

Planning Application Response of Planning Policy / Urban Design

Application No:	APP/17/01044
Site Address:	55 High Street, Emsworth, PO10 7AN
Development:	Change of use from dental surgery (Class D1) to dwellinghouse (Class C3).
Case Officer:	Mr L Oliver
Comments by:	Lewis Ford
Date of Comments:	25 th October 2017

The below comments have been redrafted from our original response (6th October 2017) following the submission of a Marketing Enquiry Log on 24th October 2017 by the applicant.

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. In addition, the Local Plan Housing Statement (LPHS) and its guiding principles, adopted December 2016, is also a material consideration.

The following policies are of particular 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)
- 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
- 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 Local Plan Housing Statement
- Havant Borough Parking SPD (July 2016)
- Chichester Harbour Area of Outstanding Natural Beauty SPD (July 2017)

Principle of Development:

The site lies within the urban area as defined by Policies CS17 and AL2 which seek to concentrate new development within the five urban areas of the borough. The proposal is for the change of use from a dental surgery to a dwellinghouse; redevelopment of brownfield land is supported by Guiding Principle 3 of the Local Plan Housing Statement.

The site falls within Emsworth District Centre as defined by Policies CS4 and AL3. However, the site is not within a primary or secondary frontage. It is worth noting however, that the site is in close proximity to the primary shopping area along the High Street. Policies CS4 and AL3 encourage appropriate town centre development proposals which support small and independent businesses; moreover, Policy CS4 seeks to promote the vitality and viability of the identified local centre.

The proposal is not supported by criterion 5) of Policy CS4 and 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”.

The policy acknowledges that residential development on upper floors can make an efficient use of town centre land while adding to the mix of dwellings types and tenures available in the borough. However, as stated in the quoted text above, the loss of ground floor frontages to residential use within the town, district and local centres will be resisted. As such, the proposal is not supported by Policies CS4 and AL3.

Loss of Community Facility and Marketing:

The lawful use of the property is Land Use Class D1 as a dental surgery. As stated in Paragraph 10.08 of the Local Plan (Core Strategy), community facilities fall under Land Use Class D1. As such, the loss of this use will need to comply with 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.

The property is currently vacant, in addition, the submitted Design and Access Statement refers to the larger dental practice situated in Emsworth High Street which is an easily accessible existing facility for the community. From this, it is considered that criterion 2) of Policy DM2 has been met. Nevertheless, both criteria of Policy DM2 need to be met in order to comply with the policy.

In order to meet criterion 1) of Policy DM2, a marketing exercise for a minimum of 12 months will need to be carried out; please see paragraph 10.06 of the Local Plan (Core Strategy). As specified in paragraph 10.07:

“The advice of the council should be sought prior to the commencement of any marketing campaign to ascertain the period and extent of marketing required and to discuss the extent of alternative uses that should be explored”.

To our knowledge, the applicant did not engage with the Council prior to the commencement of the marketing exercise. The information at the top of page 2 of the Marketing Report

states that the premises was advertised for a “*period of almost 12 months*” and not the required 12 month minimum.

The Marketing Report (as carried out by Flude Commercial) is considered robust and extensive, and meets the minimum requirements listed under paragraph 10.06 of the Local Plan (Core Strategy).

As stated in paragraph 10.07 of the Local Plan (Core Strategy), alternative uses should be explored when marketing a site. We note the “To Let” signs referring to “Well Presented Shop/Office” as well as the overlay of the leaflets stating that:

“We understand that the premises benefit from a D1 use within the Use Classes Order 1987 (as amended). Other uses such as retail will be considered (STP)”.

The above demonstrates the applicant has considered alternative uses first before then considering a change of use to a residential unit. We also note the owner’s flexible approach to rents and genuine effort to market the premises.

Nevertheless, the documents originally submitted with this application stated that:

“We have three genuine enquiries who received the details and viewed the premises, but these failed to progress for various reasons as mention above such as layout, planning and location within Emsworth” (Page 2 of the submitted Marketing Report).

The Planning Policy Team requested further information in the form of an Enquiry Log on 6th October 2017 to ascertain greater details as to why the three enquiries (stated above) did not progress. We received the Enquiry Log on 24th October 2017 which outlined the feedback of four enquiries. Applicant 4 cited the need to move quickly due to lease expiry on an existing site as the reason for not progressing with the site.

As stated in our previous comments on 6th October, it may be more appropriate to submit a change of use application to change the use of the site from Land Use Class D1 to a retail use (i.e. Land Class Uses A1-A5) before then marketing the site. This may in turn help generate further interest as a prospective tenant will not be hindered by the need to submit their own change of use application at their own expense and time. This will also allow prospective tenants to move in quickly if they are constrained by time. In addition, Permitted Development (PD) Rights will allow a tenant to change the use of the building within the Land Class “A” Uses offering greater flexibility for the marketing of the site and to prospective tenants.

Chichester Harbour:

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

Heritage:

The building is Grade II listed and falls within the 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 matter.

Parking:

Policy DM13 and the [Havant Borough Parking SPD \(July 2016\)](#) set out the parking standards for new development in the borough. The vehicular parking requirements for C3 development can be found in Table 4A on page 9 of the SPD; the cycle parking requirements can be found in Table 4D on page 13.

From the above, a two-bed residential unit will need to provide 2 vehicular parking spaces and 2 cycle spaces.

Flooding:

The site is not located in flood zones 2 and 3; however, the applicant has identified the site in flood zone 1.

Developer Contributions:

Havant Borough Council has an adopted CIL Charging Schedule which is applied to new residential development in the borough in addition to the requirements of Policy CS21. The Solent Recreation Mitigation Partnership (SRMP) contribution will also be payable in accordance with Policy DM24.

Recommendation:

The Planning Policy Team recommends that the applicant submits a change of use application to change the use of the site from Land Use Class D1 to retail use (Land Use Classes A1-A5) before then conducting a marketing campaign in the future. As the site has already been marketed previously, a reduced marketing time of 6 months is deemed appropriate in the future.

Though we appreciate the efforts of the applicant to bring a vacant building back into use; under the Adopted Local Plan residential uses are not supported on the ground floor frontages within the borough's Town, District and Local Centres in principle.