

Planning Application Response of Planning Policy / Urban Design

Application No:	APP/18/00704
Site Address:	12 Queen Street, Emsworth, PO10 7BL
Development:	Change of use from shop (A1) to 1No. 3-bed dwelling with single storey rear extension and removal of existing outbuildings
Case Officer:	Mrs T Pickup
Comments by:	Lewis Ford
Date of Comments:	27 th July 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:

- CS4 Town, District and Local Centres
- CS11 Protecting and Enhancing the Special Environment and Heritage of Havant Borough
- CS12 Chichester Harbour Area of Outstanding Natural Beauty (AONB)
- CS16 High Quality Design
- CS17 Concentration and Distribution of Development within the Urban Areas
- CS21 Developer Requirements
- DM2 Protection of Existing Community Facilities and Shops
- DM13 Car and Cycle Parking on Residential Development
- AL2 Urban Area Boundaries and Undeveloped Gaps between Settlements
- AL3 Town, District and Local Centres
- Guiding Principle 3 of the LPHS
- [Havant Borough Parking SPD \(July 2016\)](#)
- [Chichester Harbour Area of Outstanding Natural Beauty SPD \(July 2017\)](#)

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, and particularly emerging policy C5 (Emsworth District Centre), is of relevance in setting out the Council's direction of travel.

Please note, the Council's Local Plan Panel considered a report setting out a summary of the responses to the consultation on the Local Plan and the proposed changes to the policies moving forward. This [Consultation Summary Report](#) was published on the Council's website on Friday 22nd June 2018. A summary of the comments received for C5, along with the Council's proposed way forward, can be found on page 212 of the report.

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 area of the Borough. There is, therefore, a presumption in favour of sustainable development, subject to other relevant material considerations in the development plan.

The proposal is to subsume the A1 shop floor space into the existing 3-bed property at 12 Queen Street, Emsworth. The redevelopment of brownfield land is supported by Guiding Principle 3 of the Local Plan Housing Statement.

The site is in Emsworth District Centre as shown in Policies CS4 and AL3 (Town, District and Local Centres). These policies encourage appropriate town centre uses at ground-floor which support small and independent businesses. The proposal is not supported by criterion 5) of Policy CS4 nor criterion 1) of Policy AL3 as it would not retain an active ground floor frontage and does not provide a main town centre use.

As specified in Paragraph 3.54 of the supporting text for Policy CS4:

“Policy CS4 seeks to encourage high quality mixed-use development in designated centres with offices or new homes located on upper floors above town centre uses with active ground floor frontages. The loss of ground floor town centre uses to residential development will be resisted” (emphasis added).

However, despite the above, it is acknowledged that the building is completely surrounded by residential development at ground floor level and that these dwellings are also in Emsworth District Centre. In addition, planning permission was granted in November 2017 under reference APP/17/01044 to change the use of a D1 unit to a dwellinghouse (Class C3) at 55 High Street, Emsworth. As such, a principle has been set which acknowledges that this section of Emsworth District Centre serves a more residential role than that of a district centre. It should also be noted that the unit covered by this application would be the last retail unit in this area and has been vacant since 2016. As such, it is acknowledged that town centre footfall will be lower, and the unit may well be better served as a dwellinghouse rather than a vacant unit.

Loss of Shop and Marketing:

Although the site is in Emsworth District Centre, is not designated as primary nor secondary retail frontage. As such, criteria 2) to 6) of Policy AL3 do not apply.

Nevertheless, the loss of a shop within a designated centre will activate the requirements of Policy DM2. The requirements of Policy DM2 are replicated below.

Development proposing the change of use or loss of any premises or land currently or last used as community services and facilities, including local shops, will only be permitted where both the following criteria can be met:

- 1. It has been demonstrated, through an active marketing process that the premises or land are no longer viable for their authorised use or any other use which would provide a beneficial facility to the local community.***
- 2. The facility is no longer required for a community use or that there is an easily accessible existing or new facility for the community it is intended to serve.***

Although the policy states that both criteria will need to be met, it is acknowledged that the A1-use in question does not constitute a community facility. Therefore, only criterion 1) will need to be adhered to. As stated paragraph 10.09 (page 124) of the Local Plan (Core Strategy):

"In the case of the loss of shops located outside the primary and secondary frontages.....a reduced marketing period of six months is therefore required"

And;

"If the premises are no longer required for retail purposes, priority will be given to alternative uses which contribute to the general vitality and viability of the area".

The minimum marketing process is set out at the end of paragraph 10.06 (page 124) of the Local Plan (Core Strategy). These requirements have been replicated below and the [blue text](#) states how the submitted Marketing Report has/has not complied with the minimum marketing process:

- i) Confirmation by the marketing agent on headed company paper that the premises were appropriately and extensively marketed for the required length of time as set out by the council.
[Requirement i\) has been met. The marketing exercise began on 3rd September 2017. Although there was no confirmed end date, the last enquiry log entry \(page 7\) was made on 2nd February 2018. This suggests the site was marketed for almost 6 months as required. This also confirms that the marketing period would have ended on a date within the six months prior to the date of the planning application being submitted; this conforms with paragraph 10.07 \(page 124\) of the Local Plan \(Core Strategy\).](#)
- ii) Dated photographs of marketing board(s) on the premises of an appropriate quality, size, scale, location and number during this time;
[Requirement ii\) has not been met. Although it is stated on page 5 that a 4x3 poster was erected in the shop window, no photographic evidence of this has been submitted.](#)
- iii) An enquiry log, how it was followed up and why it was unsuccessful.
[Requirement iii\) has been met. This can be found on pages 6 to 7 with a summary of main reasons for applicants dismissing the property found on page 5.](#)
- 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).
[Requirement iv\) has not been met. The submitted marketing report states that: "the estate was not advertised with local press either locally or national given the increased exposure provided by online marketing".](#)
- v) Evidence of marketing via the internet.
[Requirement v\) has been met. Please see pages 9 to 10.](#)

The enquiry log demonstrates that a variety of land class uses (including A1, A3, A5 and Sui Generis) were considered during the marketing period showing flexibility. Although the minimum marketing requirements were not met (emphasis added), the enquiry log is considered the key part of the evidence and demonstrates that the small retail floorspace, and inability to split the retail floorspace from the current living accommodation, was the main reason for unsuccessful follow-ups.

Parking:

Policy DM13 and the [Havant Borough Parking SPD \(July 2016\)](#) set out the vehicle and cycle parking standards for new residential development in Havant Borough.

Vehicle Parking

The provisions for allocated and unallocated residential vehicle parking can be found in Tables 4A and 4B on pages 9 and 10 of the Havant Borough Parking SPD (link above) respectively. The minimum vehicle parking requirement for one 3-bed dwelling is 2 spaces (emphasis added).

Nevertheless, it is important to note that the building already comprises a 3-bed residential unit with a shop front. The application is, therefore, to subsume the shop front into the existing residential unit with a rear extension. As set out in Section 6 (page 4) of the submitted Design & Access Statement:

“There are no parking spaces provided with the existing property and no parking spaces are therefore provided for the proposal. It should be noted that Queen Street slows for resident parking permits. Being within the town centre boundary the property is in close proximity to local public transport”.

As set out in Section 3 (page 20) of the Parking SPD, it is appropriate that car parking requirements reflect the fact that some areas of the Borough, such as town and district centres, are more accessible by non-car means. The SPD goes on to state that in such areas, reliance on private vehicle use and ownership should be less. Moreover, Table 3.1 (page 20) of the Parking SPD highlights that Emsworth Train Station and Emsworth District Centre are the fourth and fifth most accessible (by non-car means) parts of Havant Borough.

It is considered appropriate that no additional vehicle parking is provided as:

- 1) The application is to subsume the shop front into the existing 3-bed property;
- 2) There is permit parking available along Queen Street; and
- 3) The site is in the fifth (and close to the fourth) most accessible (by non-car means) part of Havant Borough.

Cycle Parking

The provision for cycle parking/storage can be found in Table 4D (page 13) of the Havant Borough Parking SPD (link above). The long-stay cycle requirement for a three-bed unit is 2 cycle spaces. The proposal will need to provide these to adhere to the requirements of Policy DM13 and the Parking SPD.

Please note, short-stay cycle parking/storage will not be required as the proposal is for less than 10 dwellings.

High Quality Design:

In conjunction with the below sub-sections, the design of the proposal will need to respond to, draw inspiration from, and respect the local context. The proposal will also need to produce a positive relationship between buildings, street and spaces both existing and proposed.

In particular, criteria 1a), 1b), 1c), 1e) and 6) of Policy CS16 (High Quality Design) will need to be met.

Chichester Harbour AONB

The site is in the Chichester Harbour Area of Outstanding Natural Beauty (AONB) as identified by Policy CS12. As such, the criteria of this policy will need to be adhered to and the design of the proposal will need to be in compliance with the [Chichester Harbour Area of Outstanding Natural Beauty SPD \(July 2017\)](#).

Historic Environment

The proposal is to change the use of, and alter, a Grade II listed building within Emsworth Conservation Area. As such, criterion 4) of Policy CS11 will apply. The Council's Conservation Officer will be able to provide further advice on the design of the proposal as well as listed building consent.

Flooding:

The site is not located in Flood Zones 2 and/or 3; however, the site is in Flood Zone 1. Providing that the site is not affected by sources of flooding other than rivers and the sea (e.g. surface water drains), a Flood Risk Assessment (FRA) will not be required.

Please note that Policy DM25 (Managing Flood Risk in Emsworth) does not apply as:

"Extensions to existing houses and change of use are exempt from the requirements of this policy".

Developer Contributions:

In addition to the requirements of Policy CS21, Havant Borough Council has an adopted CIL Charging Schedule which is applied to all new residential development/floorspace in the Borough.

Recommendation:

Since Queen Street is, with the exception of this one unit, entirely residential in nature and an adequate Marketing Report has been submitted, no objection would arise in principle providing that:

1. Two cycle parking/storage spaces are provided; and
2. The design of the scheme adheres to the requirements of Policy CS16 and the Chichester Harbour AONB SPD.