



Planning Development Manager
Havant Borough Council
Civic Offices
Havant
Hampshire
PO9 2AX

Our Ref
Your Ref
Date

27 July 2020

Dear Ms Mansi,

**SOLENT RETAIL PARK, SELBOURNE ROAD, HAVANT.
TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION UNDER SECTION 73**

I enclose for your attention an application under Section 73 of the 1990 Act in respect of the retail units comprising the eastern part of Solent Retail Park on the north side of Solent Road and east of Selbourne Road, Havant. The application is for planning permission for the same development as constructed pursuant to planning permission 04/68908/001 dated 23 December 2004 without compliance with condition 14 of that original planning permission.

Attached below is a schedule of the documents that accompany and form part of this application.

Following the original 2004 permission, subsequent permissions have been granted. Planning permission 06/68908/12 dated 30 May 2006 authorised an increase in the overall floorspace originally permitted (to 9200 sqm) and a revised limit on the proportion of the development which could be used for the sale of "non-bulky goods". This involved substituting new conditions (numbers 1 and 2 of that permission) for conditions 13 and 15 of the original December 2004 permission.

A subsequent planning permission dated 01 May 2008 (reference 08/68908/20) had the effect of removing any restriction on the amount of floorspace that could be used for the sale of "non-bulky goods". The effect of this permission was effectively to delete condition 1 of the May 2006 permission which was in turn an amended version of condition 13 of the December 2004 permission.

Condition 14 of the original 2004 permission has not been the subject of any application since first granted and remains in effect. The condition provides:

14 *No separate or self contained unit or franchised area of less than 650 sqm (7,000 sq ft) shall be created by the division or sub-division of the floorspace.*

The reason stated for the imposition of condition 14 was:

Reason: *In order to ensure the vitality and viability of the existing Havant Town Centre is not undermined by the nature of retail uses permitted on this site and having due regard to policies and proposals S1 of the Hampshire County Structure Plan 1996-2011 (Review) and Policy 3 of the Havant Town Centre Action Area Local Plan 1980.*

At the time of the 2004 permission the site of Solent Retail Park lay outside the boundary of the Town Centre as defined in the development plan. The development authorised by that permission therefore involved out-of-centre retail floorspace and this was the underlying reason for the attachment of condition 14. Since the adoption of the Havant Borough Local Plan in 2014 the whole of the Solent Retail Park has been included within the Town Centre boundary, and the Structure Plan is no longer in effect. No provisions of the now adopted development plan envisage, or provide policy support for, any restriction on the operation of the retail accommodation within the Solent Retail Park, such as to differentiate between the Retail Park and the rest of the Town Centre. Indeed, Units 1 to 7 (to which this application relates) are designated in the adopted Local Plan as "Primary Frontage" within the Town Centre.

The retention of condition 14 of the December 2004 planning permission as presently worded is counter-productive. Restricting the occupation of the permitted retail floorspace so as to preclude units below a specific size in this part of the core frontage of the Town Centre serves no beneficial purpose. Retaining the condition would have the effect of limiting the ability of this part of Havant Town Centre to respond to changing market requirements including attracting new forms of retailing not currently provided there. The condition does not now contribute to its stated purpose of ensuring that *"the vitality and viability of the existing Havant Town Centre is not undermined"*. Indeed, retention of the condition would achieve the opposite effect. That would be contrary to the policy set out in paragraph 85 (a) of the National Planning Policy Framework.

In future years it is to be expected, as retail requirements change and the fortunes of particular occupiers alter, that the mix of retail outlets within Solent Retail Park will not stay static. Particularly in a Covid 19 context it will be important, for the future to avoid unnecessary obstacles to the ability of this part of the Town Centre to adapt to changing requirements, so as to support the vitality and viability of Havant town centre as a whole.

The condition and the condition should therefore be deleted.

For all these reasons, condition 14 of the December 2004 planning permission is not necessary or appropriate as a matter of policy and should not be retained. In particular, removal of the prohibition of the creation of smaller units would contribute positively to fostering the vitality and vitality in Havant Town Centre as a whole, consistent with the Council's objectives and with paragraph 85 (a) of the National Planning Policy Framework. Because the condition is not necessary, the policy set out in paragraph 55 of the NPPF requires that the condition be deleted.

The requisite fee of £234 for this S73 application has been paid via the Planning Portal together with the Portal's service charge.

I look forward to your Councils approval of this application as soon as possible. If there is any further clarification you need please let me know.

Yours sincerely,



SOLENT RETAIL PARK, SELBOURNE ROAD, HAVANT**SCHEDULE OF DOCUMENTS ACCOMPANYING AND FORMING PART OF THE APPLICATION**

Covering Letter	Dated 27 July 2020
Application Form	Dated 27 July 2020
CIL Questions Form	Dated 27 July 2020
Planning Statement	
Planning Permission ref 04/68908/001	Dated 23 December 2004 [The original planning permission to which condition 14 is attached]
Planning Permission ref 06/68908/012	Dated 30 May 2006 [S73 permission effectively modifying conditions 13 and 15 of 2004 permission, increasing amount of floorspace permitted]
Planning Permission ref 08/68908/020	Dated 01 May 2008 [S73 permission effectively further modifying condition 13 of 2004 permission by removing condition 1 of 2006 permission]
Approved Site Layout Plan (Drawing 2040 - 02 Rev C)	referred to in reserved matters approval issued under reference 05/68908/005 - showing the approved development as implemented
Solent Retail Park Marketing Plan	