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ECA/EAC/12:1089

13 August 2018

Havant Borough Council
Planning Department
Public Service Plaza
Civic Offices
HAVANT PO9 2AX



Dear Sirs

Fiscal House 2 Havant Road Emsworth PO10 7JE

I enclose a Planning Application seeking the removal of condition 3 imposed on the permission issued as APP/17/0063 which, in effect, removes the Permitted Development opportunity to change the use from B1A (offices) to residential without the need for express planning permission.

The application sets out in detail the reasons for the applicant's contention that this is unnecessary and unreasonable.

However, in summary:

1 – Part of the justification provided in the reason for the condition is that 'residential properties are around the site'

The only use granted permission after the 'prior notification' process in these circumstances would be residential and therefore compatible with other residential properties 'around the site' this justification therefore appears to be inherently unreasonable. If the objection was underpinned by concerns about additional traffic generation there is no evidence to suggest that residential use would be more intrusive than the current office use. Indeed, the Planning Authority's advice from its own internal consultees on a 'pre-application' request for consideration of a possible development of 3 residential units on the site was that there would be less traffic than from the current use. (Ref GEN/18/00125, author Mrs T Pickup, dated 19th February 2018.)

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2- 'To retain the site in employment use'

Where LPAs have particular concerns about this issue or specific requirements to safeguard employment sites, there is an opportunity to identify those areas where the right to change the use under 'PD' may be removed. So far, and at the time of drafting, 17 LPAs had done so, mainly in metropolitan areas but locally including East Hampshire District Council. Havant have not done so which suggests that the authority's concerns on this matter are not overriding.

Policy CS2 in its second clause emphasises the need to favour town centre locations for B1A uses and Annex 2 of the NPPF defines appropriate town centre uses to include offices.

Fiscal House is not in a town centre. There are significant vacancy rates in all of Havant town centres particularly Leigh Park and Waterlooville and although it is relatively low in Emsworth at 5.77%, and Havant which is similar at 5.8%. (Source HBC Annual Monitoring Report 2017) There would clearly be opportunities for B1A uses in the district's town centres. Further employment space is still being developed, and at the time of drafting 4 commercial properties were available for rent or purchase in Emsworth itself although currently having general industrial or retail permissions. However, within 3 miles of Emsworth, modern office space at Langstone Gate and Harts Farm Way is being actively advertised suggesting that there is no shortage of purpose built B1 or B1A premises in the immediate vicinity of the village.

3 – Design was also referred to in the reason for the condition, in that CS16 requiring 'high quality design' solutions was invoked. Since in a 'change of use' scenario design implications would be modest, allowing mainly internal changes to facilitate the modifications necessary to create residential units, the external appearance would not change. Therefore, the contribution which Fiscal House makes to the character of the immediate area and appearance of the street scene would not be significantly altered either. In this context the Conservation Officer's comments, provided in response to a request for Pre-application advice for the redevelopment of the whole site for residential units are pertinent;

'The proposed scheme seeks to replace the existing buildings on the site.....As I fundamentally disagree with the loss of the main building the current layout would in my opinion be out of keeping with the character of the Conservation Area. However, if the building was to be retained and converted into a dwelling with 2 further dwellings constructed (subject to design, size and height) to the rear of the site this might be something I would look more favourably on'.

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In other words, the Conservation Officer did not object in principle to the proposal that the site be used for residential purposes but did express concerns about the suggestion that the building known as Fiscal House would be demolished.

Demolition would not be allowed by the opportunity to exercise the right to change the use of the site to residential, following the prior notification procedure.

4 – The policy DM10 was also cited in the reason for the condition which relates to the control of polluting activities. B1A is, by definition, appropriate in a residential area. The relevance of this policy to the reason for refusal is unclear, the current use is not polluting nor is a potential residential use. Further the Highway Authority's comments in respect of the pre-application approach, noted above in numbered paragraph '1' indicate that a potential residential use would generate fewer traffic movements and therefore be somewhat less polluting.

In summary, therefore, the condition fails the test of 'reasonableness'. The retention of the site in solely employment use is not justified by the clauses in the reason provided or the policies used to support them.

Yours faithfully

Edward Caush

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