

PLANNING APPLICATION RESPONSE OF PLANNING POLICY

Application No:	APP/19/00854
Site Address:	Land at 31A North Street, Emsworth, PO10 7DA
Development:	Demolition of the existing factory offices and out-buildings and construction of 6 No. Dwellings (consisting of 3No. 3 Bedroom Houses, 2No.1 Bedroom Flats and 1.No. 2 bed flat bed with associated out buildings and parking
Case Officer:	Daphney Haywood
Comments by:	Jade Ellis
Date of Comments:	23 July 2020

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 [Pre-submission Havant Borough Local Plan 2036](#) (HBLP 2036) was approved by the Council on 30 January 2019 and can be afforded limited weight.

The following policies are of particular relevance:

- CS4 – Town, District and Local Centres
- AL3 – Town, District and Local Centres
- 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 Pre-submission Plan the following policies are of particular relevance:

- C1 | Protection of existing employment sites
- C4 | Emsworth District Centre
- 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

In addition to the above, the Council published changes to the Pre-Submission Plan which were due to be considered at Cabinet and Council on 25 March 2020. Those changes have subsequently been recommended to the Full Council by the Cabinet when it met on 1 July.

Whilst these changes to the Pre-Submission Plan may not have weight in development management, they are intended to address the main issues arising from the Regulation 19 consultation at the beginning of 2019 and indicate the direction of travel of the Local Plan. As such, it is still recommended that they are considered as it is perfectly possible that by the point of determination, they could have at least limited weight.

Importantly, the [Emsworth Neighbourhood Plan \(ENP\)](#) has also reached an advanced stage of preparation, and the examiner's report was received on 6 January 2020. A referendum was scheduled to take place alongside the local elections on 7 May 2020 but has been postponed due to Covid-19. The Government subsequently issued updated Planning Practice Guidance which indicates that a neighbourhood plan can be given significant weight in decision-making in advance of a referendum.

The following policies are of particular relevance from the Emsworth Neighbourhood Plan:

- W3 – Change of Use Applications

Principle of Development:

The site falls within the defined District Centre for Emsworth as defined by Policies CS4 and AL3 and emerging Policy C4. The former policies generally support appropriate town centre development proposals which retain and enhance local markets and support small and independent businesses.

The site itself is located outside of any primary or secondary shopping area but is located off the main thoroughfare on North Street. As such, it is considered there would not be a requirement to provide a ground floor active frontage in this location.

Loss of Employment:

The site is currently vacant but was last occupied by Weaver Mabbs Engineering. It is understood the lawful use of the building(s) falls within Class B2 of the Use Classes Order (as amended). As such, Policies CS2 and DM3 of the Core Strategy are applicable which generally require the site and/or building to have been subject to an active and realistic marketing exercise for a period of 12 months or more.

Subsequent to the policy comments on 24 September 2019, the applicant has submitted the "End of Campaign Marketing Report" (ECMR) prepared by Vail Williams which is dated February 2019. It is noted that the ECMP does not suggest that the property is no longer viable for a B Class Use (as suggested by the submitted Design and Access Statement) but it does highlight that there is substantial work needed to the building to ensure it is fit for purposes.

The EMCR does however, clearly document an active marketing process has been undertaken by a variety of methods set out under Policy DM3 including confirmation that the premises were appropriately and extensively marketed for the required length of time (in a company branded report from the marketing agent), dated photographs of the marketing boards, an enquiry log, how it was followed up and why it was unsuccessful and a copy of all advertisements in the local press and website promotions.

Whilst the EMCR does not specify the details of an exact marketing period, it is evident that the site was marketed from January 2018 until at least February 2019 in line with Policies CS2 and DM3. It is noted the planning application was validated at least six months after the marketing campaign had ended. It is also noted that paragraph 10.14 of the Core Strategy indicates that the period of marketing must have ended on a date within the six months prior to the submission of any planning application).

In the context of emerging local plan, the site would lie outside of any of the established employment areas as proposed to be defined by Policy C1. As such, the proposed changes version of the Pre-Submission Plan would generally expect the premises to be subject to an active and realistic marketing exercise (if it cannot be shown the site is financially unviable for B Class purposes).

Policy W3 of the Emsworth Neighbourhood Plan is also of relevance which states that:

“Any application to change the use of land from industrial to other uses will only be granted in exceptional circumstances and where it can be demonstrated that continuing provision cannot be made for land use class B2 General Industrial, or B1 Business (offices and light industry) on a proportion of the site without harm to residential amenity.”

The Post-Examination Neighbourhood Plan does not define the “exceptional circumstances” in the supporting text. It is noted that the Plan does indicate that industrial sites should remain as such, and not be taken over by residential, or any other form of development.

The submitted EMCR shows that the site has been subject to an active marketing process over a period of 12 months in line with the requirements of Policy DM3. As such, it is considered a policy objection could not be sustained.

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 2036)

These considerations are reinforced through the Design Policies (D1 to D7 + design checklist) in the Emsworth Neighbourhood Plan.

Development requirements

Bearing in mind the timescale of any planning application submission, it is recommended that the development proposals are designed to meet the requirements in the Pre-Submission Havant Borough Local Plan 2036 and Emsworth Neighbourhood Plan.

Emerging policies which are of particular relevance to the proposed development are summarised below:

- **Density** - The site falls within the Emsworth District Centre Opportunity Area as defined by Policy H3, within which development is expected to provide for a density of at least 55 dph. Based on a site area of 0.1152ha, the development proposals would provide a density of about 60 dph.
- **Internal Space Standards** - Emerging Policy H1 includes a requirement for dwellings to meet the nationally described internal space standards. It is noted that the applicant intends to provide one, two and three bedroomed dwellings, but it has not been possible to verify this from the revised submitted floorplans.
- **Private Amenity Space** – Policy H1 also requires sufficient private and/or communal outdoor amenity space to be provided. Whilst it is noted the proposed site plan indicates that the houses would benefit from rear gardens, any kind of amenity space for the flats does appear to be limited, both in terms of size, function and usability due to the siting of the proposed bin store in the southern part of the site. As such, it cannot be concluded that it would provide a good level of amenity or be of a sufficient and functional size of the likely number of occupants (criteria e. and f. in Policy H1).
- **Low Carbon Design** – Residential development is expected to achieve a 19% reduction in Dwelling Emission Rate in accordance with emerging Policy E12. The submitted details indicate that the applicant is not proposing to meet this standard.

- **EV Charging Infrastructure** – Electric Vehicle charging infrastructure should be provided for each new residential unit with private off-street parking in line with emerging IN3. The submitted details indicate that the applicant is not proposing to meet this requirement.

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.

The ten on-site car parking spaces proposed are in line with the requirements of the Parking SPD.

In addition to the above, the applicant will however, need to ensure appropriate provision can be made for 10 cycle parking spaces in line with Table 4D of the Parking SPD. This is not shown on any of the submitted plans and should be confirmed with the applicant.

Summary:

The submitted ECMR demonstrates that an active and realistic marketing exercise was undertaken over a period of at least 12 months by the means and methods. Notwithstanding the general presumption against the loss of industrial sites in the Neighbourhood Plan, it is not considered a policy objection could be sustained in the context of Policies CS2 and DM3 of the Core Strategy, C2 (HBLP) and W3 (ENP).