

PLANNING APPLICATION RESPONSE OF PLANNING POLICY

Application No:	APP/22/00337
Site Address:	42 North Street, Havant, PO9 1PT
Development:	Change of use of the vacant office building to two flats and erection of rear external staircase and secure cycle storage
Case Officer:	Lesley Wells
Comments by:	Jade Ellis
Date of Comments:	10 th June 2022

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.

Following the receipt of the Inspectors' Interim Findings, the Examination was concluded, and the Havant Borough Local Plan from Examination was formally withdrawn on the 16th March 2022.

The following Adopted Local Plan policies are of particular relevance:

- CS2 – Employment
- CS4 – Town, District and Local Centres
- CS11 – Protecting and Enhancing the Special Environment and Heritage of Havant Borough
- CS15 – Flood and Coastal Erosion Risk
- CS16 – High Quality Design
- CS19 – Effective Provision of Infrastructure
- CS21 – Developer Requirements
- DM3 – Protection of Existing Employment Tourism Sites
- DM10 – Pollution
- DM13 – Car and Cycle Parking on Residential Development

Principle of Development:

This application relates to a vacant office building and therefore Policies CS2 and DM3 are of relevance.

Policy DM3 indicates the change of use or development of land or premises currently or last used for B use class employment purposes to non-B class employment uses will only be permitted where it has been demonstrated that the land or premises are not fit for purpose and financially unviable for any employment use. The active and exhaustive marketing process should cover 12 months and as a minimum should include:

- 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.
- ii) Dated photographs of marketing board/s of an appropriate quality, size, scale, location and number, during this time, on the premises.
- iii) An enquiry log, how it was followed up and why it was unsuccessful.
- 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).
- v) Evidence of marketing via the internet.

No such supporting evidence has been submitted to address the policy requirements set out above, as such a policy objection arises in the context of Policies CS2 and DM3.

In addition, the site falls within Havant Town Centre as defined by Policies CS4 and AL3, but outside of any primary or secondary shopping areas. In this case, it should be noted that the proposals would result in the loss of an active ground floor frontage and a main town centre use. As such, the proposed use would conflict with policy objectives to maintain and enhance the vitality and viability of the town centre.

Flood risk

The site lies within an area which is at risk of flooding in the future. However, as the proposals are for a change of use, the sequential test does not need to be applied. The change of use would, however, result in an increase in flood risk of the vulnerability classification of the development. The applicant will therefore need to show in their flood risk assessment that future users of the development will not be placed in danger from flood hazards throughout its lifetime. Depending on the risk, mitigation measures may be needed. It is for the applicant to show that the change of use meets the objectives of the Framework's policy on flood risk.

In this case, no flood risk assessment appears to have been submitted. As such, an objection would arise in the context of Core Strategy Policy CS15 and paragraph 168 of the NPPF. It should also be noted that the NPPF protects areas at risk of flooding and provides a clear reason for refusing proposed development. In such cases, the tilted balance in paragraph 11d) ii of the NPPF does not apply.

Design and Heritage

Core Strategy Policy CS16 and Borough Design Guide require high quality design. In addition, it is noted that the site falls within the St Faiths Conservation Area. As such, the external alterations would be expected to protect and enhance the character and appearance of the conservation area in line with Policy CS11. In this respect, the Council's Heritage Team has noted that the proposal would not result in harm to the conservation area.

Parking:

The proposals would need to ensure that appropriate parking provision is provided in accordance with Policy DM13, and the Council's Parking SPD.

Summary:

In the absence of a realistic and active marketing exercise to demonstrate the office premises are no longer fit for purpose and financially unviable for B use class purposes, a policy objection arises in the context of Policies CS2 and DM3. In addition – in the absence of a flood risk assessment which demonstrates future users of the development will not be placed in danger from flood hazards throughout its lifetime, the proposal would be contrary to Core Strategy Policy CS15 and paragraph 168 of the NPPF.