

Site Address:	1 Industrial Estate, Palmers Road, Emsworth, PO10 7DH		
Proposal:	Application for change of use from B2 to E retail for use as a store selling pet food and products. Associated works including the installation of double glazed window and door to front elevation.		
Application Type:	Full Planning Permission		
Application No:	APP/25/00113	Expiry Date:	27/06/2025
Applicant:	Mrs Wotherspoon Mary Puppins Pet Pantry		
Agent:		Case Officer:	Tina Pickup
Ward:	Emsworth		
Reason for Committee Consideration: At the request of Councillor Robert			
Development Manager Recommendation: REFUSE PERMISSION			

This application proposes a Use Class E retail unit in a Use Class B2 industrial unit, outside of the defined District Centre of Emsworth. The sequential approach in the NPPF and adopted Policies CS4 and AL3 guide such main town centre retail uses to the identified town centres to help support the vitality and viability of those centres. In this case the limited information provided about alternative premises viewed within Emsworth is not considered adequate to comprise a sequential assessment to demonstrate that there are no other sequentially preferable sites available within the town centre(s) of the Borough. The proposal is therefore considered contrary to the sequential aims of the NPPF and policies CS4 and AL3.

Additionally, the proposed change of use would result in the loss of the existing employment floorspace, in an established industrial area, for which no overriding justification has been provided. No marketing report has been provided to demonstrate that the B2 unit is no longer fit for purpose and financially unviable for B Use Class employment purposes, contrary to adopted Core Strategy policy DM3. Since the Borough has a strong need for employment floorspace (Employment Land Review, 2024), then the loss of this unit should not be supported in principle.

Finally, it is considered that the introduction of a retail unit, with its associated new shop front display window, within Palmers Road would be out of keeping with the otherwise industrial and residential character of the road. The retail use would provide a destination for the public and the associated increase in footfall and public presence would adversely change the character of the road, contrary to policy CS16.

1.1 The application site relates to an existing industrial unit located on the east side of Palmers Road, which is characterised by industrial uses. Unit 1 is the most northerly industrial unit in a block of 6 units originally granted planning permission in 1981 (29347/2 refers) as light industrial units (formerly B1, now Class E(g)), having an hours of use condition limiting the use of machinery to between 8.30am and 6pm Monday to Friday and 8am to 1pm Saturdays. The floor space of the unit amounts to approximately 120 sqm.

- 1.2 The unit itself has a front elevation of part dark red brick and dark brown cladding with a large roller shutter door. There is an office with pedestrian door at the southern end of the front elevation. The unit is set back slightly from the highway having a tapered forecourt, sufficient for 1 vehicle to park without overhanging the highway. There are double yellow lines immediately outside and, on the opposite, western, side of the road there are some parking spaces with resident only restrictions, or 45 minute limit for the public. The application site also has a small rear yard with rear vehicular access via a shared rear service and parking yard. Within that rear yard this unit has 2 dedicated spaces, one directly to the rear of the unit and one across the yard, adjacent the eastern boundary of the site.
- 1.3 The application site unit was granted planning permission in 2015 for a change of use to Class B2 (General Industrial) for motorcycle repairs (APP/15/01025 refers). That permission had a personal condition, limiting the occupiers to JCB Motorcycle Services only, who operated from the premises until 30th November 2024. Therefore, the current lawful use of the premises is for B2, but that can only be exercised by JCB Motorcycles, so any alternative B2 user would need to either vary or remove this condition.
- 1.4 The other units to the south are in use for car repair and tyre type uses (B2). The unit to the immediate north is in use as a swim studio (Class F2). However, opposite the site, the west side of Palmers Road is primarily residential in character and hence the area is very mixed, with 'conflicting' uses directly opposite each other. The terrace of residential dwellings, No. 4 - 16 Palmers Road, have small front forecourts and rely on resident permit parking in the road in front.
- 1.5 The application site falls just outside the defined District Centre of Emsworth, the boundary of which includes the residential properties opposite and the shops and business fronting North Street - see Appendix B. The site lies in Flood Zone 1 but is identified as at risk from Surface Water Flooding on the new Environment Agency's maps.

2 Planning History

29347/2 - original planning permission for 6 industrial units granted 26/11/1981- with conditions including 5. for light industrial purposes only; 6. no goods, plant or material stored in open; 7. machinery shall only be worked between 8.30am - 6pm Mon to Fri and 8am - 1pm Saturdays

97/62652 - 2.3m gates & 2m fence to west. Permit 26/1/98.

99/63942 - first floor rear extension supported on pillars Permit 12/4/99.

APP/14/00669 - Change of use from B1 to B2 use for motorcycle repairs. Temporary Personal Permission granted 03/10/2014 for 12 months ending on 03/10/2015 with conditions limiting the hours during which machinery could be operated; limiting the use of the front forecourt and rear yard; and requiring internal bi-folding doors to be installed.

APP/15/01025 - Variation of Condition No. 1 of Planning Permission APP/14/00669 to enable continued change of use of premises from Class B1 to Class B2 use for motorcycle repairs. Permitted 27/11/2015 with conditions including: personal to JCB Motorcycles Services, hours of machinery conditions (between 0830 and 1800 Mon to Fri and 0800 to 1300 Sats only).

3 Proposal

- 3.1 Application for change of use from Class B2 to Class E retail for use as a store selling pet food and products. Associated works including the installation of double glazed window

and door to front elevation.

- 3.2 The proposal is seeking to allow the existing industrial unit (Use Class B2) to be used as a retail shop (Use Class E) for the sale of pet foods and products. As originally submitted the requested opening hours were between 9am and 5pm Monday to Saturday and between 10am and 4pm on Sundays. The original application form also included reference to a Dog Grooming business that would operate from the site, but this has since been confirmed as omitted from the proposal. During the course of determining this application the applicant has agreed to adjust the opening hours to align with neighbouring business.
- 3.3 The proposed associated operational development would include the removal of the existing bi-fold doors behind the existing roller shutter, and the insertion of a fully glazed shop front with entrance doors and fascia sign into the existing opening. The roller shutter would remain.
- 3.4 The applicant currently runs "Mary Puppins Pet Pantry" located at 20 High Street, Emsworth, and is seeking to relocate the existing business to the proposed site, without the existing Dog Groomer who also operates from the High Street premises and is relocating elsewhere. The existing business employs 3.5 full time equivalent staff, and it is stated that the proposed site would employ 5 full time equivalent staff.
- 3.5 The applicant's existing premises at 20 High Street amounts to approximately 145 sqm spread over 2 floors in a Listed Building. In November 2023 the applicant's existing landlord advised that the lease would not be renewed on 31st July 2025. Therefore, the applicant has been looking for alternative premises since November 2023. During the course of determining this application a list of the premises viewed and considered has been submitted, detailing about 15 premises, all of which were in Emsworth and were considered not suitable, mainly because they were not large enough.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Employment Land Review September 2024

Havant Borough Local Plan (Core Strategy) March 2011

CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS4	(Town, District and Local Centres)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM3	(Protection of Existing Employment and Tourism Sites)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM18	(Protecting New Development from Pollution)
DM21	(Shopfronts, Signs, Security Shutters and Advertisements)
DM19	(Small Shops outside Town, District and Local Centres)
AL3	(Town, District and Local Centres)

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_W3 (Change of Use Applications)

Draft Building a Better Future Plan

The Draft Building a Better Future Plan was approved for consultation by the Borough Council's Cabinet on 5 March 2025. Alongside the Draft Building a Better Future Plan, the Council has also published a number of evidence base studies which have informed the plan's development strategy and detailed policies. The council has recently consulted on the Draft Building a Better Future Plan under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The following draft policies are of relevance to this application, however at this time only minimal weight can be given to these, in line with government policy at paragraph 49 of the NPPF 2025.

Policy 1: Spatial Strategy

Policy 2: Defined Urban Areas

Policy 6: Amount of Employment

Policy 10: Supporting a Strong and Prosperous Economy

Policy 12: High Quality Design

Policy 38: Protecting Employment Uses

Policy 39: Town, District and Local Centres

Policy 40: Local Shops Outside of Designated Centres

Policy 43: Amenity and Pollution

Policy 47: Accessibility, Transport and Parking

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Charles Robert

Request for application to be determined by Committee -

With regard to policy DM3 I appreciate the site has not proved it is surplus to requirement as an industrial site in so much as it has not been actively marketed for a period beyond 12 months. However, I do understand that the property has been actively marketed for a period of more than 6 months with little to no intent to purchase shown.

The site is small and I believe less than 150sqm and therefore it does fulfill the requirements of policy DM19. That said this policy is for small shops outside town and district centres. I would claim that the situation of the property is within scope of being considered part of the town centre in so much as a walk from Emsworth Cycles, North Street Dental Clinic, Cafe Moka, Mandarin, Darbar restaurant to name a few of near by shops and restaurants is but a 30 second to minutes walk away.

The current pet shop serves a wide community. Some shoppers come from well outside Emsworth and stay in the town for refreshments thus the current shop adds value to the town in many ways. One additional service is the shop owner has considerable expertise of dogs and many residents in part use the shop to seek support and advice, a service most welcome as there isn't a veterinary clinic in the town. Of course it doesn't replace a veterinary clinic but it serves, as far as support and advice goes, much like a pharmacy supports humans, and this is a service that is of significant importance to residents.

The proposed move will maintain employment levels and the intention is to increase employment, this is so welcomed in our town.

To date approximately 100 residents have supported this application and with good

cause. The majority walk to the current store but should there be a need to park there is a car park within less than a minutes walking distance.

Whilst some residents bring their dog to the current shop this should pose no more of an issue with the new location. This shop is important to the town and many of its residents. The owner has been looking for several months for an alternative suitable property. None have become available save this one. The owner has no choice but to vacate the current property as the owners of the property have determined to use it for alternative purposes.

Given the clear support from residents for a pet shop run by this owner to remain in the town I give it my full support and ask that whilst policy DM3 is not quite fully met some leniency is shown for the greater good of maintaining employment and a service to residents.

Councillor Grainne Rason

None received

Councillor Reuben Mychaleckyj

None received

Economic Development

From an Economic Development perspective we would support the change in usage. Whilst the loss of industrial use and the higher level skills that come with it is disappointing, retail is also a strong offer for the demographic within Havant, and trading on the high-streets is incredibly difficult right now. This will be the second shop in Emsworth to leave the high-street recently so we should look to keep successful businesses within the borough.

Emsworth Residents Forum

This application has been brought to our attention. We would like it to be noted, however, that this change of use is not in accordance with Policy W3 of the Neighbourhood Plan which reads:

Any application to change the use of land from industrial to other uses will only be granted in exceptional circumstances and where it can be demonstrated that continuing provision cannot be made for industrial or other employment uses on a proportion of the site without harm to residential amenity.

We do not believe that exceptional circumstances have been demonstrated.

Environmental Health

Contamination

The site is likely to be affected to some degree by contamination from both on-site & off-site/adjacent sources. Controlled waters and sensitive human receptors are present nearby. Some potential liability for owners going forward, however, I note that there are no groundworks required, so there is no reasonable opportunity to investigate & address the degree of contamination at the site.

The exposure risk-profile would remain unchanged following the change of use, and the pollution (future contamination) risk would be reduced, with the proposed retail use being intrinsically lower risk use than motorcycle repair. A requirement to quantify & mitigate contamination risk would be disproportionate for this proposal.

No objections arise.

Air Quality

In terms of the traffic objections – I would agree with objectors that both traffic circulation & parking on Palmers Road / Palmers industrial estate is hampered, and that this could be problematic from an amenity perspective for a business which draws

high levels of customer footfall. However, I would expect that analysis would show the net change in traffic demand arising from the proposed business (relative the existing/prior-) to be unlikely to be material from an amenity perspective, and to fall well below the level of net change required to have a material impact on emissions.

I would also expect that the shift from a motor- focussed business to a retail business to represent a net reduction in local emissions, to the benefit of existing residents. A marginal net-positive air quality impact would be expected in connection with this development.
No objections arise.

Planning Policy – *initial comment*

Employment

Policy DM3 Protection of Existing Employment and Tourism Sites sets out that the change of use of a premises currently or last used for B use class employment services to non-B class use employment will only be permitted where it has been demonstrated that the premises is not fit for purpose and financially unviable for B use class purposes. It needs to be clearly demonstrated that the site is no longer suitable for B use class. Currently no information has been submitted with the application to demonstrate the premises is no longer need for class B use. If evidence is submitted the class E use proposed will need to show that it can provide employment opportunities of similar quality and quantity as those which previously existed.

This will all need to be demonstrated through an active and exhaustive market process covering at least 12 months. The list of details which are required to support that 12 month exercise can be found in the policy. I understand that the property has only been marketed for 6 months therefore the application is currently not compliant with policy DM3.

Shops Outside Town, District and Local Centres

Policy DM19 sets out that planning permission will only be granted for shops outside town or district centres providing that the net sales area is less than 150 square meters and there are no other suitable or available sites within or on the edge of the nearest centre. I am aware that the applicant has looked at numerous sites to see if they are suitable however this information will need to be submitted formally by the applicant to address policy criteria 2 of DM19. With regards to the net sale area no information has been submitted for it to be reviewed against criterion 1 of Policy DM19. In conclusion the application is not yet compliant with policy DM19.

Emsworth Neighbourhood Plan

Policy W3 states that any application to change the use of land from industrial to other uses will only be granted in exceptional circumstance and where it can be demonstrated that continuing provision cannot be made for industrial or other employment uses on a proportion of the site without harm to residential amenity. Currently no information has been submitted to demonstrate that the policy requirements have been met.

Parking

DM14 states that development will only be permitted where it provides parking for cars, motor cycles and cycles in accordance with the relevant standards. Such parking must be appropriately located in relation to the development and be practical for its intended use.

The applicant will need to demonstrate that the application is in line with our parking standards within the Parking SPD.

Conclusion

The applicant has not submitted the information required to show it has addressed the

policies set out above. Therefore, the application is currently not compliant with policy within the adopted local plan and the Emsworth Neighbourhood Plan and therefore there would be an objection in principle.

Planning Policy – further comment

Policy DM19 (Small Shops outside Town, District and Local Centres) refers to the sequential approach in terms of directing main town centre uses to the defined Town, District and Local Centres. However, the supporting text makes clear that the purpose of the policy relates to small local shops which provide for everyday shopping needs which are particularly valuable for people for people with accessibility or mobility issues. The application proposals are in fact for a retail use, selling goods of a specialised nature. On this basis, this policy is not relevant to the application proposals.

It is however, noted that Policies CS4 and AL3 reinforce the need for a sequential test in terms of directing main town centre uses to designated centres in accordance with the NPPF.

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: 16

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: **128**

At the time of writing **109 letters of support** have been received; and **19 objections**. These are available to view in full on the Council's website, but can be summarised as covering the following topics:

Objections - these predominantly come from local residents living in Emsworth and near the application site, with only 1 coming from beyond the Borough. Notably many do support local enterprise and the small business in principle, but have the following concerns over the specific proposal:

Opening Times - currently restricted to Sat 0800 to 1300 and none on Sundays or Bank Holidays - object to 7 days a week opening as need a break from stress of noise and parking issues at weekends; would set a precedent for other business to expand their hours of operation;

Traffic and Parking Issues - Palmers Road already congested with parking & manoeuvring from existing businesses and residents; residents pay for permits & any increased customers and traffic puts road under pressure from customers and delivery vehicles and undermines effectiveness of the residents parking scheme; existing business primarily operate via appointments which helps control customer traffic, but retail unit would lead to increased customer visits, congestion, illegal and inconsiderate parking & increased risk of accidents; no clear footpath forcing pedestrians into road; nearby car park not used for brief visits as chargeable; Palmers Road should be entirely residents only; DM14 requires a Transport Assessment and Travel Plan which have not been provided (*Officer note - scale of development does not trigger need for these*); Palmers Road two way traffic despite single lane width, causes congestion; should be a safe one-way system;

On Site Parking Spaces - Form claims 4 but if 2 at front too small and would encroach onto the pavement or obstruct entrance & exit to unit; 2 at rear unavailable when gate closed and locked and customers would be unaware of them, therefore customers would only use front 2; Parking SPD requires 1 space per 20 sqm of non-food retail which is not met: no disabled spaces provided; no cycle provision;

Pedestrian Access - from adjacent swimming pool business straight onto forecourt of site and if blocked by cars children won't be seen;

Character of Palmers Road - not a designated retail area; never been a retail unit in 59 years lived here; shop display posters etc out of place opposite residential homes

Noise and Environment for Pets - noise from car repairs not good for well-being of pets at the site

Health and Safety/Animal Welfare - already busy residential/industrial street with no pavement & intermittent noise, oil, dirt, metal filings, glass, car fumes is not dog paw friendly; site backs onto River Ems with rats & foxes which will be encouraged to pet foods stored at site;

Increased Travel Movements - retail use would generate higher footfall, but increased travel not mitigated in accordance with policy DM12; increased footfall not beneficial to residents; existing shop has a large customer base so road will become much busier.

Policy issues - Policy AL3 promotes shopping uses within the defined town & district centres but this application is encouraging an existing business within the district centre to move outside it adding to vacant retail premises in the centre - dispersing retail into residential and industrial areas; Policy DM19 relevant & no evidence of other suitable sites provided; Policy Consultee Comments highlight not compliant with policy DM3 or DM14.

Devalue property – *Officer note - this is not a material consideration*

Waste Collection Disruption - form indicates would be collected several times a week, but Veolia currently collect once, at 5am - any increase would lead to additional noise and disturbance;

Structural changes - not clear if further applications for signage would be needed - any illuminated signs may be detrimental to amenity

Light Pollution - from new glass frontage during darkness detrimental to residents

Contamination - open air pet foods will be stored close to old gas tank site and its potential for contamination

Precedent for other businesses in this industrial & residential road

Environmental Impact - water voles in River Ems behind site and dogs will disturb their habitat;

Biodiversity Net Gain - Form claims to meet standards but how will mandatory 10% gain be achieved? – *Officer note - see BNG section below*

Part retrospective - applicant has already moved stock into the unit prematurely

Human Rights Act - Article 8 provides residents with protection from noise and pollution

nuisance and if permitted will appeal on this basis

Social media - has been used to garner support and slur objectors causing anxiety for residents

Support - these predominately come from customers of the existing shop operated by the applicant, Mary Puppins Pet Pantry, and the authors' addresses include many from Emsworth (including 2 from Palmers Road), Havant and Waterloooville, but also come from as far afield as Portsmouth, Gosport, Southampton, Titchfield, Selsey, Fareham, Chichester and Bognor Regis. Generally, the support comments note the following:

- Excellent shop with knowledgeable and friendly advice;
- Great to see a local shop not only survive but grow;
- Would like to see the company progress;
- Nobody else sells such high quality products; duck/swan food for trips to Millpond also available;
- An asset to the community and town;
- Provides social hub and interaction for lonely older people and their pets;
- Applicant supports local community events;
- Saves trips to Havant for pet supplies; nothing nearby to match it;
- Great to expand into bigger premises;
- Popular local business that brings people to Emsworth that benefits other shops & businesses helping the local economy - this would cease if Mary Puppins unable to trade;
- Proposed site still central and accessible ensuring continued success of the business;
- Proposed unit remote from local inhabitants;
- Proposed location ideal for the parking and would bring increased footfall to North Street
- Proximity of Palmers Road car park will encourage more frequent visits;
- Likely to be quieter and have less impact than a general industrial use;
- Consider it aligns with the Emsworth Neighbourhood Plan policies W2, C2, W3, W1 & D1; Core Strategy policies CS2, DM3, CS4, CS16 and Allocation Plan policies EM2; also emerging Local Plan policies 1 & 3, 40, 38 and 39; and the Design Guide SPD.
- Business aligns with HBC's Environmental & Biodiversity Strategy specialising in eco-conscious products; promoting reusable, biodegradable or recyclable products;
- Would rejuvenate the estate;
- Impact of food storage no different to current situation where no rodent problem;
- No parking at existing premises and most customers walk – this would not change;
- Creates jobs;
- Should support to avoid deserted and empty units in town and associated degradation of community that results from this;
- Comments about dogs mess unjustified; and dogs in shop never caused a problem before;
- Change of use from B1c to Class E permitted development
- Emsworth recognised for its independent businesses and loss of one would negatively impact the community.

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 and compliance with Policy
- (ii) Impact upon the character and appearance of the area

- (iii) Impact upon residential amenity
- (iv) Parking and Highways
- (v) Biodiversity Net Gain
- (vi) Other matters

(i) Principle of development and compliance with Policy

- 7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development management criteria. As a proposal for Use Class E (retail), the NPPF and Adopted Policies CS4 and AL3 guide such uses to the identified town centres as defined on the Policies Map, to help support the vitality and viability of those centres.
- 7.3 However this site lies outside the defined Emsworth District Centre identified by policy CS4, see Appendix B, and so there is no automatic support in principle for a retail use in this location from policy CS4. Due to the site's location immediately adjacent the defined District Centre, and within 300m of the Primary Shopping Area (as identified by Policy AL3 which relates to the High Street area south of the Havant Road – see Appendix B) then this site is an "Edge of Centre site" as defined by the NPPF. Paragraph 91 of the NPPF states that *"Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered."* Paragraph 92 notes that *"when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre."* This is known as the sequential approach and is reinforced through local planning policies CS4 and AL3 which seek to ensure main town centre uses are provided in the town, district and local centres.
- 7.4 This sequential approach to guiding development to the most appropriate sites is also found in adopted policy DM19 of the Allocations Plan which supports small shops outside District Centres if there are no other suitable or available sites within or on the edge of the nearest centre. The initial policy consultation response refers to this policy but following detailed discussions with the policy team it is now considered that this policy is not relevant. DM19 is intended to deal with small local shops which provide for everyday shopping needs, such as convenience stores. This application is for a specialised, boutique, pet food store and not an everyday convenience store. Please refer to the updated policy comments above.
- 7.5 Whilst it is accepted that the site does lie on the edge of the District Centre, the applicant has not provided any formal sequential assessment to demonstrate that there are no other sequentially preferable sites within the town centre. The limited information provided by the applicant about alternative premises viewed within Emsworth, is not considered adequate to demonstrate there are no preferable town centre sites available or that the sequential test has been carried out. Notably, since the business' customer base is clearly much wider than just Emsworth, then it is considered that the sequential test should arguably consider other sites available in other centres within the Borough e.g. Havant or Waterlooville. Planning Practice Guidance indicates that *"it is for the applicant to demonstrate compliance with the sequential test, and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission."*
- 7.6 It is however, noted that the site is located in an edge of centre location which is relatively accessible to the Emsworth District Centre, as opposed to an out of centre location. As such it is considered that if considering it as an 'edge of centre site', it would comply with paragraph 92 of the NPPF. But notwithstanding this compliance, it has not first been demonstrated that there are no other suitable or available sites within the town centre(s), and there remains a policy conflict with paragraph 91 of the NPPF and Policies CS4 and AL3.

- 7.7 Additionally, Policy DM3 of the Core Strategy is also relevant to this proposal and relates to the protection of existing employment and tourism sites. Since the lawful use of the site is for B2 employment purposes, and it is located adjacent other B2 industrial units in an established industrial area, then the protection of this B2 unit to remain available for employment purposes is covered by policy DM3. The relevant part of this policy states:

1. The change of use or development of land or premises currently or last used for B use class employment purposes to non-B use class employment will only be permitted where it has been demonstrated that the land or premises are not fit for purpose and financially unviable for B use class purposes. Where it is clearly demonstrated that the site is no longer suitable for B use class employment, other types of economic development should be considered in the first instance. These uses will be expected to provide employment opportunities of similar quality and quantity as those which previously existed. Only if another type of economic development cannot be found which provides similar quality and quantity of employment opportunity, will other uses then be considered.

It goes on to require marketing and states:

For both employment and tourism sites this shall be demonstrated through an active and exhaustive marketing process covering at least 18 months for a major site and 12 months for all other sites.

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 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.*

- 7.8 In this instance 12 months active marketing would be required, but no formal marketing report has been provided at all, so it is not possible to assess whether criteria i) to v) above have been satisfied. It is however understood that the premises were marketed from mid-September 2024 until early March 2025 when the applicant signed the lease for the premises in March 2025. This would account for approximately 6 months marketing, but the Council has not been provided with the enquiry log to know how many interested parties there were in that period, their suitability, or the extent of the marketing. Therefore, it has not been adequately demonstrated that the site is no longer fit for purpose and financially unviable for B use class employment purposes, as required by this policy.
- 7.9 Notwithstanding the fact that it has not been adequately demonstrated that the site is no longer suitable for B use class employment purposes, with reference to the amount of employment offered, it is noted the policy requires other types of economic development to be first considered that provide employment opportunities of similar quality and quantity as previously existed on site. The previous B2 motorbike repair use would have offered skilled employment opportunities for trained and qualified mechanics, whereas a retail unit tends to offer less skilled employment opportunities. Whilst it is acknowledged that the numbers employed in this modest unit would probably be similar to the previous motorbike repair unit and proposed pet shop, it is considered that the skill level would not be comparable, again not meeting the test of the policy. Furthermore, it should be noted that whilst this application suggests the unit would employ 5 full time equivalent staff, these

are largely existing staff displaced from the existing high street unit, so the proposal would only result in very modest additional employment opportunities.

- 7.10 Overall it is considered that the lack of any marketing information to support this application is a clear breach of policy DM3 of the Core Strategy and it cannot be demonstrated that the site is no longer fit for purpose or financially viable for B class uses. Given the sites location within an established row of other B class industrial units, its apparent continued suitability for B uses, and the Councils need for employment land as set out in the Employment Land Review, dated September 2024, then the loss of this unit should not be supported in principle. The Employment Land Review identifies that Havant has an unmet need of 55,000 sqm of industrial land and as such, with a strong demand for industrial floor space, this document recommends at paragraph 11.10 that *"existing employment sites should not be proactively released without careful consideration....the Council would be justified in seeking marketing evidence before concluding sites should be released"*.
- 7.11 This stance is also taken in policy W3 of the Emsworth Neighbourhood Plan which seeks to resist any change of use of industrial land to other uses except in exceptional circumstances. The Neighbourhood Plan seeks to retain industrial sites to maintain employment prospects alongside housing to ensure the town can provide work for everyone. It is not considered there are any exceptional circumstances in this case to justify the loss of the industrial unit.
- 7.12 Therefore it is considered that the lack of any formal marketing information, or sequential information about availability of other sites, makes this proposal contrary to policies CS4 and DM3 of the Core Strategy, policies AL3 and DM19 of the Allocations Plan, and policy W3 of the Emsworth Neighbourhood plan, as well as paragraph 91 of the NPPF, and cannot be supported.

(ii) Impact upon the character and appearance of the area

- 7.13 The site is located within a mixed area - it is clearly industrial in character on the east side of Palmers Road, but residential on the west. The nearest retail units front North Street, including Tesco to the south, and there is a footpath link between Henry Adams and Leaders leading to the Palmers Road public car park. Whilst these retail uses and car park are close by, the site is nevertheless sited out on a limb, and not part of the day-to-day footfall area of shoppers. Customers of the industrial units often have a booked appointment for a car service or repair, and hence this northern limb of Palmers Road is not characterised by retail shoppers or pedestrians moving about, and remains largely a more private residential area, especially at weekends when the industrial units are closed.
- 7.14 The introduction of a retail unit in such an area would provide a destination for the public who previously had little reason to visit Palmers Road. This would in turn increase the number of pedestrians and customers accessing the site in this stretch of Palmers Road, subtly changing its character from a residential and industrial road with minimal passing pedestrians, to a more public pedestrian frequented area. Additionally, the proposed operational development would insert a shop front, more commonly found on a high street, encouraging passers-by to browse the shop display window. This would be the first such shop display window in Palmers Road and in this industrial and residential area is considered to be out of keeping. Visually the road is characterised by either Victorian brick terraced dwellings or steel-clad industrial units with roller shutters with signs above, but not shop display windows.
- 7.15 Policy CS16 requires development to respect its local context, but it is considered that the introduction of a Class E retail unit with associated shop front, into this section of Palmers Road would not respect the immediate context and would be out of keeping with the

character of the area. Therefore, the proposed use and associated operational development in this location is considered contrary to policy CS16.

(iii) Impact upon residential amenity

- 7.16 Whilst it is accepted that the existing residential properties are located opposite industrial units, due to the hours of use condition limiting the activity associated with the industrial units to midweek and Saturday mornings only, then local residents get a reprieve from the noise and disturbance and parking pressures associated with the industrial uses for the rest of the weekend and on Bank Holidays. This 'downtime' is important to local residents allowing them to enjoy some peace and quiet over the majority of the weekend, when the road becomes truly residential in character again.
- 7.17 As originally submitted the requested opening hours were between 9am and 5pm Monday to Saturday and between 10am and 4pm on Sundays. The applicant has since agreed to be flexible on opening hours and offered to align with the industrial units. This could be conditioned but customers would have to get used to, in particular, the shop being closed on a Saturday afternoon. This would be unusual for a high street retail unit, potentially impacting the income of the business, and there may be considerable pressure to extend these hours in the future.
- 7.18 Third party comments note the potential for light pollution from the shop window and query whether any further application would be required for signage. Since Palmers Road has street lights and the unit would retain its roller shutters, capable of sealing off the shop window, then it is not considered that light pollution from the shop window would have any adverse impact on the amenity of residents living opposite the site. Additionally, the Advert Regulations, 2007, sets out classes of deemed consent for various forms of signage, including fascia signs on business premises and some illuminated signs. Without the specifications for the proposed signage it cannot be confirmed whether any future application for express consent would be required or not, but it is likely that the applicant could meet the criteria for deemed consent, which by its very nature would not be harmful to amenity.
- 7.19 Whilst there would be some adverse impact on the character of the road from the introduction of a retail unit, as identified above, whether this extends to any identified harm to neighbouring amenity is considered doubtful. The additional passers-by and customers in the street would not necessarily result in any loss of privacy, outlook, noise etc over and above that already experienced from the industrial units. Overall, it is not considered that there would be any direct harm to neighbouring amenity contrary to policy CS16 from the proposed change of use, and the harm relates more to the character of the area.

(iv) Parking and Highways

- 7.20 The application site has a floorspace of 120 sqm which would require 6 spaces to comply with the adopted Parking SPD for a retail use. The application forms indicate 4 spaces can be provided - 2 at the front and 2 within the general yard area at the rear of the site. The rear 2 spaces would only be available for staff, so customers would have to park at the front or elsewhere. Due to the angle of the site frontage, realistically it is considered that only 1 space is available at the front without overhanging the highway or blocking access to the unit or neighbouring unit. As a result it is considered that 3 spaces can be provided when 6 are required, giving a shortfall of 3 spaces. Given the site's location directly opposite on-street parking spaces that can be used for 45 minutes, and close to the Palmers Road public car park, this shortfall is considered minimal and acceptable for such an accessible site.
- 7.21 Notably third-party comments disagree with this view, considering that the use by

customers of the 45 minute bays, which also provide their resident permit parking, would add to the pressure for them to find a parking space. Third parties request the parking restrictions of these bays are altered to become purely residents only. However, the scale of the development is not sufficient to justify a financial contribution from the applicant towards a Traffic Regulation Order to make this change. Additionally, given the proximity of other parking spaces, the development would still be considered acceptable even without the 45 minute spaces opposite, and as such it is not for the applicant to remedy an existing issue.

- 7.22 Since the floorspace of the unit is small, just 120 sqm, then the scale of the development, as a change of use, does not trigger a consultation to Hampshire County Highways. The traffic and vehicle movements associated with the lawful B2 use is considered to be similar to a retail Class E use for such a small unit. Both a Class B2 and Class E use would have some deliveries, and the size, type and frequency of those delivery vehicles could be similar. It is likely that a Class E use would have greater customer visits, but many of these would be on foot from customers already in Emsworth.
- 7.23 Overall it is considered that the parking and highways issues associated with the proposed change of use from Class B2 to Class E is acceptable and would not result in any additional harm to either highway safety or amenity. It is noted that no cycle provision is provided but acknowledged that if the application is permitted then a condition could be imposed requiring both a short stay cycle stand for customers at the front, and a long stay cycle stand at the rear for staff.

(v) Ecology and Biodiversity Net Gain (BNG)

- 7.24 The application site is clear of vegetation and is therefore not considered to be of any ecological value. There is no reason to believe that any pets visiting the site with customers would have any adverse impact on the habitat of the River Ems as claimed by third parties.
- 7.25 In terms of BNG, as a change of use application with little operational development (no additional footprint coverage), then the development is subject to the De-Minimis exemption of the Biodiversity Gain Requirements (Exemptions) Regulations 2024. To qualify *'the development must not impact an onsite priority habitat (defined as a habitat specified in a published list); secondly, the development must impact no more than 25 square metres of onsite habitat with a biodiversity value greater than zero, and no more than five metres in length of onsite linear habitat.'*

(vi) Other matters

- 7.26 The third-party objectors raise several other points, including the suitability of the location for dogs and pets, noting the noise and health and safety issues to, in particular, pets' paws from debris on the ground. Animal welfare concerns are capable of being material planning considerations. In this instance the potential impact to animals comes from outside the application site, from possible debris on the public highway outside adjacent units, rather than from the use or application site itself. It is therefore considered that such animal welfare matters have very limited weight, and are more appropriate for the applicant to consider in her business decision to relocate to the premises.
- 7.27 The reference to the fact that the applicant has already started moving stock to the premises is noted, but this is being done at her own risk - it is understood that no trading has begun from the site. Additionally, the applicant's use of social media to garner support from customers and allegedly slur objectors is noted - this is regrettable, but because the information being used is in the public domain, the Council cannot intervene in a social media exchange. It should however be noted that many of the supporters do not live directly in Emsworth to be affected by the proposal.

- 7.28 With respect to the reference made to Article 8 of the Human Rights Act about noise and pollution, these are qualified rights, not absolute and they can be lawfully interfered with in the public interest. The planning system is the mechanism through which such rights are balanced and given the proposal has been assessed against national and local planning policies that address residential amenity, noise and environmental protection, then the Local Planning Authority is satisfied that any interference with rights under the Human Rights Act is justified, proportionate and necessary in pursuit of legitimate planning aims. The development does not give rise to unacceptable harm in terms of noise and pollution that would override the wider public interest or planning policy considerations.
- 7.29 The third-party supporters are generally, although not exclusively, customers of the shop who note the quality of the products, the applicant's friendliness and support of community events etc. While laudable, these are not material planning considerations. They also support the expansion of the business into larger premises – but in fact the application site is smaller at 120sqm compared to the existing premises which is 145 sqm. The applicant notes that the existing building, being over two floors in a Listed Building is not very efficient and the proposed unit is rectangular in shape and would be more space efficient and functional for their business needs.

8 Conclusion

- 8.1 The application site is located outside the defined District Centre of Emsworth in an 'edge of town' location. This requires a sequential approach to be taken before a change of use from a Use Class B employment use to a main town centre retail Use Class E use can be supported. No such sequential test has been provided and the information submitted about alternative sites viewed in Emsworth is not considered adequate. Therefore, the application is considered to fail paragraph 91 of the NPPF, and the aims of policies CS4 and AL3 which seek to direct main town centre uses to the identified centres. Furthermore, the proposed change of use of the existing Use Class B2 industrial unit to a Use Class E retail unit would result in the loss of the employment site for which no overriding justification has been provided. No marketing report has been submitted to demonstrate the site is no longer fit for purpose and financially unviable for Use Class B employment purposes as required by policy DM3 of the Core Strategy. Given the Council's shortfall of industrial floorspace and the Emsworth Neighbourhood Plan policy W3 resisting the change of use of industrial land, then the loss of this industrial unit cannot be supported.
- 8.2 Additionally it is considered that the introduction of a retail unit into this mixed residential and industrial area would provide a public destination resulting in increased footfall and public presence, having an adverse impact on the character of the area. The associated operational development and proposed shop front would further exacerbate this change and be out of keeping with local context and the visual appearance of the area, contrary to policy CS16.

9 RECOMMENDATION:

That the Development Manager be authorised to **REFUSE PERMISSION** for application APP/25/00113 for the following reasons:

- 1 The site lies outside the defined District Centre of Emsworth and it has not been adequately demonstrated through any sequential assessment that the proposed main town centre Class E retail use is appropriate for this edge of centre site. Insufficient evidence has been provided to demonstrate that there are no preferable town centre sites available, contrary to paragraph 91 of the

NPPF and policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011 and policy AL3 of the Havant Borough Local Plan (Allocations Plan) 2014.

- 2 The proposed change of use of the site from a Use Class B2 employment site to a Use Class E retail unit would result in the loss of the employment site for which no overriding justification has been provided. No marketing report has been submitted to demonstrate the site is no longer fit for purpose and financially unviable for Use Class B employment purposes as required by policy DM3 of the Havant Borough Local Plan (Core Strategy) 2011. The proposal is also considered contrary to policy W3 of the Emsworth Neighbourhood Plan, adopted 2021, and the National Planning Policy Framework.
- 3 The proposed change of use and associated operational development would introduce a Class E retail unit with shop front into a mixed residential and industrial area which would result in increased footfall and public presence, having an adverse impact on the character of the area, and be out of keeping with local context and the visual appearance of the area, contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

APPENDICES

- (A) Site Location Plan with Parking
- (B) Emsworth District Centre Map & Primary Shopping Frontage – Policies CS4 & AL3
- (C) Existing and Proposed Plans
- (D) Existing and Proposed Elevations