

Planning Application Response of Planning Policy / Urban Design

Application No:	APP/18/00530
Address:	North Street Arcade, 1-3 North Street, Havant
Development:	Construction of 21No. one and two bed apartments in a 2-storey extension fronting onto Prince George Street, together with the provision of infill flexible use (Classes A1/A2/A3) commercial floorspace to North Street frontage, following the demolition of existing 1 and 2 storey retail development to rear.
Case Officer:	Mr L Oliver
Comments by:	Lewis Ford
Date of Comments:	27 th June 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
- CS6 Regeneration of the Borough
- CS9 Housing
- CS11 Protecting and Enhancing the Special Environment and Heritage of Havant Borough
- CS14 Efficient Use of Resources
- CS16 High Quality Design
- CS17 Concentration and Distribution of Development within the Urban Areas
- CS20 Transport and Access Strategy
- CS21 Developer Requirements
- DM2 Protection of Existing Community Facilities and Shops
- DM11 Planning for More Sustainable Travel
- DM12 Mitigating the Impacts of Travel
- DM13 Car and Cycle Parking on Residential Development
- DM21 Shopfronts, Signs, Security Shutters and Advertisements
- DM24 Recreational Disturbance to Special Protected Areas (SPAs) from 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 Housing SPD \(July 2011\)](#)
- [Havant Borough 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, and particularly emerging policy KS1 (Havant Town 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 KS1, along with Council's proposed actions and amendments, can be found on page 15 to 19 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 site is in Havant Town Centre as shown in Policies CS4 and AL3 (Town, District and Local Centres). The redevelopment of this site is further supported by Policy CS6 (Regeneration of the Borough) and Guiding Principle 3 of the LPHS. The latter cites the Council's support to promote the development of brownfield land by looking at higher densities around town centres and transport hubs. The former states that planning permission will be granted for development:

"which positively contributes by type of use and design and by its comprehensive approach to the social, economic and/or physical regeneration of the whole borough".

The proposed development meets this criterion and is also adjacent to Market Parade and Havant Railway Station which have both been cited in Policy CS6 as areas of focus.

Retail and loss of retail units:

General

North Street Arcade comprises nine town centre units. This application proposes to retain Unit 1 (the vacant Grastar Restaurant) and the unit currently occupied by Domino's Pizza, but demolish the seven rear units for the redevelopment of 21 apartments. The applicant is also proposing the construction of two new units within the existing undercroft of the arcade for A1, A2 and/or A3 use; resulting in a net loss of five units.

North Street Arcade falls in the Market Parade area as shown on Figure 4a (page 26) of the [Draft Havant Borough Local Plan 2036](#). As set out in paragraph 3.20 (page 23) of the draft plan:

"The Market Parade Area will be the focus of the town's regeneration focusing on residential development and the provision of food and drink and retail units at ground floor level to create a vibrant environment and improve the evening economy"

North Street Frontage

North Street Arcade is not within the primary or secondary shopping frontages of Havant Town Centre. As such, criteria 2) to 6) of Policy AL3 do not apply.

The two new units are proposed as land use classes A1, A2 and/or A3. This is supported by criterion 1) of Policy AL3 which aims to provide main town centre uses in the town, district and local centres to contribute to their vitality and viability. Please note, a definition of “main town centre” uses is found on page 53, Annex 2 of the [National Planning Policy Framework \(NPPF\) \[March 2012\]](#).

Moreover, criterion y) of emerging Policy KS1 states that within the Market Parade area, planning permission will be granted for:

“Ground floor units [which] promote vitality and viability; displaying active frontages and encouraging pedestrian footfall during the day and evening”.

In working with both the adopted and emerging local plans, the two units proposed in the existing undercroft of North Street Arcade are supported in principle, providing that they represent an active ground floor frontage as required by criterion 5) of Policy CS4 and conform with the provisions of Policy DM21 (Shopfronts, Signs, Security Shutters and Advertisements).

Net loss of five units

The demolition of the rear seven units, along with the construction of two units under the existing undercroft of North Street Arcade will lead to a net loss of five shop units. Policy DM2 of the Local Plan (Core Strategy) is therefore of relevance in resisting the change of use or loss of any premises currently or last used as a local shop. Paragraph 10.09 of the Local Plan (Core Strategy) states that:

“In the case of the loss of shops located outside the primary and secondary frontages it is recognised that a series of vacant units can be damaging to the vitality and viability of an area. The intention is to maintain an active frontage that contributes to the surrounding local community. A reduced marketing period of six months is therefore required” (emphasis added).

Given the proposal would form part of a wider redevelopment, paragraph 10.10 of the Adopted Local Plan (Core Strategy) is relevant. This states:

“It is recognised that some community facilities [including local shops] are located in areas proposed for redevelopment which can bring about wider community benefits. Where the loss of a facility is proposed as part of a wider redevelopment for which there is a recognised need, justification for the loss of the facility will still be required” (emphasis added).

The applicant has submitted a Marketing Report for 8-9 and 10 North Street Arcade, prepared by Holloway Iliffe & Mitchell. However, the remaining units continue to be occupied, and have not been subject of an active and realistic marketing exercise. In respect of Units 8-9 and 10, the applicant has been flexible regarding the types of future users (i.e. land use class) and potential rent. More specifically, regarding the latter, the report highlights that during the marketing period the applicant quoted less than current, nearby, competition rents to reflect the arcade’s tertiary location. This flexible approach is supported by the Council as:

"It is important that the marketing of the existing land or buildings explores all alternative community uses"

And that,

"The marketing price is realistic". (Paragraph 10.06, page 124, Local Plan [Core Strategy])

Nevertheless, the report needs to demonstrate the minimum marketing process as set out at the end of paragraph 10.06 of the Local Plan (Core Strategy). The below demonstrates in [blue text](#) how the submitted Marketing Report has/has not complied with the minimum 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;
 - [Unit 8-9 has been marketed since 2016 with enquiry log evidence from February 2017 to April 2018. As this is longer than 6 months, the above criterion has been met for this unit.](#)
 - [Unit 10 has been marketed since 2018; this is ambiguous. The enquiry log only shows entries from March and April 2018. As the "to let" advertisements \(Appendix 3\) were prepared on 14th March 2018 and given the timing of this application's submission, it would not have been possible for this unit to have been marketed for the required 6 months.](#)
- ii) Dated photographs of marketing board/s on the premises of an appropriate quality, size, scale, location and number during this time;
 - [This has been submitted for Unit 8-9 \(see Appendix 2 of the submitted Marketing Report\). However, the submitted photos are not dated.](#)
 - [This has not been submitted for Unit 10.](#)
- iii) An enquiry log, how it was followed up and why it was unsuccessful;
 - [This has been submitted for both Unit 8-9 and Unit 10. Please note the timescales vary for both units, please see notes under criterion i\) above.](#)
- 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); and
 - [This has not been completed for either Unit 8-9 nor Unit 10. Paragraph 7.3 of the submitted Marketing Report states that "*we have not carried out any significant advertising in the local press as the response from paper advertising is terrible and the cost is extremely expensive*".](#)
- v) Evidence of marketing via the internet.
 - [This has been submitted in Appendices IV to XIII of the submitted Marketing Report for both Unit 8-9 and Unit 10. Please note, dates of screenshots should have been included.](#)

Although the Marketing Report has demonstrated that Unit 8-9 does not have any market interest, the marketing for Unit 10 is not complete. With this, the four units between Unit 1 (Grastar Restaurant) and Unit 8-9 have not been marketed, nor has the unit to the right of Unit 10. It is with great disappointment that we must state the Marketing Report does not demonstrate the premises are no longer viable for their authorised use or any other community use in accordance with Policy DM2.

Summary

The above should be highlighted to the applicant as soon as possible. The Council recognises there may, however, be material considerations which indicate a deviation from the marketing requirement in this particular case. However, as the remaining units are occupied but have not been marketed, further justification would be needed to set aside the market requirements which would normally apply. To justify a deviation from the marketing process set out by Policy DM2, the applicant or the applicant's agent should provide evidence from the occupiers of the remaining units in North Street Arcade which confirms that there is available and suitable accommodation which enables them to relocate. This could include letters from the relevant occupiers on company headed paper or electronic correspondence from an official company email address.

Residential Development:

The site falls within the Market Parade area (see Figure 4a, page 26 of the Draft Local Plan) within Havant Town Centre as defined by Policy KS1 in the Draft Local Plan. The Market Parade area is identified as the focus for the town's regeneration and residential development and the provision of food and drink and retail units at ground floor level under Policy KS1 (Havant Town Centre). The redevelopment and construction of 21 new homes would also contribute to the delivery of 750 new homes within the town centre as a whole [criterion u)].

Whilst it will be achieved through master planning of the Market Parade area following the adoption of the new Local Plan; it is considered the development proposals would broadly support the aims and objectives of the emerging approach to this part of the town centre.

Affordable Homes

Policy CS9, in combination with the [Havant Borough Housing SPD \(July 2011\)](#) and the Ministerial Statement (published summer 2016), require new residential developments of over 11 dwellings to contain 30-40% affordable dwellings. Nevertheless, as referenced in the submitted Planning Statement:

"the development will not be able to fund the provision of affordable housing"
(paragraph 6.5, p18)

It is acknowledged that some sites can incur abnormal development costs which might affect the provision of affordable housing. This is reflected in the latter part of criterion 2) of Policy CS9 which provides flexibility in the proportion of affordable housing providing that this is *"transparently justified on viability grounds"*.

Page 20 of the Housing SPD (July 2011) reinforces Policy CS9 and outlines that in exceptional circumstances, the Council may consider an alternative to on-site affordable provision for sites of 15 or more gross units by means of a financial contribution, provision on an alternative site or the introduction of other forms of affordable housing than the traditional tenure mix (emphasis added). The SPD goes on to confirm that such an exception may be considered where it can be proven that on-site provision would be not feasible, supported by evidence of an independent financial viability assessment for the development.

The Council's Housing Enabling Officer will be able to provide further advice on the matter. Please note, paragraph 6.17 of the Local Plan (Core Strategy) states that:

“Where there is a need to validate the viability of developments to provide the necessary levels of affordable housing, independent third-party valuation expertise will be requested at the developer’s cost”.

Archaeological Potential, Conservation Area and High-Quality Design:

There is an identified archaeological area which straddles the site’s southern boundary. As such, Hampshire County Council’s Archaeological Officer will need to be consulted to ascertain whether prior archaeological investigations are feasible/necessary or whether previous development has already compromised any archaeological potential.

The site is surrounded by the St Faith’s conservation area to its east, south and west boundaries. Although not in the conservation area itself, the redevelopment would have an impact upon the conservation area. As such, the design and layout of the proposal will need to conform with Policy CS11.4 along with the design requirements of criterion 1b), 1c), 1d) and 1e) of Policy CS16. The Council’s Conservation Officer will be able to provide further advice on the matter.

That said, the proposal would be supported by criterion 5) of Policy CS16 as it:

“maximises opportunities for mixed use developments, particularly in town and district centres; and encourage higher densities (50+ dwellings per hectare) where appropriate”

In addition to the above, section 8 of the submitted Design and Access Statement outlines the proposed sustainable construction measures proposed. These are supported by Policy CS14 in the wider context.

Parking:

The advice of the Council’s Development Engineer should be sought for further clarification on the below.

Vehicle Parking (General)

Policy DM13 and the [Havant Borough Parking SPD \(July 2016\)](#) set out the parking standards for new development in the Borough. The provisions for unallocated residential parking in the town centre can be found in Table 4B (page 10) of the SPD (link above).

Given that the proposal is for 16 one-bed and 5 two-bed apartments, the maximum parking provision for unallocated parking would be 12 parking spaces¹ (emphasis added). Please note, the SPD does not set out a minimum parking provision for new residential development within the town centres.

The applicant has stated in the submitted Planning and Design & Access Statements that:

“The proposed development seeks to exploit the very accessible and sustainable location where lifestyle is not dependent upon use of the car. In this respect no car parking is to be provided”.

¹ [16 x 0.5] + [5 x 0.8]

The SPD acknowledges that Havant Town Centre offers the widest choice in alternative transport with a mainline train station and a bus station that provides services across the Borough and to Portsmouth, Chichester and beyond. As such the SPD concludes that Havant Town Centre:

‘is considered to be the most accessible and sustainable part of the Borough’.

With this, paragraph 3.05 (page 20) of the Parking SPD states that:

‘Proposals within the Havant and Waterlooville Town Centre boundaries will be expected to have a reduced or even zero standard of vehicle parking provision in order to maximise the use of land and discourage the use of private motor vehicles in accordance with the requirements of the NPPF’.

Vehicle Parking for People with Disabilities

Despite the above, the SPD does explicitly state within the town centre section (page 20) that suitable parking for people with disabilities should still be provided. The SPD states that disabled people’s car parking spaces should be provided as a ratio of 5% of a residential development’s parking requirement.

To calculate the quantity for disabled people’s parking, the requirements for allocated parking under Table 4A (page 9) of the Parking SPD has been used. The vehicle requirement would be 1 parking space per unit (up to a maximum of three-beds). This would equate to 21 spaces which means 1.05 disabled parking spaces (5% of 21 vehicle spaces) – or 1 disabled space – would need to be provided.

To summarise, although no vehicle parking is proposed, the redevelopment will need to supply 1 disabled person’s vehicle parking space.

Vehicle Drop-off Spaces

Paragraph 4.19 (page 26) of the SPD states that:

‘While there are no set standards for drop off spaces, applicants should consider the likely need for drop-off spaces near the development’.

As such, the proposed lay-by alongside the main entrance area, to facilitate deliveries and drop off for both residential and commercial premises, is supported.

Bicycle Parking/Storage Provision

It is acknowledged that the applicant has stated on page 7 of the submitted Design & Access Statement that:

‘All new apartments will however include appropriate levels of secure cycle storage and refuse facilities’.

The above is supported. The bicycle parking requirements can be found in Table 4D (page 13) of the SPD.

The long-stay bicycle parking requirements are 1 space per one-bed unit and 2 spaces per two-bed unit. As the redevelopment comprises 16 one-bed and 5 two-bed apartments, the long-stay parking requirement will be 26 bicycle spaces².

Regarding short-stay bicycle parking, schemes of 10 or more dwellings will be expected to provide short-stay bicycle parking at 20% of the long-term cycle parking standard. As such, the redevelopment will need to provide 5 short-term bicycle spaces.

To summarise, the redevelopment will need to provide 26 long-stay and 5 short-stay bicycle parking spaces/storage provision. By achieving this level of cycle parking/storage, the redevelopment would be viewed favourably against policies CS20 and DM12.

Transport and Access:

By providing the above, the proposal would be supported by criteria 2), 3) and 6) of Policy CS20 (Transport and Access Strategy).

In addition to the above, the Council's Development Engineer will be able to provide further advice on how the proposal conforms with policies DM11 and DM12.

Flooding:

The site is not located in Flood Zones 2 and/or 3. Nevertheless, although the site is in flood zone 1 and is less than 1 hectare, the Environment Agency (EA) has identified a main river which cuts under the site.

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 in the Borough.

The [Solent Recreation Mitigation Strategy](#) was approved, along with its implementation from 1st April 2018 onwards, by Havant Borough's Cabinet on 7th February 2018. As such, the applicant will need to pay the Solent Recreation Mitigation Partnership (SRMP) contribution in line with the strategy and Policy DM24.

Summary:

The Planning Policy Team would like to support the application in principle, however, in the absence of any further information at this stage, a policy objection would arise against the marketing requirement set out by Policy DM2. It is recommended that this is highlighted to the applicant's agent as soon as possible to provide them with an opportunity to submit further information. There may be justification to set aside this policy requirement. However, it will be necessary for the applicant's agent to provide evidence which demonstrates that suitable and alternative accommodation which enables the existing occupiers to relocate.

In addition to the above, confirmation that the development will supply at least 26 long-stay and 5 short-stay bicycle space will be required. An opportunity for 1-disabled parking space should also be sought.

The Planning Policy Team acknowledge that the redevelopment of North Street Arcade would be beneficial to Havant Town Centre's regeneration. As such, we welcome all future communication with the applicant regarding this site.

² [16 x 1] + [5 x 2]