

Planning Application Response of Planning Policy

Application No:	APP/18/01109
Site Address:	Dairy Crest Depot, Dunsbury Way, Havant
Development:	Outline application for the redevelopment of Former Dairy Crest site for up to 78 dwellings with access off Fulflood Road
Case Officer:	Lewis Oliver
Comments by:	Jade Ellis
Date of Comments:	20 th December 2018

Background:

Planning permission ref. APP/18/00764 for the change of use from residential institution (Use Class C2) to end of life services (Use Class A1) at 194-196 Dunsbury Way, Havant was granted in October 2018.

Policy Status:

The Adopted Local Plan

The [Local Plan \(Core Strategy\)](#) and the [Local Plan \(Allocations\)](#), together with the Hampshire Minerals and Waste Plan, provide the development plan for Havant Borough. In addition, the [Local Plan Housing Statement](#) (LPHS) and its guiding principles, adopted December 2016, is also a material consideration. The following policies and documents are of relevance:

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- CS1 Health and Wellbeing
- CS2 Employment
- CS9 Housing
- CS11 Protecting and Enhancing the Special Environment and Heritage of Havant Borough
- CS16 High Quality Design
- CS17 Concentration and Distribution of Development within the Urban Areas
- CS21 Developer Requirements
- DM3 Protection of Existing Employment and Tourism Sites
- DM8 Conservation, Protection and Enhancement of Existing Natural Features;
- DM11 Planning for More Sustainable Travel;
- DM13 Car and Cycle Parking on Residential Development;
- DM24 Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development;
- AL2 Urban Area Boundaries and Undeveloped Gaps between Settlements;
- Havant Borough Council Housing SPD (July 2011), and;
- Havant Borough Council Parking SPD (July 2016).

Havant Borough Local Plan 2036

The Council is preparing a new Local Plan and consulted on a Draft (Regulation 18) version of the [Havant Borough Local Plan 2036](#) (HBLP 2036) between 8 January to 16 February 2018. Whilst the Plan has limited weight in decision-making at this stage in the plan

preparation, the Draft Local Plan is of relevance in setting out the Council's direction of travel.

It is likely the following emerging policies will have some weight at determination of this application. The development proposals will therefore be expected to follow the emerging policy requirements in the Draft Local Plan including:

- IN1 | Effective Provision of Infrastructure
- IN3 | Transport and Parking in New Development
- IN4 | Future Management and Management Plans
- E1 | Health and Wellbeing
- E6 | High Quality Design
- E7 | High Quality New Homes – including space and accessibility standards
- E8 | Low Carbon Design
- E10 | Landscape and Townscape
- E13 | Drainage Infrastructure in New Development
- E15 | Ecological Conservation
- E16 | Solent Special Protection Area
- E18 | Protected Species
- H1 | Housing need, supply and brownfield sites
- H2 | Affordable Housing
- H3 | Housing Mix and Density
- C2 | Protection of Existing Employment Sites

The statutory expiry date for this planning application is 13 March 2019. As such, the policies in the Pre-Submission HBLP 2036 may be afforded greater weight at the point of the application's determination. This is of particular relevance with regards to loss of employment.

National Planning Policy Framework

Paragraph 121 of the NPPF states that local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular they should support proposals to use retail and employment land for homes in area of high housing demand, provided this would not undermine key economic sectors or sites, and would be compatible with other policies in the Framework.

Principle of development:

The site lies within the urban area as defined by Policies CS17 and AL2 of the Local Plan which seek to concentrate new development within the five urban areas of the borough. There is therefore a presumption in favour of sustainable development, subject to other relevant policy considerations in the Plan.

Loss of Employment

Policy CS2 of the Core Strategy (2011) states that planning permission will be granted for development proposals that prioritise the use of previously developed land for the provision of new floorspace; and safeguard existing employment sites that are not fit for current purpose.

Policy DM3 which is counterpart to this policy makes clear that the development of land or premises currently or last used for B use class employment purposes to non-B use class employment will only be permitted where it has been demonstrated that the land or premises are not fit for purpose and financially unviable for B use class purposes. An active and exhaustive marketing exercise would normally be required to demonstrate the site is no longer suitable for B use class employment.

Emerging Policy C2 of the Draft HBLP 2036 is also of relevance in terms of the Council's proposed approach to safeguarding B-Class uses. The application site is not defined within one of the established employment areas in the emerging policy.

Paragraph 5.24 of the submitted Planning Statement suggests that the Dairy Crest element of the site ceased trading in 2014, and was actively marketed for approximately 2 years before being acquired by the applicant in 2016. Very limited detail on the marketing undertaken has been provided. Paragraph 10.14 of the supporting text in the Core Strategy also confirms that the period of marketing must have ended on a date within the six months prior to the date the planning application was submitted. In the absence of an active and exhaustive marketing exercise, a policy objection would normally arise.

In addition, the applicant has submitted a Property Feasibility Report which suggests that the former milk depot has insurmountable issues with regards to the existing configuration and location which cannot be overcome with a simple refurbishment and therefore no longer fit for purpose. In terms of the latter, it is expected that the submitted Viability Appraisal would generally need to be validated by an independent third party at the developer's expense.

Notwithstanding the above, in the context of the emerging policy in the HBLP2036, the site would lie adjacent, but outside one of the proposed employment areas. As the site is vacant, there would not be a need for the applicant to demonstrate there is suitable and available accommodation for the occupier(s) to relocate. On this basis, it is considered that it would be unreasonable to sustain an objection in the absence of an active and realistic marketing exercise.

Housing Density

Emerging Policy H3 in the HBLP 2036 indicates that development proposals should secure a net density of at least 35 dwellings per hectare. More recently, the NPPF has confirmed that local planning authorities should support development that makes optimal use of each site and refuse applications which they consider fail to make efficient use of land. The outline development proposals would provide for a net density of 156 dph based on a gross site area of 0.5 ha. This would exclude any provision of on-site open space which should be excluded from the net site area (considered in further detail below).

Affordable Housing and Housing Mix

Policy CS9 of the Core Strategy indicates that a 30% affordable housing requirement will apply, unless a lesser requirement is transparently justified on viability grounds. The applicant has submitted a Viability Assessment which suggests the scheme is unlikely to be able to provide any affordable housing. It is recommended that the validity of the viability assessment should be sought at the developer's cost accordingly.

Emerging Policy H3 of the Draft Local Plan indicates that 35% of the overall housing mix to be provided as 2-bedroom homes. The development would provide an indicative proposed layout of 1 and 2 bed apartments, though the Council's Housing [Specialist Housing Analysis](#) suggests that there the need in Leigh Park is for 2-bedroom homes.

High Quality New Homes

Policy E7 of the Draft Local Plan identifies that the Borough is promoting housing that meets the future needs of residents. The development should be aware that at least stage, it is expected that *at least* 30% of dwellings on the site will meet standard M4(2) of the building regulations 2015, with 2% meeting standard M4(3).

The submitted elevations and floorplans indicate that the proposed 3-bedroom homes are designed to meet the nationally described space standards for 4 and 5 persons – this is welcomed.

Open Space

Policy E2 of the emerging HBLP 2036 highlights that residential development of 50 dwellings or more will be permitted where on-site open space is provided to a standard of 1.5 ha per 1,000 population. Where the final mix of dwellings is not known, a condition will be imposed to require the provision of open space on line with the following table through subsequent reserved matters applications:

Number of Bedrooms per Dwelling	Number of Persons per Dwelling
1 bedroom	1
2 bedrooms	2
3 bedrooms	2.5
4 bedrooms or more	3

Table: Applying the Open Space Standard

Low Carbon Design

Emerging Policy E8 sets out how the Council expects new development to address climate change through local carbon design. Proposals will be granted where they achieve reductions in CO2 emissions of 19% of the Dwelling Emission Rate compared to the Target Emission Rate of Part L of the Building Regulations. This is the equivalent to the requirements of Level 4 of the withdrawn Code for Sustainable Homes.

The emerging policy also indicates that the Council will encourage the independent certification against the Home Quality Mark (HQM).

Parking

Policy DM13 and the [Havant Borough Parking SPD \(July 2016\)](#) set out the parking standards for new development in the Borough. The minimum standards for unallocated residential parking can be found in Table 4B of the SPD. The cycle parking/storage provision can be found in Table 4D of the SPD.

It is expected for each new home with private off-street parking to provide an Electric Vehicle charging point in line with emerging Policy IN3 in the Draft Local Plan.

Community Infrastructure Levy and S106

The proposed development is CIL liable. CIL rates are set out in the Council's adopted Charging Schedule: <http://www.havant.gov.uk/planning-and-environment/planning-policy/community-infrastructure-levy>

Developer contributions will be required in accordance with Policy DM24 Recreational Disturbance and the Solent Recreation Mitigation Strategy to Special Protected Areas (SPAs) from Residential Development.

S106 developer contributions may be required in respect of site specific mitigation including off-site highway improvements.

Summary

Whilst a policy objection would normally arise in the context of the adopted policy framework, the site is vacant and not proposed for inclusion in one of the established employment areas in the emerging Local Plan. As such, an objection could not be sustained on these grounds.

There are however, various detailed considerations, which need to be taken into account bearing in mind the timescales for the determination of any planning application. Significantly, the applicant is not proposing any affordable housing and the validity of the viability assessment will need to be subject to independent third-party valuation.