

Recommendation: **GRANT TEMPORARY PERMISSION**

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

Planning Policy

This is an application for a permanent change of use from a use class B1 office to a class A1 retail unit.

The site falls outside of the boundary of Havant town centre and beyond 300m from the primary shopping area. Paragraph 24 of the National Planning Policy Framework (NPPF) states the following in regard to main town centre uses, of which a shop falls into the NPPF definition:

Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

It is likely that there may be sequentially preferable sites within the town centre that could accommodate a shop of this type, which should be explored. To approve a permanent change of use from B1 to A1 use outside the town centre would also be in conflict with Local Plan (Allocations) policy AL3 and paragraph 2.12 which state that main town centre uses should be located in town, district and local centres. In defence of the proposal, the unit was vacant prior to being occupied under the temporary change of use. The applicant has referred in a letter to the Council dated 18th February 2016 to marketing that has been carried out to ascertain potential interest in the unit for offices. This shows limited interest from potential business occupiers, indicating possible non- viability. However the applicant suggests that most marketing is done by word of mouth, which would have resulted in limited advertising exposure.

We would suggest that this is not a fair indication of the likelihood of the building being reoccupied by another B1 office in future. The Local Plan (Core Strategy) policy DM3 sets out marketing criteria that would need to be fulfilled to allow a change of use to a non-B class employment use at this site and this is considerably more detailed than the marketing that has been undertaken so far.

Recommendation: Grant a 12-month temporary permission to change use to A1

Development Engineer

The Highway Authority has no adverse comment to this application subject to the provision of the 6 parking spaces

6 **Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 7

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: None

7 Planning Considerations

(i) Principle of development

- 7.2 The site lies in the built-up area of Havant where development is normally permitted subject to the provisions of the Development Plan and any other material considerations.

(ii) Loss of employment uses

- 7.3 The site currently has a lawful use for commercial B1 purposes. The building is currently operating as an A1 retail unit under a flexible change of use which started on 24 April 2014 and which expired on 24 April 2016 (ref. GEN/14/00458).

- 7.4 Policy CS2 of the Core Strategy seeks to safeguard existing employment sites that are fit for purpose from development proposals for non-employment uses. Policy DM3 indicates that such sites will only be permitted for non-employment use where it has been demonstrated that the land or premises are not fit for purpose and financially unviable for B use class purposes. Insufficient evidence has been submitted to indicate that the site is inappropriate for continued employment purposes. However, the business is a charity shop which has traded successfully throughout the flexible change of use period, employs a number of staff and has not caused amenity problems. Consideration has been taken of this and it is reasonable in this case to permit a temporary permission to A1, rather than a permanent one. A 12 month temporary permission would allow sufficient time for the applicant to amass the 12 months worth of marketing evidence required under policy DM3 and to address the sequential tests required by the NPPF to enable the unit to change use on a permanent basis (refer to point 7.6).

(iii) Effect on existing retail provision

- 7.6 The proposed change of use can be classed as a main town centre use according to the definition outlined in the NPPF. Paragraph 24 of the NPPF states that the sequential test should be applied to proposals for main town centre uses outside of town centre locations. Where this test is applied and it is found that no suitable sites are available within town centre locations, edge of centre sites can be considered followed by out of centre sites as a last resort. The proposed development site is not a town centre location and subsequently the applicant is required to demonstrate that the sequential test has been applied in order to show that suitable alternative sites within a town centre location are not available.

(iv) Highway Implications

- 7.7 No objection by the development engineer subject to the conditioning of 6 parking spaces.

8 Conclusion

- 8.1 It is considered that the application should be granted temporary planning consent for a 12 month period, subject to the conditions listed below. This will allow sufficient time for the applicant to address the requirements of policies CS4, CS2 and DM3 of the Havant Borough Local Plan (Core Strategy) and the National Planning Policy Framework.
- 8.2 In order to demonstrate the acceptability of a permanent change of use of this unit the applicant must evidence, through the submission of a sequential test, that there are no sequentially better sites within the Havant Town Centre and Leigh Park District Centre boundaries. The applicant must also demonstrate through an active and exhaustive marketing process that the premises are not fit for purpose and are financially unviable for B use class purposes. The marketing of the site must be undertaken for a minimum 12 month period in accordance with the requirements of policies CS2 and DM3 of the Havant Borough Local Plan (Core Strategy).

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT TEMPORARY PERMISSION** for application APP/16/00142 subject to the following conditions

- 1 This permission shall be for a limited period expiring on 20 April 2017, on or before which date the use of the building for A1 retail shall be discontinued permanently and the site shall be restored to B1 unless the prior consent of the Local Planning Authority has been obtained in writing for a further period.
Reason: Permanent Planning Permission would result in a loss of an existing employment site for which insufficient evidence has been provided to show that the site is no longer suitable for employment purposes. Furthermore, it has not been demonstrated that there are no sequentially preferable sites within the Town Centre. In the absence of such information it would be inappropriate at this stage to permit a longer term A1 use. The proposal is therefore contrary to policies CS2, CS4 and DM3 of the Havant Borough Core Strategy 2011, which forms part of the Local Development Framework and The National Planning Policy Framework, March 2012
- 2 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use from the date of this permission and shall be retained thereafter for their intended purpose.
Reason: In the interests of highway safety and having due regard to policy DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

Supporting letter from Holloway Iliffe & Mitchell received 24 February 2016
Local Employment Summary received 24 February 2016
Red Line Plan showing parking provision received 24 February 2016

Warehouse Layout received 24 February 2016

Reason: - To ensure provision of a satisfactory development.