

Planning Application Response of Planning Policy

Application No:	APP/20/01111
Site Address:	Fiscal House, 2 Havant Road, Havant
Development:	Change of use from B1A to C3 residential.
Case Officer:	Daphney Haywood
Comments by:	Emma Chisnall
Date of Comments:	19 th January 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 [Pre-submission Havant Borough Local Plan](#) (HBLP) was approved by the Council on 30 January 2019 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 Pre-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

In addition to the above, the Council published changes to the Pre-Submission Plan which were approved at Full Council on 9 September 2020.

These changes to the Pre-Submission Plan are considered to have limited weight in development. This is because they are intended to address the main issues arising from the Regulation 19 consultation at the beginning of 2019 and indicate the direction of travel of the Local Plan.

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 and 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”*

It is noted that the submitted Heritage Statement indicates that (amongst other reasons) due to Covid-19 and the pandemic the value of the site has dropped from 2017 to 2020 and the applicant would be unable to re-mortgage the site. Further comments have been made that there would be other examples of sites within the Borough that could supply the employment use.

However, It is noted there are no financial documents or evidence that has been submitted to support this statement nor has the applicant demonstrated that the site is financially unviable for B use class purposes in the form of a viability assessment in line with Policy DM3 and emerging Policy C1 criterion c. i.

Therefore, in the absence of evidence which satisfactorily demonstrates that an active and realistic marketing exercise has been carried out, a policy objection would arise.

Flood Risk, Sequential Test and Exception Test

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 would need demonstrate that there are no reasonably available alternative sites at a lower risk of flooding that could accommodate the proposed development in accordance with national guidance on flood risk (www.gov.uk/guidance/flood-risk-and-coastal-change). If the sequential test is passed, the proposal would then need to pass the exception test.

For the exception test to be passed, according to paragraph 160 of the NPPF, it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Further, national guidance on dealing with flood risk classifies development into different vulnerability classifications and their appropriateness in flood zones. Buildings used for dwelling houses are classed as *more vulnerable*. *More vulnerable* development in Flood Zone 3b should not be permitted. *More vulnerable* development in Flood Zone 3a requires the exception test to be passed should the Sequential Test be passed first.

A consultation with the Environment Agency has been carried out and a response has been received with conditions proposed.

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. 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.

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. 1 parking space appears to be proposed for the three bedroom dwellinghouse and would be situated within the remaining office buildings land. This is considered to not comply with the above and a consultation with the Council's highway team should be sought.