

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 7 Dwellings (consisting of 4No. 2 Bedroom Houses, 2No.1 Bedroom Flats and 1.No. 1 bed Coach House) with associated out buildings and parking
Case Officer:	Daphney Haywood
Comments by:	Jade Ellis
Date of Comments:	24 September 2019

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.

In addition, the Emsworth Neighbourhood Plan has reached an advanced stage of preparation and was submitted to the Local Planning Authority in April 2019. Similarly, it can be afforded limited weight in decision making.

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

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.

The submitted Design and Access Statement (DAS) refers to an “End of Campaign Marketing Report” (ECMR) prepared by Vail Williams in February 2019. The DAS indicates that marketing of the premises commenced in February 2018 and continued through to February 2019, the findings of the ECMP are as follows:

“.... the property is no longer viable for a B Class Use and alternative uses outside this use should be considered.... The building is in a poor state of repair...In our view a substantial amount of works are required to ensure the building is fit for purpose as a commercial use. In our view alternative use for the building has a lesser environmental impact in terms of noise, small and commercial vehicle movements would be preferable in this location.... Therefore, in our opinion, we have satisfied the requirements of Policy DM3 and in our view, the current use is obsolete and a change of use application for the building should be considered.”

The ECMP has not been submitted with the planning application and it is necessary to review it before commenting fully on the application. From the quote above, it would appear that the applicant is suggesting that the building is no longer suitable (not viable) for employment use. In this scenario, a report should be prepared by Vail Williams, highlighting why this is the case and the cost of refurbishment compared to the yield of a lease.

In the absence of this information, there is insufficient evidence to conclude that, through an active marketing process that the premises or land are not fit for purpose and financially unviable for B use class purposes in line with Policy DM3. The policy makes clear that as a minimum, the marketing process requires:

- i) Confirmation by the marketing agent on headed company paper that the premises were appropriately and extensively marketed for the required length of time.
- 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.

Such evidence may have been included within the ECMR, but this has not been submitted as a separate documentation accompanying the planning application submission.

In addition to the above, paragraph 10.14 of the Core Strategy which 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 this case, the planning application was submitted on 27 August 2019 (validated on 30 August 2019), and the period of marketing ended in February 2019 (although no date has been given). As such, it is marginal as to whether the marketing exercise remains valid in the absence of any further information.

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 the site is already vacant, a reduced marketing requirement of 6 months would apply (should there be a need to renew the marketing exercise).

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 Submission Neighbourhood Plan does not define the “exceptional circumstances” in the supporting text but does go on to suggest that industrial sites should remain as such, and not be taken over by residential, or any other form of development.

In the absence of any further evidence that an active marketing exercise has been undertaken in accordance with criteria i) – v) of Policy DM3, a policy objection arises. It is however, possible that the evidence required is detailed within the ECMR – it may be possible to remove this objection if this report can be submitted.

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 and two bedroomed dwellings, but it has not been possible to verify this from the 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 some form of garden space is provided, its allocation is unclear and does not appear to show that all of the dwellings would benefit from private amenity space. Particularly within the southern part of the site, where land appears to be 'left over'. 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 submitted DAS indicates that eleven on-site parking spaces are required, and eleven on-site spaces are proposed – six on the forecourt of Plots 1-4, three beneath the coach-house at Plot 5 and two in the site's southwest corner.

In addition to the above, the applicant will however, need to ensure appropriate provision can be made for 11 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:

There is currently a policy objection in the context of Policies CS2 and DM3 (Core Strategy) and Policy C2 (HBLP 2036) in the absence of an active and realistic marketing exercise. The Emsworth Neighbourhood Plan sets out a general presumption against the loss of industrial sites, although the plan can only be afforded limited weight at this time.

Whilst the DAS indicates that a marketing exercise has been undertaken, no evidence has been submitted to confirm this. It may be possible to remove the objection with the submission of the ECMR provided it contains the relevant evidence required by criteria i) – v) of Policy DM3.