

Recommendation: **REFUSE PERMISSION**

DM2 (Protection of Existing Community Facilities and Shops)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Development Engineer

I have no objection to this application subject to the provision and retention of two car parking spaces and cycle facilities.

Waste Services Manager

I have no concerns over waste collection at this location.

Crime Prevention

No comments

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: One

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Nature of development
- (iii) Effect on the street scene
- (iv) Highways Issues

- (i) Principle of development

7.1 Local Plan (Core Strategy) Policy DM2 safeguards against the loss of existing community facilities and shops. Policy DM2 sets out the requirements an "active" marketing process to demonstrate that the site/premises in question is no longer fit for purpose. Paragraph 10.06 of Policy DM2 requires the following information to be submitted as a minimum;

7.2 *It is important that the marketing of the existing land or buildings explores all alternative community uses; **that the marketing price is realistic**; the marketing has been appropriate and genuine; and that a record of all the marketing is presented with the application proposal. The type and scale of marketing should be commensurate with the scale of the facility proposed to be lost. The council will expect that, for proposals on sites involving community services and facilities and shops in primary and secondary retail frontages, the marketing exercise should be completed for a minimum of 12 months. Local shops require a lesser period of six months. In all cases the marketing process requires as a minimum:*

- 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 on the premises of an appropriate quality, size, scale, location and number during this time.*
- 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).*
- vi) Evidence of marketing via the internet.*

7.3 The application subject of this report is a resubmission for change of use from D1 to residential. The first application was refused as the marketing evidence submitted with the application was insufficient. The marketing report quoted nearby community facilities but did not explore pricing or capacity in an attempt to form a viability argument to validate the loss of the community facility. Again such information has not been submitted for this resubmission.

7.4 Subsequent to the refusal of the initial submission, discussions continued between the case officer and agent as to the type of evidence that would be required in order to approve the loss of the D1 use and following these discussions the application subject of this report was submitted and made valid on the 4 March 2015. However, it is still considered that the requirements of policy DM2 have not been met in terms of the evidence submitted, no comparable data had been submitted in regard to the marketing price of the site. Policy DM2 requires, *that the marketing price is realistic*. Comparable data was subsequently submitted during the course of the application but this referred to residential prices not a community facility. An email was sent to the agent by the case officer requesting comparable evidence of a sale of a community building; which should be possible given that the sale price should be based on rent achieved per sq foot. The only evidence that was provided to this regard was the sale of B1 office.

7.5 Therefore, based on an assessment of the evidence provided, It is not considered that the clear and precise requirements of policy DM2 have been met and that there is insufficient justification within the submitted application for the loss of a community building. The net gain of one dwelling would contribute to the overall housing requirements of the Borough, but this must be balanced against the issue of loss of floorspace with a wider community benefit.

(ii) Nature of development

- 7.6 The proposed house would be accessed via the side of the building. The accommodation would consist of 2 double bedrooms, a study, a bathroom, a kitchen and a linked living room. Although the garden area would be to the front of the property, it is considered that this space could in time be made private with the introduction of mature hedging, such a boundary treatment would be consistent with that to the adjacent dwelling to the north east. The accommodation appears to be appropriate for a single dwelling and its location adjacent to other residential accommodation is also acceptable.

(iii) Effect on the street scene

- 7.7 The change of use does not involve any external changes to the property, therefore there will be no impact on the character of the street scene.

(iv) Highways Issues

- 7.8 The development engineer has not raised any concerns, the two parking bays and provision for cycles proposed would require conditioning for retention should the application be permitted.

8 Conclusion

- 8.1 The application does not contain sufficient marketing evidence to demonstrate that the unit is no longer viable as a community (D1) building. It is therefore recommended that the application is refused.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **REFUSE PERMISSION** for application APP/15/00263 for the following reason

- 1 On the basis of the limited information available to the Local Planning Authority, it is considered that the proposed change of use would result in the loss of a Class D1 community use which has not been demonstrated to be no longer viable for its authorised use or any other use which would provide a beneficial facility to the local community. The loss of community use would therefore be harmful to the local amenities of this part of the Borough and would be contrary to policy DM2 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.