provided and should be of a sufficient size and quality for the use by occupants. This must be afforded limited weight.

Paragraph 6.14 of the supporting text indicates that for flatted developments that this should be a minimum of 1.5 sqm of private amenity space per bedroom or 1 sqm of communal space per bedroom. In this respect, it is noted that the Borough’s Design Guide indicates that the design of apartments should incorporate balconies where possible, particularly in the absence of communal gardens.

Parking: The proposals would need to ensure that appropriate parking provision is provided in accordance with Policy DM13, emerging policy IN3 and the Council's Parking SPD. Electric Vehicle charging infrastructure should be provided for each new residential unit with private off-street parking in line with emerging IN3

Summary

In the absence of satisfactory evidence to demonstrate that an active and realistic marketing exercise, a policy objection would arise in the context of ALP Policies CS2 and DM3 and emerging HBLP Policy C1. Notwithstanding the oversupply of employment land in Havant Borough, I do not consider this to be a sufficient to justify the loss of employment in policy terms.

Furthermore, the site is clearly subject to some substantial noise constraints which affect the site's suitability for residential development. Furthermore, it is noted that this may have an impact on the practicability of outdoor amenity space, and therefore the quality of housing to support the health and wellbeing of its occupants. However, it is considered unlikely that a policy objection could be sustained on that basis.