



**PLANNING STATEMENT
IN SUPPORT OF APPLICATION
UNDER SECTION 73
OF THE
TOWN AND COUNTRY PLANNING
ACT 1990**

**RETENTION OF EXISTING RETAIL
DEVELOPMENT WITHOUT COMPLIANCE
WITH CONDITION 14 OF PLANNING
PERMISSION 04/68908/001
AT**

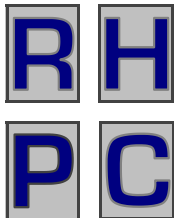
**SOLENT RETAIL PARK, HAVANT
FOR
HARGREAVES MANAGEMENT LTD**

PLANNING STATEMENT

**RELAXATION OF CONDITION
RESTRICTING SIZE OF RETAIL UNITS
AT
SOLENT RETAIL PARK, HAVANT**

**ON BEHALF OF
HARGREAVES MANAGEMENT LTD**

July 2020



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PREFACE

This Statement explains, accompanies and forms part of an application for planning permission submitted to Havant Borough Council, in respect of units 1 to 7 Solent Retail Park, Havant. The application seeks planning permission for the development previously authorised and implemented pursuant permission reference 04/68908/001 dated 23 December 2004, without compliance with condition 14 of that permission.

That condition prevents the creation, within the overall retail accommodation permitted at the site, of any separate unit with a floorspace less than 650 sqm (7,000 sqft). When first attached in 2004, the site of what is now Solent Retail Park lay outside Havant Town Centre as defined in the development plan. The condition was imposed in order to prevent small retail outlets relocating away from the Town Centre to Solent Retail Park. Such relocation, it was thought at the time, would have potentially undermined the vitality and viability of the Town Centre. Following a review of the development plan, the boundary of the Town Centre was redefined in the Havant Borough Local Plan (Allocations) 2014. Solent Retail Park is included as part of the town centre in that adopted plan, which contains no policy or other reason for the retention of the prohibition of smaller units within this part of the defined Town Centre.

No physical works are proposed in this application, which seeks only the removal of condition 14 of the 2004 planning permission. The removal of the condition will simply enable the occupation of the accommodation within the application premises to respond to the changing retail and trading environment in the Town Centre over time. Avoiding unnecessary constraints on the operation and occupation of Town Centre premises is now a more pressing imperative in view of the effects of the Covid-19 pandemic.

The remainder of this Report gives an overview and summary of the proposed development which is the subject of the application and the principal matters relevant to its consideration by the local planning authority.

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1.0 INTRODUCTION

- 1.1 This Statement explains, accompanies and forms part of an application for planning permission submitted to Havant Borough Council. The application seeks planning permission for the retail development previously authorised and implemented at the site pursuant permission reference 04/68908/001 dated 23 December 2004, but without compliance with condition 14 of that permission.
- 1.2 This Statement gives an overview and summary of the proposed development which is the subject of the application and the principal matters relevant to its consideration by the local planning authority.

2.0 THE SITE AND ITS HISTORY

- 2.1 The aerial photograph below illustrates the location of the application site in relation to its surroundings. It forms the eastern part of Solent Retail Park which, together with the western portion to the west of Selbourne Road, and the Tesco premises to the south of Solent Road, forms part of Havant Town Centre as defined in the adopted Havant Borough Local Plan (Allocations) 2014.



AERIAL PHOTO SHOWING APPLICATION SITE



VIEW OF UNITS 1 to 7 FROM THE SOUTH

- 2.2 The application premises were constructed pursuant to the grant of planning permission for the redevelopment of land between Solent Road and Brockhampton Lane [Reference 04/68908/001 dated 23/12/2004]. Following the approval of details reserved by conditions of that planning permission, this resulted in the creation of the eastern part of Solent Retail Park (units 1 to 7), and the linking of Solent Road and Brockhampton Lane by the construction of Selbourne Road. The layout of the site, as approved following the reserved matters submission, is illustrated on drawing 2040-02 Rev C provided with this application.
- 2.3 Condition 15 of the 2004 permission defined the quantum of retail floorspace within the approved development as 5640 sqm. That floorspace limit was raised to 9200 sqm as a result of planning permission reference 06/68908/012 dated 30/05/2006, granted following an application under s73 of the 1990 Act. A subsequent s73 permission [ref 08/68908/020 dated 01/05/2008], removed any limitation on the amount of the retail floorspace that could be used for the sale of “non-bulky goods” as defined in condition 13 of the 2004 permission and condition 1 of the 2006 permission.
- 2.4 Condition 14 of the original 2004 permission prevented the creation, within the permitted development, of any unit with a floorspace of less than 650 sqm. That condition has not previously been the subject of any application under s73 of the Act and remains in effect. That condition reads:
- 14** *No separate or self-contained unit or franchised area of less than 650 sqm (7,000 sq ft) shall be created by the division or sub-division of the floorspace.*
- The reason stated for the imposition of condition 14 was:
- Reason:** *In order to ensure the vitality and viability of the existing Havant Town Centre is not undermined by the nature of retail uses permitted on this site and having due regard to policies and proposals S1 of the Hampshire County Structure Plan 1996-2011 (Review) and Policy 3 of the Havant Town Centre Action Area Local Plan 1980.*
- 2.5 The schedule at Appendix B summarises the ways that the 2006 and 2008 permissions have amended the effect of the original 2004 permission.
- 2.6 The current occupation of the units (1 to 7) contained in the eastern part of Solent Retail Park to which this application relates, is illustrated on the Marketing Plan included amongst the documents accompanying this application. Laura Ashley is no longer in occupation of unit 5. Mothercare Ltd is in Administration and it is expected that its occupation of unit 4 will cease within the next few weeks. As a result, marketing is currently underway to seek new occupiers for the vacant floorspace at Solent Retail Park.
- 2.7 The western part of the retail park, occupied by Marks & Spencer and Next, was constructed pursuant to a separate planning permission [reference APP/12/00852 dated 20 June 2013]. That permission is subject to different conditions and is not the subject of this application, which is confined to condition 14 of planning permission 04/68908/001 dated 23/12/2004.

3.0 PLANNING CONSIDERATIONS

- 3.1 The purpose of this application is simply to remove the effect of condition 14 of the original planning permission granted in 2004. Condition 14 constrains the occupation of the retail accommodation within this part of Solent Retail Park by precluding any operator from taking occupation of a floorspace of less than 650 sqm (7,000 sqft). This restraint has the effect of limiting the attractiveness of the accommodation to potential retail operators, and thereby reduces the likelihood of new occupiers being able to be found to take unused retail floorspace. Removing the constraint of condition 14 would, by increasing attractiveness of the accommodation to the retail market, make it more likely that new occupiers could be found in a timely way, thereby contributing positively to the vitality and viability of Havant Town Centre.
- 3.2 At the time of the 2004 permission, when condition 14 was attached, the site of Solent Retail Park lay outside the boundary of the Town Centre as defined in the development plan. The development authorised by that permission therefore involved, at that time, the creation of out-of-centre retail floorspace. This was the underlying reason for the attachment of condition 14. Since the adoption of the Havant Borough Local Plan (Allocations) in 2014 the whole of the Solent Retail Park has been included within the Town Centre boundary, and the previous Structure Plan is no longer in effect.
- 3.3 No provisions of the now adopted development plan envisage, or provide policy support for, any restriction on the operation of the retail accommodation within the Solent Retail Park. There is now no policy differentiation between Solent Retail Park and the rest of the Town Centre. Indeed, Units 1 to 7 (to which this application relates) are designated in the adopted Local Plan as “Primary Frontage” within the Town Centre, as the extract of the Local Plan policy map at Appendix A reveals. No material change to this policy context is envisaged in the emerging Havant Borough Local Plan 2036, a pre-submission version of which was the subject of consultation in 2019.
- 3.4 The retention of condition 14 of the December 2004 planning permission is counter-productive. Restricting the occupation of the permitted retail floorspace so as to preclude units below a specific size in this part of the core frontage of the Town Centre serves no beneficial purpose. Retaining the condition would have the effect of limiting the ability of this part of Havant Town Centre to respond to changing market requirements, including attracting new forms of retailing not currently provided there.
- 3.5 The condition does not now contribute to its stated purpose of ensuring that “*the vitality and viability of the existing Havant Town Centre is not undermined*”. Indeed, retention of the condition would achieve the opposite effect. That would be contrary to the policy set out in paragraph 85 (a) of the National Planning Policy Framework, which makes clear that a positive approach is to be adopted to the growth,

management and adaptation of Town Centres to support their role. In particular centres should be allowed to grow and diversify in a way which enables them to respond to rapid changes in the retail sector.

- 3.6 In future years it is to be expected, as retail requirements change and the fortunes of particular occupiers alter, that the mix of retail outlets within Solent Retail Park will not stay static. Particularly in a Covid 19 context, it will be important, for the future to avoid unnecessary obstacles to the ability of this part of the Town Centre to adapt to changing requirements, so as to support the vitality and viability of Havant Town Centre as a whole.
- 3.7 The proposed development would not involve any alterations to the exterior of the building or any change to floorspace or site coverage. The layout of the site, the arrangement of parking, servicing and manoeuvring areas, and the landscaping of the site will all be unchanged by the application proposals.

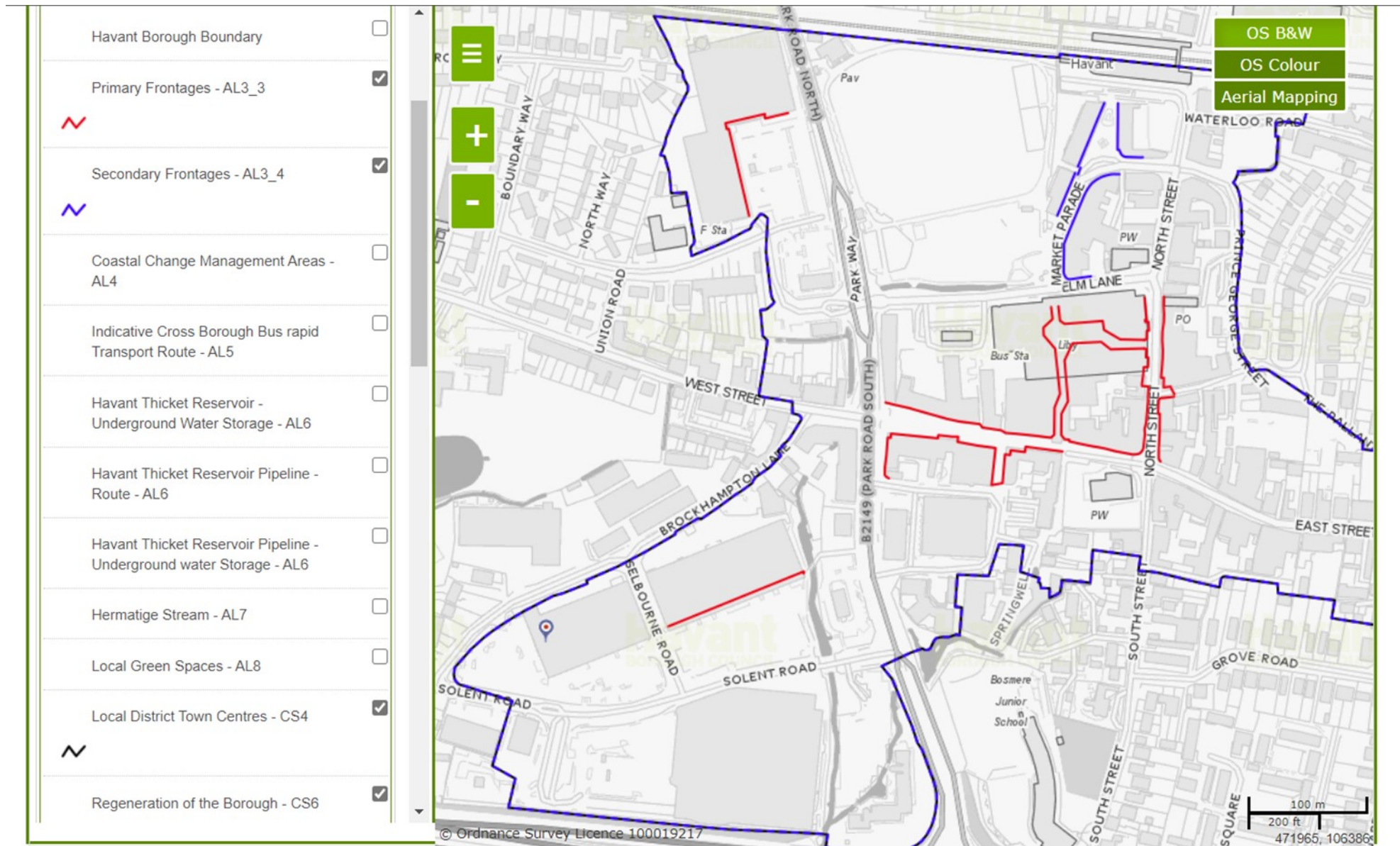
4.0 CONCLUSIONS

- 4.1 The inclusion of the Solent Retail Park as an integral part of Havant Town Centre in the adopted Local Plan, with Units 1 to 7 being defined as part of the primary retail frontage, has fundamentally changed the policy background from that which applied in 2004. There is now no policy basis at local or national levels for the retention of the constraint applied by condition 14 of the 2004 permission. Granting a planning permission for the development previously permitted by the 2004 permission, but without condition 14 being retained, would support vitality and viability in the Town Centre by making the premises more attractive to potential occupiers. This would encourage the early reuse of the retail floorspace and lessen the likelihood and duration of any vacancy of units in this part of the Town Centre. The retail premises at Solent Retail Park would thereby be enabled to continue to play a positive role in the local economy.
- 4.2 For all these reasons, condition 14 of the December 2004 planning permission is not necessary or appropriate as a matter of policy and should not be retained. In particular, removal of the prohibition of the creation of smaller units would contribute positively to fostering vitality and viability in Havant Town Centre as a whole, consistent with the Council's objectives and with paragraph 85 (a) of the National Planning Policy Framework. Because the condition is not necessary, the policy set out in paragraph 55 of the NPPF requires that the condition be not retained.
- 4.3 Planning permission should therefore be granted for the development previously permitted by planning permission 04/68908/001 without condition 14 being attached.
- 4.4 For the most part, the remaining conditions attached to the 2004 permission, beyond those that were the subject of the 2006 and 2008 permissions, were

concerned with the submission and approval of details of various aspects of the development prior to commencement. These have all been complied with and would therefore not need to be reattached to a new permission. Other conditions related to the non-retail parts of the original development to the west of Selbourne Road. That part of the development has been superseded by the subsequent development of the Marks & Spencer and Next stores carried out pursuant to a separate planning permission. Any conditions relating to that part of the development are also now of no effect and need not be retained.

APPENDIX A

LOCAL PLAN POLICY MAP EXTRACT SHOWING HAVANT TOWN CENTRE BOUNDARY AND PRIMARY & SECONDARY FRONTAGES



APPENDIX B

SUMMARY OF LIMITATIONS ON SCALE AND USAGE OF UNITS EAST OF SELBOURNE ROAD

Solent Retail Park, Havant**Summary of limitations on scale and usage of units east of Selbourne Road**

Permission Ref	Approval date	Description	Total retail floorspace	Limitation on goods sold	Other limitations and comments
04/68908/001	23/12/2004	Overall outline permission for initial Solent Retail Park, including 2 non-retail units west of Selbourne Road [area W of Selbourne Road subsequently redeveloped pursuant to APP/12/00852]	5640 sqm [Condition 15]	Not more than 1860 sqm to be devoted to non-bulky goods (including food) [Condition 13]	No unit to be less than 650 sqm [Condition 14]
06/68908/012	30/05/2006	<u>S73 Permission</u> Modification of conditions 13 and 15 of 2004 permission (allowing mezzanines and greater amount of non-bulky goods floorspace)	9200 sqm [Condition 2] Allows mezzanine floorspace to be added	Not more than 3360 sqm to be devoted to non-bulky goods (including food) [Condition 1]	Not more than 470 sqm of floorspace to be devoted to food (excluding pet food and confectionary) [Condition 3]
08/68908/20	01/05/2008	<u>S73 Permission</u> Non-compliance with condition 1 of 2006 permission (which amended condition 13 of 2004 permission), removing non-bulky goods limitation	9200 sqm [No change from 2006 permission]	No restrictions on non-bulky goods. [Condition 13 of 2004 permission and condition 1 of 2006 permission effectively removed]	Food retail limited to 470 sqm (unchanged from 2006 permission). All other conditions retained unchanged – explanatory note 4 of decision notice refers]