

Recommendation: **GRANT PERMISSION**

CS17 (Concentration and Distribution of Development within the Urban Areas)

CS2	(Employment)
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM2	(Protection of Existing Community Facilities and Shops)
DM3	(Protection of Existing Employment and Tourism Sites)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Planning Policy

Original comments

Comments received 9 September 2019:

Principle of development:

Policies CS2 and DM3 of the Core Strategy generally seek to safeguard existing employment sites and allocations that are fit for purpose from development proposals for non-employment uses. This is reinforced by emerging Policy C1 of the Pre-Submission Local Plan which proposes to define the Brambles Industrial Estates as an established employment area (within which the application site falls) and generally protects employment sites from change of use or redevelopment to a non-employment use.

The unit has been occupied by the applicant in March 2017 and has since operated as a PIP assessment centre falling within A2 of the Use Classes Order, and therefore a non-employment use. In the absence of an active and realistic marketing exercise to demonstrate the unit is no longer fit for employment purposes, there is a policy objection to the current use of the site.

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 submitted Design and Access Statement indicates that the unit has 4 allocated parking spaces which is currently working well, being proportionate to the scale of the unit and the amount of assessment rooms. However, it is noted that the unit is not currently being used for physiotherapy treatment and it is unclear whether this is likely to result in a change to parking requirements.

Summary

In the absence of a realistic and active marketing exercise, there would be a policy objection to the regularisation of the existing A2 use of the site, and for the future use of the site for D1 purposes. Furthermore, there is insufficient information to assess whether the parking arrangements are sufficient for the unit.

Revised comments received 6 November 2019 following a change in the description of the use of the unit

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:

- CS2 – Employment
- DM2 – Protection of Existing Community Facilities and Shops
- DM3 – Protection of Existing Employment and Tourism Sites
- DM10 – Pollution
- DM14 – Car and Cycle Parking on Development (excluding residential)

In the Pre-submission Plan the following policies are of particular relevance:

- DR1 | Delivery of sustainable development
- C1 | Protection of existing employment sites
- C7 | Protection of existing community facilities and shops
- IN3 | Transport and parking in new development
- E22 | Amenity and pollution

Further comments

These comments supplement the policy response dated 9th September 2019, and follow an amendment to the application description to a wholly Class D1 use, as opposed to a mixed A2/D1 use.

Principle of development:

Policies CS2 and DM3 of the Core Strategy generally seek to safeguard existing employment sites and allocations that are fit for purpose from development proposals for non-employment uses. As such, an active and realistic marketing exercise would normally be required to demonstrate the unit is no longer fit for employment use.

This is reinforced under criterion c. of emerging Policy C1 of the Pre-Submission Local Plan which proposes to define the Brambles Industrial Estates as an established employment area (within which the application site falls) and generally protects employment sites from change of use or redevelopment to a non-employment use. Significantly, the latter takes a wider interpretation of employment generating uses, and recognises that complementary non-B class uses such as Class D1 may be appropriate (paragraph 7.10).

Criterion b. of the policy requires there to be no overall net loss in the number of jobs when compared to the current occupation or last occupation of the site for employment purposes, whilst Part d. of the policy also requires that such uses complement the function and operation of the established employment area. In the context of criterion b., it is noted that the use supports four full-time employees. Though this is likely to be less than a Class B1 use, the unit has been occupied by a non-employment use since March 2017 and has otherwise prevented the premises from being vacant. In the case of the latter, it is considered the current use is complementary to the operation of the employment area and it is understood that the use has operated without complaint.

As Class D1 is generally considered to be a community use Policy DM2 in the Core Strategy and Policy C7 in the emerging HBLP are also of relevance in terms of safeguarding such a use. In this case, it is noted the applicant (Ascenti) helps to perform an important civic function, in terms of assessing whether members of the public are entitled to claim PIP. Furthermore, it is considered that its loss would reduce the community's ability to meet its day to day needs under paragraph 92 c) of

the NPPF. As such, it is considered unlikely that a policy objection could be sustained on those grounds.

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 submitted Design and Access Statement indicates that the unit has 4 allocated parking spaces which is currently working well, being proportionate to the scale of the unit and the amount of assessment rooms. It should be confirmed with the applicant that there would unlikely any increased demand for parking associated with any physiotherapy treatment they wish to offer in the future.

Summary

In the absence of a realistic and active marketing exercise, there would normally be a policy objection to the loss of employment. However, it is noted that the use is complementary to operation of the employment area, and provides an important community function. As such, it is considered unlikely a policy objection could be sustained on those grounds.

Property Services Manager, Corporate Group

HBC is the freeholder of the land of Plot 10 Brambles Farm. We let the land, under the terms of a headlease, for 125 years. The user clause contained within the headlease allows the land to be used for any purpose falling within class B1. Therefore any change of use, as per the planning application would require the prior written consent of the Council.

Officer comment: Informative recommended

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: 5

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

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) Policy Considerations
- (iii) Impact on the character and appearance of the area
- (iv) Impact on the amenities of the locality
- (v) Highway/parking considerations

(i) Principle of development

- 7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. In this case the site is located within an area of predominantly B1 business use within an established development, although it is considered the use can be reasonably accommodated in a business park. The detailed policy considerations for this change of use are considered below.

(ii) Policy Considerations

- 7.3 Adopted policies CS2 and DM1 generally seek to protect existing B Class uses. Emerging Policy C1 of the Pre-Submission Local Plan proposes to define the Brambles Industrial Estates as an established employment area (within which the application site falls) and generally protects employment sites from change of use or redevelopment to a non-employment use. However, the latter takes a wider interpretation of employment generating uses, and recognises that complementary non-B class uses such as Class D1 may be appropriate.
- 7.4 It is noted that the use supports four full-time employees. Though this is likely to be less than a Class B1 use, the unit has been occupied by a non-employment use since March 2017 and has otherwise prevented the premises from being vacant. It is considered the current use is complementary to the operation of the employment area and it is understood that the use has operated without complaint.
- 7.5 No evidence has been provided regarding a marketing exercise to demonstrate the unit is no longer fit for employment use and there would normally be a policy objection to this. However, it is noted that the use is complementary to the operation of the employment area with some staffing provision and provides an important community function. As such, it is not considered that a policy objection could be sustained in this case.

(iii) Impact on the character and appearance of the area

- 7.6 No changes have been made to the external appearance of the unit and the application is supported by a planning design and access statement setting out the operation by Ascenti who are carrying out PIP assessments on behalf of the Department of Work and Pensions .
- 7.7 The hours of operation are 8.00 to 18.00 seven days a week. The majority of business is conducted between Monday to Friday, although the agent has advised there is an occasional need to open on weekends. Whilst this could be considered to be excessive, given its location it is deemed these hours of operation would not result in any harmful impact on the units within the immediate vicinity and the residential properties are considered to be a sufficient distance away for any effect to be negligible. It is therefore considered that the continued operation would have an acceptable impact on the character of the area. As such it is considered that the proposal will accord with policy CS16 of the Core Strategy.

(iv) Impact on the amenities of the locality

- 7.8 The building is surrounded by other business uses with the closest residential premises sited beyond the business park to the north and east, approximately 200 metres away. The use of the building would not result in excessive noise which would

cause any unacceptable disturbance for the surrounding units or residential properties in the wider area. It is also noted the business has been in operation since 2017 with no known issues in terms of impact. No objections were received with respect to the scheme.

(v) Highway/parking considerations

- 7.9 The parking requirement for D1 uses (apart from doctors, dentists and vets) is assessed on a case by case basis. The unit currently has 4 allocated parking spaces and supporting information advises that this working well and is proportionate to the scale of the operation and number of assessment rooms. The agent has verified the proposed physiotherapy use would not intensify the use at the site as it would operate on a booking system and there would only ever be the same number of clients as there are consultation rooms in the unit (4 consultation rooms) so the intensity of the use would stay the same as the current situation.
- 7.10 There are a total of 4 employees and the use is bespoke with one to one interviews being carried out in the consultation rooms. The site is located within a sustainable location and the existing parking provision is considered appropriate in this instance. It is also noted that there is some on street parking in Westside View. Furthermore, as the business has been operating successfully since 2017 it would be difficult to refuse the application on this aspect.
- 7.11 Notwithstanding this, in the interests of amenity of the surrounding area, a condition is recommended for the unit to operate for the applied use only and not any other use falling within Class D1 which could result in a more intense level of parking for example at peak times.

8 Conclusion

- 8.1 The change of use is considered acceptable in principle and would not alter the external appearance of the unit. The use is considered appropriate in the locality and should not result in unacceptable impacts on the amenities of the area. It is therefore recommended for permission to be granted with conditions.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00801 subject to the following conditions

- 1 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (as amended) and any Town and Country Planning (General Permitted Development) Order, the premises shall only be used as a Personal Independence Payments Assessment Centre and associated physiotherapy and for no other purposes within Class D1 of the above Use Classes Order.
- Reason:** In the interests of amenity and having due regard to Policies CS16, DM10 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 2 The premises shall only be open for trade or business between the hours of 08.00 and 18.00.

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.

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

Location plan

Floor plan

Parking plan

Planning, design and access statement Rev A

Reason: - To ensure provision of a satisfactory development.