

Planning Application Response of Planning Policy

Application No:	APP/21/01120
Site Address:	Fiscal House, 2 Havant Road, Havant
Development:	Change of use from existing two storey building from B1a to residential including part demolition of existing building and formation of a new residential garden, re-allocation of parking.
Case Officer:	Julie Terzoudis
Comments by:	Jade Ellis
Date of Comments:	1 st November 2021

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. The [Submission Havant Borough Local Plan](#) (HBLP) was submitted for Examination on 12th February 2021 and can be afforded limited weight.

The following policies are of relevance:

- AL1- Presumption in Favour of Sustainable Development
- CS2 – Employment
- DM3 – Protection of Existing Employment and Tourism Sites
- CS9 – Housing
- CS11- Protecting and Enhancing the Special Environment and Heritage of Havant Borough
- CS15- Flood and Erosion Risk
- CS16 – High Quality Design
- CS19 – Effective Provision of Infrastructure
- CS21 – Developer Requirements
- DM8- Conservation, Protection and Enhancement of Existing Natural Features
- DM10 – Pollution
- DM13 – Car and Cycle Parking on Residential Development
- DM20- Historic Assets
- DM24- Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development

In the Submission Plan the following policies are of particular relevance:

- C1 | Protection of existing employment sites
- H1 | High quality new homes
- E1 | High quality design
- E13 | Historic environment and heritage asset
- E19 | Managing flood risk in new development
- IN1 | Effective provision of infrastructure
- IN3 | Transport and parking in new development
- E22 | Amenity and pollution

Principle of Development:

The site lies within the built-up area as defined by Policies CS17 and AL2 of the Adopted Local Plan, and emerging policy E3 in the emerging Local Plan. As such, there is a presumption in favour of sustainable development, subject to other material considerations.

Given the building's last use for office purposes, ALP Policies CS2 and DM3 and C1 in the HBLP apply. These policies seek to safeguard existing employment sites that are fit for purpose from development proposals for non-employment uses.

Specifically, Policy DM3 indicates that development of employment sites will only be permitted where it is demonstrated the land or premises are not fit for purpose and are financially unviable. This should generally be covered by an active and realistic marketing process for a minimum of a 12-month period. This requirement is carried forward in the emerging Local Plan Policy C1 as one of three criteria under criterion c – which must be met in order to justify the loss of employment provision:-

“The change of use or redevelopment of an employment site, or premises currently or last in use for employment, within the established employment areas, as defined on the Policies Map, to a nonemployment use will only be permitted where: ...

c. It can be demonstrated that either:

i. It is not financially viable for employment purposes considering the costs of any development or refurbishment; or

ii. No reasonable offer for employment purposes has been received for sale or rent, following a realistic and active marketing exercise; or

iii. There would be no net loss in the number of jobs when compared to the current occupation or last occupation of the site for employment purposes”

As part of planning application reference APP/20/0111, the Planning Policy response highlighted the need for a realistic and active marketing exercise. The applicant has submitted a statement from Keygrove dated 23rd September 2021. The following comments are offered in relation to the marketing exercise undertaken to date:

Marketing evidence requirement	Comment
An official confirmation by the marketing agent that the premises were appropriately and extensively marketed with no reasonable offer for sale or rent.	The letter from Keygrove confirms marketing commenced in February 2021, offered at an initial rent of £20,000 per annum. The property has therefore been marketed for less than the minimum requisite 12 month period.
An enquiry log, how it was followed up and why it was unsuccessful	The letter from Keygrove indicates a further 10 requests for marketing details were received as a result of the marketing. This included interest from Dominos Pizza, and a second-hand car sales business. Enquiries were also received relating to the layout of the property and whether it was possible to split into one office suite. Whilst it is noted that the internal layout is not suitable for multiple occupation, no reason is given as to why the premises would not be suitable for the car sales properties. Significantly, it is noted that a rental offer was made from Dominos Pizza on a subject to planning basis. However, it is noted that this was not a suitable option for Keygrove's client.

Evidence of extensive marketing through the internet e.g. screenshots from online advertisements and accompanying analysis of activity.	Various methods of online marketing are listed, including a copy of the property particulars. However, no evidence of internet marketing e.g., screenshots from online adverts have been included.
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In addition to the above, it is noted that the submitted Design and Access Statement highlights the impact of the pandemic and that the value of the site is significantly lower than 3 years ago. As such, it is contended that Policy DM3 which requires an active and realistic marketing exercise is out of date. Whilst it is noted that this may constitute a material consideration, it does not address the relevant criteria in the policy. In addition, it should also be noted that the applicant has not provided financial viability evidence in the form of a viability assessment in line with Policy DM3 and emerging Policy C1 criterion c. i.

As such, a policy objection would arise in the absence of evidence which satisfactorily demonstrates that an active and realistic marketing exercise has been carried out in line with the requirements of ALP Policies CS2, DM3 (ALP) and emerging HBLP Policy C1.

Five Year Housing Land Supply

The Council's Five Year Housing Land Supply Update (November 2021) indicates the Council has 3.9 years supply with a 20% buffer applied. This is below the five year supply threshold, and as such there is a presumption in favour of sustainable development (para 11d of the NPPF).

Significantly, it does not follow that planning permission should automatically be permitted for development which would boost housing supply. However– permission should only be refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The Council adopted a [Housing Delivery Action Plan](#) in January 2021 which outlines the Council's response to the lack of a five year housing land supply.

It is noted that the proposed scheme is not in the five year supply in whole or part. However, the proposal would make an extremely limited contribution to five year supply and should be afforded weight accordingly.

Flood Risk

A key constraint for development on this site is flood risk as it is affected by future flood risk as identified by the Environment Agency and is in flood zones 2 and 3. A sequential test is not required as the proposal is for a change of use.

The Environment Agency will be able to advise further on the acceptability of the proposal and whether any conditions should be imposed as part of any subsequent permission.

Design and Heritage

Both the adopted and emerging local plan require high quality design in all development under policies

- CS16 High Quality Design (Core Strategy)
- E1 High Quality Design (HBLP)

The site lies within the Conservation Area and as such a consultation with the Heritage team would be recommended.

Noise and Amenity Considerations

It is noted that the site would neighbour an office building to the south west and a church to the south east. As such there would be the potential for prospective occupiers to be subject to noise and over-looking. ALP Policy DM10 and HBLP Policy E22 are therefore of relevance in terms of whether there would be likely to be a significant negative effect on the amenity of the future occupiers. The Council's Environmental Health Team should be consulted accordingly.

It is noted the proposed amenity space itself is modest in size which is likely to be restricted further by proposed tree planting. It is also noted that emerging HBLP Policy H1 indicates that sufficient private and/or communal outdoor amenity space should be provided and should be of a sufficient size and quality for the use by occupants. The Borough Design Guide also expects new dwellings to achieve a minimum 10m garden depth and for the space to be private. The surrounding development would also create shadowing and limit the amount of sunlight reaching the outdoor space and dwelling itself. This is likely to be compounded further by the addition of trees within the private garden area.

Parking:

The proposals would need to ensure that appropriate parking provision is provided in accordance with Policy DM13, emerging policy IN3 and the Council's Parking SPD.

Conclusion:

In the absence of satisfactory evidence to demonstrate that an active and realistic marketing exercise, a policy objection would arise in the context of ALP Policies CS2 and DM3 and emerging HBLP Policy C1. It is noted that the applicant has specifically highlighted the pandemic and the resulting impact on the value of the property which may be a material consideration.

The amenity of the prospective occupiers will need to be considered having regard to the neighbouring uses in like with ALP Policy DM10 and HBLP Policy E22. It is also noted that HBLP Policy H1 requires private outdoor amenity space to be provided in the interests of ensuring the health and wellbeing of its occupants.