

Report to	<b>Planning Committee</b>
Date	<b>13 December 2018</b>
By	<b>Director of Planning</b>
Local Authority	<b>East Hampshire District Council</b>
Application Number	<b>SDNP/18/03309/FUL</b>
Applicant	<b>Yourlife Management Services Ltd</b>
Application	<b>Erection of 66 Apartments for Assisted Living/Extra Care Accommodation with communal facilities and 45 car parking spaces.</b>
Address	<b>Paris House, Frenchmans Road, Petersfield, Hampshire, GU32 3AW</b>

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**Recommendation: That planning permission be refused for the reasons set out in paragraph 10.1 of the report.**

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### **Executive Summary**

The application site is a cleared brownfield site which was formerly occupied by a 1970s large industrial building known as Paris House. The site is located close to Petersfield town centre, the railway station and has easy access with the A3. The site is surrounded by dwellings to the west and north whilst to the south and east are commercial sites. In particular, immediately south is a large warehouse building which is currently in use.

The site is allocated in the Petersfield Neighbourhood Development Plan (PNDP) for employment, along with adjacent sites. The PNP outlines a position of retaining such sites unless it can be shown that they are no longer viable and, through a robust marketing campaign, there is no demand for the site.

The site has been the subject of an Appeal in 2016 concerning redevelopment for a housing scheme. The appeal was dismissed primarily in regard the robustness of the marketing campaign which hadn't included the freehold interest of the site. Since then, the marketing of the site has continued and in November 2017 a new agent was appointed prior to Paris House being demolished between December 2017-February 2018.

Concerns have been raised by East Hampshire District Council's Economic Development Service (EDS) about the robustness of the viability appraisals which informed the marketing of the site, which comprised the freehold sale of the land and various development options for business uses. Whilst the latest marketing campaign has arguably been more robust than previously and meets some of the guidance on marketing which supports emerging policy SD35, concern is raised about the land value the site has been marketed for and, in the absence of sensitivity testing of the viability information which has also informed the residual land value, and the offers for the site, that there is not sufficient certainty that it is acceptable for the site to be re-developed for an alternative use.

Conversely, the proposals would be meeting a recognised demand for the specialist housing proposed, which is considered to be a C2 use in the Use Classes Order. This demand is recognised in the Petersfield Neighbourhood Plan and nationally and that this type of use can create jobs and

make a positive contribution to the local economy, albeit this may not be as great as an employment use which has the potential to create more jobs and of a different type to care facilities which arguably are anticipated to be created by other development in the town, notably Harrier Way.

This use must therefore be balanced between the need for housing and the need to retain this employment site. Based on the information provided and the consultee advice from the EDS and considering adopted and emerging policy, it is considered that the application is recommended for refusal for the reasons outlined in the report.

Considerations on the proposed design have also led to a reason for refusal on these grounds, as well as a technical aspect relating to the proposed surface water drainage scheme. A further reason for refusal is recommended on the basis that no financial contribution has been secured to mitigate the harm caused by the loss of this employment site.

The application is placed before committee due to previous consideration of development on the site, the scale and nature of the development and the policy issues it raises in regard to the site being allocated for employment purposes.

## **I. Site Description**

- 1.1 The application site is an approximately rectangular and flat 0.91 hectare area of land situated on the western side of Frenchmans Road. It has a large vehicular access onto Frenchmans Road which crosses a stream called Tilmore Brook that runs alongside the eastern boundary. The site was formerly occupied by a large factory/warehouse building which has been demolished and it has been cleared to create an open area of generally flat ground. The former building dated from the 1970s and was a factory/office building, with a lawful use as 'general industrial' (Use Class B2 of the Use Classes Order) with a floor area of approximately 4,653sqm (50,090 sq ft).
- 1.2 The western site boundary is defined by the rear gardens of dwellings on Rushes Road and consists of a mixture of concrete block walls, timber fencing and chain link fencing and some trees. These properties have long gardens and there are various sheds and outbuildings at the end of gardens. The northern boundary is defined by conifer trees and fencing, beyond which are dwellings which front onto Station Road and Tilmore Brook also runs along this boundary and round the eastern site boundary. Immediately south of the site is a large warehouse which is currently occupied by RAK Ceramics.
- 1.3 Frenchmans Road is characterised by a mix of residential properties at its northern extent and a fencing contractor and large warehouse immediately south and opposite the site and further south is more dwellings. The site is also close to Petersfield Railway Station (approximately 350m walking distance) and within walking distance of the town centre (about 800m walking distance) and a Lidl supermarket on Station Road.
- 1.4 In regard to wider views, the site is not particularly visible from the wider townscape and in regard to wider views outside of the town the closest elevated vantage points are Butser Hill to the south and The Hangars to the west. From there, the site is not particularly prominent or discernible and would be seen within the context of the rest of the town.

## **2. Relevant Planning History**

- 2.1 SDNP/17/05795/DEM: Prior notification of proposed demolition of Parish House. Prior Approval not required. 08.12.2017.
- 2.2 SDNP/14/04736/FUL: Residential development comprising 47 dwellings following demolition of existing building. Refused 16.11.2015 for the reasons below and dismissed on Appeal on 28 September 2016 (see **Appendix 2**). A summary of the Inspectors findings is below.

### Reasons for refusal:

- Absence of an active and robust marketing exercise having been undertaken to establish the demand and need for the use of the site as an employment site.
- Design and boundary treatment would create an unacceptable relationship with neighbouring properties to the west and warehouse to the south.

- Wasn't demonstrated that sufficient affordable housing on site and its tenure was proposed, whilst maintaining a viable scheme.

### 2.3 Conclusions of the Inspector

- Evidence before him was not indicative of a general over-supply of employment land in Petersfield and limited vacancy rates for business premises.
- Vacant premises are variable depending on the size and type of premises with large-scale older accommodation such as the former Paris House, the market demand is more limited. Stronger demand for smaller, modern units.
- No justification to depart from the policy protection for the site as part of the local land supply, but particular factors relating to the site itself could warrant its release.
- Based on evidence provided, it was inconclusive as to whether commercial re-development of the site or the refurbishment of the former premises would be viable. Therefore, market testing the site required to expose all potential employment options.
- Only marketing the leasehold interest in the site and not the freehold of the site was a substantial flaw in the adequacy of the marketing exercise that was undertaken.
- Development Plan policies (namely BP2) have not been met to warrant the loss of the existing employment use and cannot be concluded that there is no reasonable prospect of the site remaining in an employment use.
- Proposed dwellings which would back onto properties along Rushes Road would not have attractive useable gardens and would not be of a high quality.
- The garden area of the dwelling closest to the warehouse to the south would have poor amenity value for future residents.

2.4 There is also a history of extensions and alterations regarding the former building which are no longer relevant.

#### Previous pre-application advice

2.5 SDNP/17/05240/PRE: Pre-application enquiry for assisted living/extra care accommodation. Advice provided 05.02.2018.

2.6 SDNP/13/05345/PRE: Proposed 53 dwellings. Advice provided 10.01.2014.

### **3. Proposal**

3.1 The application proposes an assisted living/extra care development of 66 flats, which would comprise of 39 no.1 bed and 27 no.2 bed properties, with associated facilities and parking. The development would provide specialised housing for older people to meet a range of care needs depending on individual's circumstances. The properties would be age restricted and potential new residents would be subject to eligibility criteria. Basic and extra care would be provided directly in resident's homes, typically up to a prescribed number of hours per week to enable residents to live reasonably independently for longer.

3.2 This accommodation would be an alternative form accommodation to more traditional sheltered housing and a residential care home formats. In regard to the use class of the building, the development is considered to fall within a C2 'residential institution' use rather than a C3 dwelling use.

#### External layout and architecture

3.3 A proposed 'C' shaped building would front towards Frenchmans Road and the existing site access would be used. A central landscape courtyard and parking spaces are proposed in front of the building and near to the site access. The majority of the parking is proposed in two rows of parking adjacent to the southern site boundary. Landscaped grounds are proposed around the building with a larger extent of open space at the northern end of the site.

3.4 A contemporary architectural style is proposed. The building would be predominantly three storey, with a roof height of 11.8m. The front (east) elevation and majority of the building would be 3 storey whilst the west elevation, which faces towards the rear gardens of adjacent properties, would be 2 storey. The front of the building would be characterised by

two wings on the north and southern ends of the building which would have pairs of gables. The central section of the east elevation, between these two wings, would comprise a series of balconies and full height glazing. Extensive glazing is proposed on all elevations.

- 3.5 The rear (west) elevation would be two storey with a series of regimented identical projecting gables with a larger roof above. The gables are interspersed with recessed balconies and further full height glazing.
- 3.6 The materials would comprise a grey artificial slate roof, two different cream/light tones bricks, aluminium detailing, grey UPVC windows and glazed balconies.
- 3.7 In regard to sustainability, the proposals outline that Part L of the Building Regulations would be met, combined with appropriate ventilation and air tightness, as well as provisions for water economy. Fixtures and fittings also would be low energy use. The environmental footprint is also sought to be reduced by the sourcing and use of construction materials. The use of renewable technologies has not been proposed.

#### Internal layout and facilities

- 3.8 The ground floor of the building would comprise 22 flats, a reception area and office, resident's lounge and bistro, commercial kitchen, wellness suite and a mobility scooter and cycle store. The flats and facilities would be accessed via central corridors. The lounge/bistro would also have access onto a terraced area on the southern side of the building.
- 3.9 There would be 27 flats on the first floor and 17 flats on the second floor. Both floors would be accessed via staircases and lifts in the north and south parts of the building. There are laundry rooms and other stores and plant rooms on both of these floors. There is also staff and guest accommodation on the second floor.

#### Parking and access

- 3.10 The scheme proposes 45 parking spaces to be used by residents, staff and visitors. There is also mobility scooter storage. The siting and size of the existing access would be retained

#### The landscape scheme

- 3.11 The access and internal circulation space and parking is proposed to be surfaced with tarmac, with pedestrian routes surfaced with paving. Bound gravel paths are proposed through the garden area.
- 3.12 The landscape scheme would comprise of new tree and hedgerow planting. There would be areas of bulb and wildflower planting. Areas on the west and northern parts of the site would be lawn. In the northern part of the site new raised timber planters and benches are proposed. Areas of new close boarded fencing and railings are also part of the overall landscape scheme.

## **4. Consultations**

4.1 **Arboriculture:** No objection, subject to condition.

4.2 **Dark Night Skies:** Comments.

- Given location of the development, doubtful the internal or external lighting would significantly reduce light quality in the area.
- The lighting plan offers a good design but needs further refinement to create a scheme with zero upward light spill, e.g. specification of bollards, which is easily achievable.
- Do not find the glazing on the building excessive and the use of brickwork breaks up continuous surfaces.
- Recommend the use of lower transmittance glass.

4.3 **Design:** Objection.

#### Overarching

- Not a landscape led approach.
- Contradicts an objective to create attractive places to live, at a more domestic scale.

- Green Infrastructure and landscape opportunities missed.

#### Layout

- Institutional in nature and scale and driven by operational efficiencies rather than response to site context.
- 38 car spaces on southern boundary is an unattractive space and looked out onto by communal dining area and living spaces.
- Query size of car parking given sustainable location of the site.
- No space to mitigate either the large mass of parking and hard surfacing to the blank wall of the warehouse to the south. Significant tree planting needed to mitigate this.
- An approximately 1m wide strip of land between the warehouse wall and car parking will not accommodate any significant planting.
- Site entrance leads directly to a 7 space parking area which creates a poor sense of arrival.
- Legibility could be improved.
- Opportunities to create strong east/west GI connection between adjacent rear gardens to west and small river should be maximised. Blue infrastructure for the site could also link through this GI to small river.
- Attractive peripheral walk would benefit residents.
- Main car park and adjacent warehouse will not be an attractive outlook from windows on south elevation.

#### Architecture

- Poor legibility for directing people where to go.
- Long monotonous roof and repeated gables on the western elevation is remorseless when views from first floors of adjacent properties.
- Extensive use of generously proportioned balconies supported.
- Materials are unacceptable.
- More detail on boundary treatments required.
- High levels of sustainability expected. Extensive roof an opportunity for PV.

4.4 **Drainage:** No objection, subject to conditions.

4.5 **Ecology:** No objection, subject to conditions.

4.6 **Economic Development (East Hampshire District Council):** Objection.

#### Summary

- Objection due to a lack of justification for the loss of the employment site
- Impact on existing businesses from a lack of premises.
- Inadequate evidence to demonstrate there is a lack of interest in retaining the site in business use.
- Inadequate evidence to demonstrate that the site is not viable for business use purposes.

#### Overview

- Petersfield plays a key role in employment provision and a major employment hub for the District. This role must be supported through an increase of modern business premises.
- 60% of East Hampshire's residents work in the District.
- Increased supply of modern business premises serves to get more of the area's residents working locally and reduces out commuting and carbon footprint.
- Occupancy rates for business premises in Petersfield remain high (99%).
- The newest business use development in Petersfield has already secured an occupier, which is a similar trend elsewhere.
- Vibrant local market economy and testament to the area's ability to attract investment with the availability of high quality modern business premises.

- Do not consider there to be any exceptional circumstance that would necessitate the loss of an established business use employment site; which will impact on the overall supply of business use employment land and Petersfield's ability to meet the PNDP.
- Granting planning permission will have a knock-on effect on overall supply of business floorspace by increasing the employment land shortage; its loss would impact on the area's ability to meet the needs of local businesses (floorspace for investment and expansion) and jobs; fails to achieve sustainable development.
- Economic considerations to be weighed against housing need but assisted living/extra care in Petersfield will be met through the PNDP and loss of this site cannot be justified.

#### Policy considerations

- Contrary to Policy BP2 and saved Local Plan policy IB4. Inadequate evidence to show the proposals meet the requirements of these policies.
- No indication that the present use harms the character or amenity of the nearby area.
- No indication that the site has restricted potential for business use due to factors such as shape, size, location or access.
- Inadequate evidence to show that there is no interest in developing the site for business use and that this is not financially viable.

#### Marketing Report

- Suggest a marketing period of less than 6 months for the site in its current state has been undertaken; insufficient exposure for potential business use developers and occupiers.
- The building demolished was considered to be in good condition and capable of being occupied for business use purposes, as reflected through offers made for the premises prior to demolition.
- Despite offer for the site post the appeal decision, Applicant demolished the building without explanation as to why the offers for business use were declined or never progressed.
- The building was still occupied at the time of the previous application.
- The design and build option in the marketing was too restrictive based on knowledge of new developments and feedback from business occupiers; viewed as a more expensive option.
- Based on experience, business use developers prefer the option to design and develop their own premises through freehold sale with covenant limiting the site to an employment use.
- Site was made available through a bidding process which may disadvantage business use developers as they are competing against higher value uses such as residential.
- Details of the enquiries received is limited and redacted.

#### Viability

- Inadequate evidence to support yields adopted for a new build development in Petersfield and the District.
- Sensitivity testing in the viability with different rental values, amount of floorspace, mix and yields could produce different results.
- Need for an independent 'Red Book Valuation' of the site in its current state to determine its market value. This would determine whether or not a value of £2.5m attributed to the site is reflective of the market conditions and does not disadvantage business use interest.
- Do not agree with the assumptions made in the development appraisals (eg. yields and land value).

#### Other

- Scale of development would impact on and conflict with the businesses in Frenchmans Road.
- If residential proves to be incompatible (eg. noise and disturbance), it would impinge on the viability and sustainability of business uses on Frenchmans Road.

- If planning permission recommended; requirement to mitigate the loss of business employment use through an economic financial contribution towards provision of affordable business space and local employment initiatives.
- 4.7 **Environment Agency:** No objection, subject to condition.
- 4.8 **Environmental Health (contamination):** No objection, subject to conditions.
- 4.9 **Environmental Health (protection):** No objection, subject to conditions.
- 4.10 **Flood Authority:** Objection. Recommend planning permission is refused for the following:
- Insufficient evidence that the correct level of water treatment exists in the proposed system; surface water system not best practice.
  - Surface types and extents of permeable/impermeable areas unclear and calculations do not include the roof area.
  - Review of the drainage design is required to investigate whether alternative solutions can be provided.
- 4.11 **Highways:** No objection, subject to conditions.
- 4.12 **Landscape:** Objection.
- Proposals are not landscape-led.
  - In urban environments landscaping has additional roles to support well-being and mental health.
  - Query how the landscape scheme responds to the local area. 'Standard' planting proposed, which should be more characteristic.
  - Expectation that as many opportunities as possible for improving the roles and functions provided by the site are exploited. These include: reducing flood risk, improving green and blue infrastructure, improving people's health and well-being, planting for climate control (landscaping can support many sustainability objectives); watercourse could be utilised better.
  - Landscaping needs to be multifunctional, and not just create attractive spaces.
  - Garden area must be dementia-friendly, create opportunities for relaxation and interaction between people.
  - Design needs to incorporate space for wildlife.
  - Landscape scheme in danger of feeling institutional; low maintenance scheme proposed for the benefit of management only.
  - Use of peat free composts supported.
- 4.13 **Petersfield Town Council:** Objection.
- Land is shown as an employment site in the Petersfield Neighbourhood Plan and Members feel that there is no evidence that the site has been robustly marketed.
- 4.14 **Portsmouth Water:** Response received, no comments.
- 4.15 **Refuse (EHDC):** Comments. Concerns about the quantity of bins; may need extra capacity; access arrangements satisfactory.
- 4.16 **Southern Water:** No objection, subject to condition.
- 5. Representations**
- 5.1 7 objections, 11 representations in support and 4 neutral responses have been received, which raise the following:
- Objections
- Development 'shoe-horned' into the site to provide economic return.
  - Site is advertised for light industrial.
  - Unacceptable change of use.
  - Impact on views; surrounding buildings have enjoyed uninterrupted views (eg. from Winchester House to the surrounding countryside)

- Site zoned for commercial use and previous application for housing was refused because of designation; development would be against policy.
- Offers for commercial development were rejected by the site owner.
- 3 storey development rejected on adjacent car park site.
- Contrary to approved Development Plan for Petersfield.
- Will set a precedent with other commercial sites lost to assisted living housing.
- Unacceptable loss of employment land; shortage of commercial property in Petersfield.
- Query whether employment in new development will be for local people and use local suppliers.

#### Design

- Predictable and uninspiring design.
- Height and mass of the building.
- Mass of the building is excessive and dominate the surrounding area.
- Proposals don't take into consideration the impact of existing residents.
- Size of development too large for the site.
- No information on and a lack of landscaping along western site boundary to obscure building and prevent overlooking into Rushes Road gardens and properties.
- Number of dwellings is too many.
- 3 storey building unacceptable; 2 storey more appropriate.
- Yellow brickwork out of character.
- No information on external lighting; impact upon night sky from light pollution.
- Inadequate facilities for residents, visitors and staff.
- Highways and access
- Unacceptable impact on highways.
- Parking inadequate and impact to residents parking on Frenchmans Road.
- Lack of safe pedestrian access to and from the site.
- Town jammed with cars parked ad hoc including from commuters; Petersfield Station needs a multi-storey car park.
- Concerns over noise and odour bistro extraction system.

#### Support

- Need for this type of accommodation
- Valuable addition to the facilities for older residents in the town.
- Will release general housing to younger families.
- Appropriate redevelopment of brownfield site.
- Proposals would free up under-occupied houses.
- Proposals would assist in the community feeling of the area.
- Would use a derelict brownfield site; rather than build another industrial site which is unnecessary.
- Proposals well designed and wholly appropriate for the site.
- Sustainable location.
- Better than an employment site as already too much HGV activity in Frenchmans Road.
- Need attractive barrier of trees/shrubs along the stream.
- Will improve the area.
- Previous issue been a source of unacceptable noise, including late at night, and strong light pollution.
- Development would be an improved use of the site in regard to amenity of adjacent neighbours.
- Proposals would be an improvement to any commercial development which has plagued the site and created traffic and noise problems.

#### Neutral

- Await details concerning the standard of accommodation and cost.



- Site should be developed as small industrial units which offer jobs and apprenticeships to young people.
- Retirement flats already exist in Petersfield and town becoming focussed for older people.

## **6. Planning Policy Context**

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory development plan comprises the saved policies of the East Hampshire District Local Plan: Second Review 2006, the East Hampshire District Local Plan: Joint Core Strategy 2014 and the Petersfield Neighbourhood Development Plan 2016. The relevant policies are set out in section 7 below.

### National Park Purposes

- 6.2 The two statutory purposes of the SDNP designation are:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
  - To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social wellbeing of the local community in pursuit of these purposes.

### National Planning Policy Framework and Circular 2010

- 6.3 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 172 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

### Relationship of the Development Plan to the NPPF and Circular 2010

- 6.4 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with it.

### Major development

- 6.5 Paragraph 172 of the NPPF states that planning permission should be refused for major development within National Parks other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.
- 6.6 Having assessed the application and considered recent case law it is not considered that the scheme is major development for the purposes of paragraph 172 of the NPPF. This is a matter of judgement on the basis of the scale, character, nature and setting of the development and whether it could have a significant adverse impact on the purposes for which the area has been designated or designed.
- 6.7 The South Downs National Park Partnership Management Plan 2014-2019 is a material consideration in the determination of planning applications, as outlined in national planning practice guidance, and has some weight pending the adoption of the SDNP Local Plan. It outlines a vision and long term outcomes for the National Park. The following policies are relevant: 1, 3, 24, 25, 29, 39, 40, 48, 50, 55, 56, and 57.

## **7. Planning Policy**

- 7.1 The following saved policies of the East Hampshire District Local Plan: Second Review 2006 are relevant:
- C6: Tree Protection
  - HI3: Accommodation for the Elderly and Rest and Nursing Homes
  - IB4: Retention of Industrial Business Uses

- T2: Public transport Provision and Improvement
- T3: Pedestrians and cyclists
- P7: Contaminated land
- E2: Renewable energy

7.2 The following policies of East Hampshire District Local Plan: Joint Core Strategy 2014 are relevant:

- CPI: Presumption in favour of sustainable development.
- CP2: Spatial strategy
- CP4: Existing employment Land
- CP5: Employment and workforce skills
- CPI 1: Housing tenure, type and mix
- CPI2: Housing and extra care provision for the elderly
- CP20: Landscape
- CP21: Biodiversity
- CP24: Sustainable construction
- CP25: Flood risk
- CP26: Water resources & water quality
- CP27: Pollution
- CP28: Green infrastructure
- CP29: Design
- CP31: Transport
- CP32: Infrastructure

7.3 The following policies of the Petersfield Neighbourhood Development Plan 2016 are relevant:

- BEP1: The character, setting and quality of the town's built environment
- BEP6: The settlement boundary
- BEP7: Sustainable and adaptable Buildings
- NEP7: Biodiversity, trees and woodland
- NEP8: Flooding risk and waterway enhancement
- BP1: Allocate sites specifically for employment Use
- BP2: Protect existing employment sites
- BP3: Encourage business to come to Petersfield
- BP5: Redevelopment of the Frenchmans Road Area

#### The South Downs National Park Local Plan

7.4 The Pre-submission version of the South Downs Local Plan (2017) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation from 26 September to 21 November 2017, and the responses considered by the Authority. The Plan was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. Based on the current stage of preparation, the policies within the Submission South Downs Local Plan (2018) are currently afforded considerable weight.

7.5 The relevant planning policies of the Submission version of the draft Local Plan are:

- SD1: Sustainable development
- SD2: Ecosystems services
- SD4: Landscape character
- SD5: Design
- SD6: Safeguarding views
- SD8: Dark night skies
- SD9: Biodiversity and geodiversity

- SD11: Trees, woodland and hedgerows
- SD19: Transport and accessibility
- SD21: Public realm, highway design and public art
- SD22: Parking provision
- SD25: Development strategy
- SD26: Supply of homes
- SD27: Mix of homes
- SD34: Sustaining the local economy
- SD45: Green infrastructure
- SD48: Climate change and sustainable use of resources
- SD49: Flood risk management
- SD50: Sustainable drainage systems
- SD54: Pollution and air quality
- SD55: Contaminate land

7.6 Other material considerations include The Petersfield Town Design Statement 2010.

## 8. Planning Assessment

### Specialist housing

8.1 The scheme has been proposed as an assisted living/extra development, whereby the use class of C2 in the Use Classes Order is proposed instead of self-contained independent dwellings, which would be Use Class C3. The Use Class C2 has in the past been narrowly used for traditional forms of care accommodation (eg. care home) but the provision of care has now broadened to incorporate assisted living and extra care developments by virtue of how they operate.

8.2 The differences between these two uses relate to aspects such as individuals meeting eligibility criteria such as the level of care they require now and in the future, the way the development has been designed, and securing how they operate through S106 agreements. Having assessed the proposals, it is considered that the scheme would fall within the C2 Use Class.

### Development Plan policy considerations

8.3 It is important to outline the policy context from which the proposals should be judged. Essentially, the key consideration is justification for retaining the site as an employment allocation for B class uses (eg. office, general and light industrial) versus the demand for the proposed specialist housing. Also, further consideration should be given to the acceptability of either use in this location.

8.4 As detailed in section 2 above, there has been a history of enquiries and an attempt for the re-development of the site for alternative forms of development. The Authority previously refused a residential scheme on the site which was subsequently dismissed at appeal (see **appendix 2**). Since then, the former factory and office building has been demolished and the site is now a cleared brownfield site. Whilst the building has been removed, the site's allocation for employment uses still applies. Employment uses typically are those within the B Use Class of the Use Classes Order which are:

- B1 – offices, research and development, light industrial.
- B2 – General industrial (eg. a factory)
- B8 – storage (warehouses) and distribution

8.5 The adopted planning policy position is outlined below to provide the framework for considering the application. The relevant policies collectively outline support for retaining employment sites but do allow some scope for their loss where sufficient justification has been provided in regard to a site's viability to remain in such use and evidence on the market demand for it. Policies BP1, BP2 and BP5 of the PNP, policy CP4 of the JCS and saved policy IB4 of the 2006 Local Plan are the key development plan policies to consider.

- 8.6 Policy BP1 specifically allocates the site for employment use and supports its redevelopment for new employment uses. Furthermore, it allocated three further sites for employment use, which total 3.23 hectares. It outlines that applications for alternative uses on new and existing sites will not normally be approved except for those within the town centre, which this site is not. Policy BP2 furthers BP1 insofar as it seeks to protect existing employment sites and outlines that:
- “Proposals that result in the loss of business floorspace whether through the change of use or redevelopment will not normally be allowed unless it can be demonstrated that the premises are no longer suitable for business use and evidence has been submitted that demonstrates that the property has been actively marketed for at least 6 months on realistic market terms and it is shown that there is no prospect of new business occupiers being found.”*
- 8.7 Policy BP2 similarly outlines a position of retaining employment sites unless their loss can be justified in regard to the viability of premises and marketing. In addition to BP1 and BP2, policy BP5 specifically identifies the Frenchmans Road area as an area for potential regeneration with a more comprehensive re-development of new employment premises, with the possible creation of a Business Enterprise Centre.
- 8.8 Policies BP1, BP2 and BP5 are up to date development plan policies which very much outline a policy position of retaining this and other employment sites in Petersfield. These policies also stem from objectives within the PNP, cited below, and their supporting text which acknowledges that encouraging new employment and preserving existing employment areas is important if Petersfield is to remain a town where people can both live and work. It is also outlined in the supporting text to BP5 that the community felt that the Frenchmans Road area could offer more to the town and should be a priority for regeneration. It goes on to say that there is a greater demand for better quality small scale office and serviced office space and the Frenchmans Road area is an area which could be intensified where appropriate. The business objectives within the PNP are:
- Attract and retain businesses that can provide employment opportunities for local people (Business Objective 1).
  - Make better use of available land by supporting the intensification of town centre industrial sites for transition, where appropriate to small business and business enterprise facilities (Business Objective 2).
  - Support and encourage small businesses, start-ups and creative businesses requiring small workshop spaces (Business Objective 3).
  - Improve the quality of the existing business infrastructure provision in Bedford Road and the area of Frenchmans Road (Business Objective 4).
- 8.9 Policy BP3 encourages new business development, especially small office units and workshops. It was formulated from the view that the c.3ha of new employment sites would not fulfil demand over the lifetime of the PNP, based on a 2014 employment land study which suggested that 6ha worth of sites was needed. Furthermore, the supporting text of BP3 encourages new employment sites coming forward as *“their development as employment is vital to the town’s future prosperity.”*
- 8.10 Policy CP4 of the JCS is a broader strategic policy which allocates a requirement for 3ha of employment land within Petersfield, hence the allocations in the PNP. It states that employment land for alternative uses will only be permitted where the site can be shown to be no longer suitable for employment use of some form and the alternative use accords with other JCS policies.
- 8.11 Saved policy IB4 of the 2006 Local Plan also supports the retention of industrial or business uses and only permits their loss where they are proved unviable for these uses and through an appropriate marketing campaign it is demonstrated that there is no demand for the site. In regard to policy IB4, whilst it dates from a 2006 Local Plan it has been given weight by Appeal Inspectors in recent years. These policies support those in the PNP for retaining employment sites in principle and arguably set a ‘high bar’ in terms of providing the justification for their loss to other uses.

- 8.12 In the context of the above policy considerations, the onus is on applicants to demonstrate that sites are not viable and/or needed. The information on viability and marketing provided with the application has been scrutinised by the EHDC Economic Development Service (EDS). Certainly, in Petersfield the EDS expressed that people living and working in the town is an important characteristic to retain and this is supported in regard to the sustainability of the town as a whole. Indeed, the Inspector examining the PNP at the time considered this site specifically and concluded:
- “The site is currently the subject of a planning application for 47 dwellings. There is an unresolved issue as to the viability of any proposals for B class use. In Table 12 – Employment Site Allocations, the site is an existing site, not a new allocation. The site appeared to me to be a suitable and sustainable site for residential development, but would be equally so for office development. The PNP and the local community value Petersfield as a town where people can both live and work. In these circumstances, it seems to me that the future of this site is best guided by Business Policy 2 (BP2).”*
- 8.13 Conversely, policy CP12 of the JCS supports the provision of new housing and extra care accommodation to meet the needs of an ageing population. The need for the type of housing proposed is not disputed and a wealth of information on this has been provided in the application. Representations received also support the site’s redevelopment for this use.
- 8.14 The scheme would make a positive contribution to meeting this need. The PNP outlines an objective to *“allocate sufficient development areas to meet the Joint Core Strategy target whilst ensuring an appropriate mix of housing to meet the town’s future needs.”* The PNP also addresses the need in policy HP3 which allocates 2 sites in Petersfield for specialist housing and continuing care facilities. One of these sites is on Harrier Way where an assisted living scheme for 70 dwellings was approved by the SDNPA. These two allocations attempt to meet the need in Petersfield but it is not disputed that there is a much broader need for this type of housing beyond Petersfield.
- 8.15 The need for this type of housing needs to be balanced against the needs of the economy also. Certainly, this type of accommodation creates jobs and supports the local economy in regards to those jobs, the supply chain and new residents contributing to the local economy in terms of their spending. It is arguable however whether these economic considerations would be of more benefit than new B Use Class facilities on site. It is outlined that the proposals would create 18 jobs on site. In comparison, the EDS have advised that the site could support between 150-170 jobs including the supply chain.

#### Emerging SDNP Local Plan policies

- 8.16 Policy SD34 offers broad support for fostering the economic and social wellbeing of local communities, in line with the National park duty, and supports the provision of new business enterprises. Policy SD35 outlines an overall provision for new employment land of 5.3ha for new office space, 1.8ha for industrial and 3.2ha for small scale warehousing. Its supporting text outlines that this need is already being met through sites with extant permission, Neighbourhood Plan allocations (this would include Paris House) and the SDNP Local Plan allocations.
- 8.17 Policy SD35 seeks to safeguard principle and local employment sites which are fit for purpose from alternative development proposals. This site is not identified as a principle employment site and it is a local employment site but, in either case, the loss of a site requires evidence of a robust marketing campaign of at least 18 months. This should be undertaken on the basis of guidance on marketing requirements set out in appendix 3 of the SDNP Local Plan. The requirement for 18 months marketing is considerably longer than what is required in policy BP2 which outlines a period of 6 months.
- 8.18 The PNP is an up to date part of the adopted Development Plan and should be given primacy in decision making. The weight applied to policy SD35 is guided by paragraph 48 of the NPPF. It outlines that weight can be given to emerging policies which is dependent on
- The stage of preparation of the emerging plan (the more advanced the greater the weight)

- The extent of unresolved objection
  - The degree of consistency of emerging policies with the NPPF.
- 8.19 In this instance, the SDNP Local Plan is at an advanced stage. Policy SD35 was the subject of 18 objections and these are on specific issues and it is considered that this policy is consistent with the NPPF. It will not be until the Examiner's report is published that the SDNPA will know the outcome for this policy. Officers are of the view that the adopted policy in the PNP in particular has more weight.
- 8.20 Policy SD27 supports the provision of specialist housing and the Local Plan acknowledges the need, which is demonstrated in the evidence base on housing which underpins this and other policies and the Local Plan identifying a need for 90 homes per annum which are suitable to meet the needs of older people. Further to the considerations regarding the weight given to emerging policies, policy SD27 has been subject to more objections (36) compared to SD35 and so arguably caution must be given to what weight it should be given.
- 8.21 A balanced judgement needs to be made in regard to the weight to be given between these relevant policies. Based on the level of objection it is arguable that SD35 should be given greater weight in decision making in this instance.

#### NPPF

- 8.22 National guidance supports meeting local business needs and opportunities for development. In the previous NPPF, paragraph 22 outlined that where there was no reasonable prospect of a site being used for employment purposes alternative uses should be treated on its merits which gave scope for landowners to consider these. The new NPPF omits this previous paragraph and is focussed on economic growth, outlining that policies and decisions should help to *“create the conditions in which businesses can invest, expand and adapt. Significant weight (officer emphasis) should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”*
- 8.23 Alongside these considerations, the NPPF is strong on planning authorities meeting housing need for the range of different groups in communities, including for older people. By 2028, the PNP outlines people over 60 are anticipated to account for approximately 38% of Petersfield's population.

#### Policy summary

- 8.24 In summary, there is strong support in adopted policy of retaining employment sites in principle, subject to considerations about their viability. Meeting housing need is also supported. These competing priorities need to be balanced against site specific considerations and proposals on their merits.
- 8.25 Once business or industrial sites are re-developed for other uses they can be much harder to replace elsewhere and particularly in a National Park. Retention of this site would support the need for creating sustainable communities where people work and live. The considerations on retaining the employment allocation are addressed below.

#### Viability of the site remaining in employment use

- 8.26 There are two aspects to viability to consider; the characteristics of the site and financial considerations. Policy IB4 only permits the loss of sites if the present use harms the character and or amenity of the nearby area or the site has restricted potential regarding its size, shape, location or access.
- 8.27 The site has the potential to remain in employment use in practical terms and considering the character and appearance of the area. There are adjacent industrial sites and so the character of the area is not wholly residential. The former vacant premises did not make a positive contribution to the character of the area. The representations received outline some previous amenity issues in regard to noise and disturbances, which is an indication that it wasn't always the most compatible use with neighbouring residential properties.
- 8.28 The site is cleared and so currently there is less impact on surrounding amenities. There is the potential for the character and amenity of the area to be respected with the right

approach to scale and design and the type of B class use in any future scheme. Indications of this are arguably shown in the sales particulars which includes layouts of potential re-development options. Also, the size and shape of the site does not pose limitations for its re-development. The site has easy access to the A3 and is near the station for workers and visitors to commute more sustainably.

- 8.29 Turning to financial considerations, in the 2016 appeal there was debate about the viability of a variety of options comprising the re-furbishing of the former building versus the site's redevelopment through various options, such as new offices and light industrial premises. The previous Appeal Inspector determined that the evidence was not indicative of a general over supply of employment land in Petersfield and there was limited vacancy of business premises, subject to the size and type of properties, and that there was no justification to depart from the policy protection afforded to the site. The Inspector considered the arguments on viability were fairly balanced in these regards. That information is not particularly relevant now given its age and that the site has now been cleared, but the landowner since took the decision to demolish the building whereby the circumstances of the site have changed.
- 8.30 The landowner's agents have assessed the viability of redeveloping the site for B class uses in a variety of ways to inform their marketing campaign. An assessment of the value of the land has been undertaken using RICS guidance. This advises two approaches of (1) comparing the site with sale prices of similar land and (2) an assessment of the value of the land based on the viability of potential developments, known as the residual land value.
- 8.31 Three development options were devised, with the aid of an architectural practice informing potential layouts and amount of floor space. These comprised of a single large office development, a campus style office development and a scheme of industrial units.
- 8.32 A first series of appraisals of the development options were undertaken without setting a land value as a guide and showed that they did not produce a positive residual land value on the basis that existing rental values for Petersfield are not high enough. A second series of appraisals were undertaken with a set land value of £2.5m. This figure was based on the previous marketing campaign, evidence of land sales (eg. Buckmore Farm near the site), viability testing and a competitive return for the landowner. This had the outcome of the rental values for new premises needing to be double to those in Petersfield currently.
- 8.33 In contrast, the EDS contend that the assessments have not been sufficiently 'sensitivity tested' whereby changes to inputs in the calculations (eg. yields, rental values, amount of floor space on site, mix of uses etc) are examined to see how these could influence the land value and support whether industrial re-development of the site is viable. They also requested a 'red book valuation' of the site by a RICS valuer to independently assess the £2.5m land value used in the appraisals.
- 8.34 Certainly, appraisals could appear less robust without sensitivity testing to help determine what may or may not be achievable and the EDS has raised concerns. The agent considers that their appraisals are sufficiently detailed and justified. It is debatable whether the development scenarios were the best options to use in the marketing, however, they do provide a good range of individual options (no mixed use development) relevant to the types of uses which in policy terms are more acceptable and the marketing particulars highlight that these schemes were indicative and that other forms of development could be explored and on a pre-let or pre-sales basis. The EDS consider that not including a land value on the particulars is an issue but notwithstanding as outlined below a notable number of enquiries were made where details would have been provided.
- 8.35 It is a balance between considering whether the viability information presented is acceptable or to give weight to EDS concerns, who are a consultee with relevant expertise also. They do not agree with the assumptions made in the development appraisals and the land value of the site. An independent viability appraisal could consider the issues further, however, the EDS have experience of developing in the District and are quite attuned to the local market and viability considerations. On balance, it is therefore considered that the viability appraisal

information provided is not sufficiently robust enough to inform the viability of developing the site for employment uses and a market value of £2.5m.

#### Marketing of the site

- 8.36 The EDS has advised that 99% of premises in Petersfield are occupied and claim that the market for premises is buoyant. This high occupancy rate can be an indication of demand but could also indicate that businesses may not have the opportunity to move and expand, i.e. there is less of a 'churn' of properties within the market for businesses to do this because of limited availability.
- 8.37 The site has been marketed through a variety of means since December 2015, between two different agents; first by Daniel Watney and then Alder King. Daniel Watney marketed the site between December 2015 to November 2017. During this time, the substantial factory/office building remained vacant. Their marketing involved producing sales literature, a marketing board on site, advertising in the Estates Gazette and websites, mailshots etc. The September 2016 appeal decision determined that not marketing the freehold interest of the site was a substantial flaw. Consequently, the freehold interest began to be marketed.
- 8.38 Between September 2016 to November 2017, Daniel Watney continued to market the site with interest from various parties. These are summarised below. The EDS has advised that the EHDC made an offer for business use of the site based on an independent valuation of the site, with the intention to use it for business uses, which it is understood was acknowledged by the agent but no formal response to the offer was received.
- 2x supermarket interest
  - Assisted Living/extra care development
  - Hotel
  - Refurbishment/re-build as enterprise centre (East Hampshire District Council)
  - Unidentified interested party.
- 8.39 From November 2017 onwards, Alder King were appointed to market the site as a cleared brownfield site and demolition works finished around February 2018. The means of marketing took a similar approach as before in terms of advertising and marketing the freehold of the site. This process was further enhanced through potential development options being devised and included in the particulars, as described in the viability section. The means of marketing generally accords reasonably well with the guidance supporting emerging policy SD35 on marketing sites, in terms of the means of how it has been marketed through a variety of media, the sales particulars regarding the various development options, and the information required to be submitted with an application.
- 8.40 Between December 2017 and May 2018 there were 103 recorded enquiries. These ranged from residential developers, care home providers, commercial developers, a supermarket, and other commercial companies looking for premises, and EHDC also. The application submission also includes details that the landowner had entered into a conditional contract with McCarthy & Stone to purchase the site at the beginning of the latest marketing campaign but which allowed for the marketing to continue. In May 2018, the agent undertook a call for final and best bids from all interested parties through a sealed bidding process with a 25 May deadline. Subsequently 9 offers were made from 7 different companies. Detailed information about the bids has not been disclosed but have been summarised as below:
- Unconditional offers for £2m assuming an industrial development on half the site,
  - £2.25m for mixed use scheme (industrial and another unknown high value use-e.g. Retail, residential, care-home),
  - Higher conditional offers up to £4m for a range of different employment generating uses, but no B class uses.
- 8.41 The marketing campaign appears to have been a comprehensive approach regarding the means of advertising and the volume of enquiries. EDS would contend that this has not been undertaken on realistic market terms in regard to viability considerations and land value



which officers support. Notwithstanding, the campaign generated notable interest in regard to the number of enquiries.

- 8.42 The details of the individual offers from the bidding process are not outlined in the submission and the summary provided shows an offer for some industrial uses albeit within a mixed use scheme. It is unclear however how these bids were considered and whether undertaking a bidding process was the right approach in regards to business uses being put at a disadvantage when being considered against higher value developments as contended by EDS, notwithstanding the planning policy position.
- 8.43 In regard to the length of marketing, it is considered that given the flaw identified by the Inspector that the time between December 2015 to September 2016 should be discounted. This leaves 2 years and 2 month's worth of marketing time which has generated offers during the instructions of both agents which have marketed the site. In terms of policy considerations, BP2 of the PNP outlines a minimum period of 6 months which has taken place between November 2017 to May 2018. However, it is debatable as to whether the whole of the 2 years can be taken into account given that an enhanced marketing campaign since November 2017 is relatively more robust than previously and this relates to time since the former building has been demolished which has changed the circumstances of the site. If significant weight were to be given to policy SD35 over adopted policy, arguably the required 18 month period should be taken from November 2017.
- 8.44 Policy BP2 advises that sites should only be lost where there is 'no prospect of new business occupiers being found.' Given the above it is considered that it has not been demonstrated that there is no prospect of the site remaining in employment use.
- 8.45 It is considered that an independent marketing campaign has been undertaken but what EDS have disputed is whether it has been marketed on realistic terms and the details on enquires and why these weren't progressed. Taking into account the information provided and response from EDS, from which officers rely on as a specialist consultee, it is considered that in the context of policy weight should be given to retain the employment allocation for the site. In the view of officers, it has not been sufficiently justified that the viability and marketing has been robust enough to demonstrate that there is not a strong likelihood of the site being developed for employment purposes.

#### The design of the proposals

- 8.46 A contemporary form of architecture on this site would be acceptable. Concerns have been raised by design and landscape officers about the proposed design, which are supported. Representations have also raised further concerns. The proposals seek to make best use of the available land, however, the approach of a single building of the form, scale and massing proposed creates a quite a dominant and imposing building which does not satisfactorily respect the site nor successfully rooted in its context.
- 8.47 The scale of building, in combination with its architecture, gives it a somewhat institutional character. This is exhibited through the regimented windows of a similar design; the form of projecting wings on its eastern side; the siting and appearance of 8 gables on the rear (west) elevation; and the extensive roof forms with long and consistent ridge lines. Furthermore, the scale and design of the building arguably does not reflect its residential use in the sense that attempting to maximise the amount of accommodation appears to be at the expense of the development being of a more 'human' scale and creating an attractive place to live.
- 8.48 In regard to the proposed layout, locating the building centrally within the site is the most logical approach in order to provide distance from site boundaries for instance. Fronting the building towards Frenchmans Road is also a logical approach. However, an unattractive entrance into the site would be created. Upon the entering the site, there would be the immediate view of a row of car parking set within a large expanse of tarmac and where cars would likely screen the landscaped courtyard area. Also, the form and scale of the building would have an imposing character. Furthermore, the Tilmore Brook runs along the site frontage and its potential enhancement as a natural feature in the design appears to have been missed. Rather, it is hidden away within planting.

- 8.49 Locating the car park on the southern side of the site is a logical approach as it would provide some distance and a buffer between the building and the neighbouring large warehouse to the south. However, the car park design adopts more of a functional character in form and layout, with no relief within the long tarmac rows of parking and expanse of tarmac between them with any real landscape scheme to create a more attractive area with better amenity for residents. As a result, an unattractive space would be created which would be highly visible in the site from windows on the south elevation of the building and from the ground floor lounge/bistro and adjoining communal terrace. Furthermore, the landscaping within this area arguably would not mitigate this harm. For instance, the narrow strip of land between the car parking and the wall of the adjacent warehouse does not particularly offer significant planting.
- 8.50 In regard to the landscape scheme, the landscape officer's views are supported. Even in urban areas schemes should still reflect local landscape character and be multifunctional. The scheme proposed includes somewhat of a 'standard' range of landscaped planting which does not sufficiently contribute to the aims of contributing to local landscape character of the National Park, or providing meaningful green infrastructure for wildlife. Furthermore, given the type of residential use proposed, arguably the landscaping scheme does not contribute enough to improving people's health and well-being. It appears that the scheme is too ornamental and its character appears more as a scheme which is easily maintainable rather than seeking multiple benefits to landscape character, ecology, and amenity for residents.

#### Impact on surrounding amenities

- 8.51 The building would be sited a reasonable distance of 12m from the western site boundary. Properties on Rushes Road have long rear gardens and so would be a good distance away as well. The western elevation presented to these neighbouring properties would be unacceptable design. A continuous elevation of 83m with a regimented series of 2 storey gables and large expanse of roof above would not be an attractive elevation facing these properties. There are existing trees along this boundary and new trees are proposed which would help to filter and screen views however the scale and design of the building does not create a high quality relationship with neighbouring properties. In regard to overlooking towards properties to the west given the distance from the boundary and planting the building may not cause unacceptable overlooking. Similarly, no harmful overlooking would be caused to properties north and east of the site.
- 8.52 Locating the parking on the southern side of the site is unlikely to cause undue noise and disturbance to surrounding dwellings and the traffic generated by the development is unlikely to harm surrounding amenities along Frenchmans Road.
- 8.53 In regard to the warehouse to the south, the building would be a sufficient distance away from it whereby its activities may not be such an incompatible use that would cause undue noise and disturbance.

#### Ecology and trees

- 8.54 The site is a cleared brownfield site and there has been limited opportunity for protected species to currently inhabit the site. The ecologist has not raised any concerns. Existing trees are limited to site boundaries. The Tree officer does not raise any particular concerns either as long as protection measures are employed. Further to considerations about the landscape scheme above, the site arguably could deliver much more in terms of biodiversity enhancements and other environmental benefits, which could potentially be conditioned.

#### Flood Risk and drainage

- 8.55 The Tilmore Brook runs along the north and east boundaries. There is some flood risk. The County Council, as Lead Flood Authority requested further information on the drainage scheme and what was provided has not satisfied their concerns. They have recommended that the application be refused on technical grounds and a reason for refusal has been recommended.

- 8.56 It is noteworthy that in terms of the landscape scheme offering multifunctional uses an opportunity for planting to help mitigate this risk alongside the brook appear to have been missed. The district drainage engineer has not raised an objection submit to a condition requiring a more detailed scheme via a condition.

#### Highways, Access and parking

- 8.57 The Highways Authority has not raised an objection and there are no highways concerns in regard to access and egress from the site, the amount of proposed parking and the impact upon the highway network. In addition, no objection has been raised by the Refuse and Recycling team at EHDC in regard to servicing the site.
- 8.58 The existing access into the public car park and its capacity are unaffected by the proposals. The proposals are likely to attract more people to the site given the additional facilities proposed, but given its sustainable location these may not all necessarily be by car. The Highways Authority have not raised an objection on the capacity of the car park or its access in relation to the new uses. They have raised a comment about managing deliveries to the site. As there is already a loading/unloading area adjacent to the site entrance it is considered that this is sufficient and the car park is also sufficiently large and of a suitable layout to accommodate deliveries.

#### Dark Night Skies

- 8.59 The site is well within Petersfield and its town centre. Notwithstanding, the development should still consider light pollution. An extensive level of glazing is proposed with no measures of mitigating light pollution. Comments are awaited from the Dark Night Skies officer and Members will be updated. An external lighting scheme could be conditioned in the event permission is granted.

#### Contributions

- 8.60 An affordable housing contribution does not apply to development which is a C2 Use Class. Also, given the C2 use, it would be exempt from a payment under the Authority's adopted Community Infrastructure Levy.
- 8.61 If the application were to be approved, EHDC have requested that an economic contribution aimed at mitigating the impact of the loss of employment land and enabling the unemployed to secure local jobs is provided. This would be spent to support existing or new programmes carried out by EHDC to create jobs and training. A figure for the contribution has not however been provided by EHDC to discuss with the applicant. However, in the absence of an agreement a further reason for refusal is proposed.

### **9. Conclusion**

- 9.1 It is considered that for the reasons outlined that insufficient justification has been provided to satisfactorily demonstrate the loss of the site for employment purposes, for which there is strong policy support. Furthermore, it is considered that the need for the proposed type of housing does not outweigh the loss of this employment site. The proposed design is not considered to be a scheme that would make a positive addition to the character and appearance of the area for the reasons outlined in the report.

### **10. Reason for Recommendation and Conditions**

- 10.1 The application is recommended for refusal for the following reasons:
- I. It has not been satisfactorily demonstrated that the site cannot be viably re-developed for employment purposes (B Use Class) and that a sufficiently robust marketing campaign has been undertaken to determine that there is no demand for the site for employment purposes to justify its redevelopment for alternative uses. The proposals would therefore be contrary to saved policy IB4 of the East Hampshire District Local Plan: Second Review (2006), policy CP4 of the East Hampshire Joint Core Strategy 2014, policies BP1, BP2 and BP5 of the Petersfield Neighbourhood Development Plan 2016, policy IB4 of the East Hampshire District Local Plan Second Review, policies SD1, SD34 and SD35 of the emerging South Downs Local Plan Submission Version 2018,

policy 48 of the South Downs Partnership Management Plan 2013 and the National Planning Policy Framework 2018.

2. The proposed development, by virtue of its siting, scale and design would not be of an exemplary standard of design which would make a positive contribution to the character and appearance of the area and Petersfield nor enhance local distinctiveness and a sense of place in regard to the built form and the National Park. Furthermore, the proposals would result in an unsatisfactory relationship being created with neighbouring properties to the west on Rushes Road. The proposals are therefore contrary to policies CP20, CP21, CP26, CP28, CP29 of the East Hampshire District Local Plan: Joint Core Strategy 2014, policies BEP1, NEP8, BEP7 and GAP1 of the Petersfield Neighbourhood Development Plan 2016, policy H13 of the East Hampshire District Local Plan: Second Review 2006 and emerging policies SD1, SD2, SD4, SD5, SD8, SD9, SD17, SD45, SD48 of the South Downs Local Plan Submission Version 2018, policies 1, 3, 24, and 50 of the South Downs Partnership Management Plan 2013, National Park Purposes and the National Planning Policy Framework 2018.
3. In the absence of a completed legal agreement, the proposals fail to secure a financial contribution towards the mitigation of the loss of the site as an employment land allocation through the re-provision of sites elsewhere and local employment initiatives. The proposals are therefore contrary to policy CP32 of the East Hampshire District Local Plan Joint Core Strategy 2014 and the East Hampshire District Guide to Developer's Contributions 2014.
4. Insufficient information has been provided to demonstrate that the proposals incorporate a satisfactory means of managing surface water drainage. The proposals are therefore contrary to policies CP25 and CP26 of the East Hampshire District Local Plan: Joint Core Strategy 2014, emerging policies SD49 and SD50 of the South Downs Local Plan Submission Version 2018 and the NPPF.

## **11. Crime and Disorder Implication**

- 11.1 It is considered that the proposal does not raise any crime and disorder implications.

## **12. Human Rights Implications**

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

## **13. Equality Act 2010**

- 13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

## **14. Proactive Working**

- 14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

### **TIM SLANEY**

#### **Director of Planning**

#### **South Downs National Park Authority**

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Appendices  
1. Site Location Map  
2. Previous Appeal Decision 2016  
SDNPA  
Legal Services, Development Manager.

Consultees  
Background Documents  
All planning application plans, supporting documents, consultation and third party responses

<http://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PI7WS3TUGT600>

South Downs National Park Local Plan

<https://www.southdowns.gov.uk/planning/national-park-local-plan/>

Saved policies of the Arun District Local Plan (2003)

<https://www.arun.gov.uk/2003-local-plan>

Arundel Neighbourhood Plan (2014)

<https://www.arun.gov.uk/2003-local-plan>

National Planning Policy Framework (2012)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

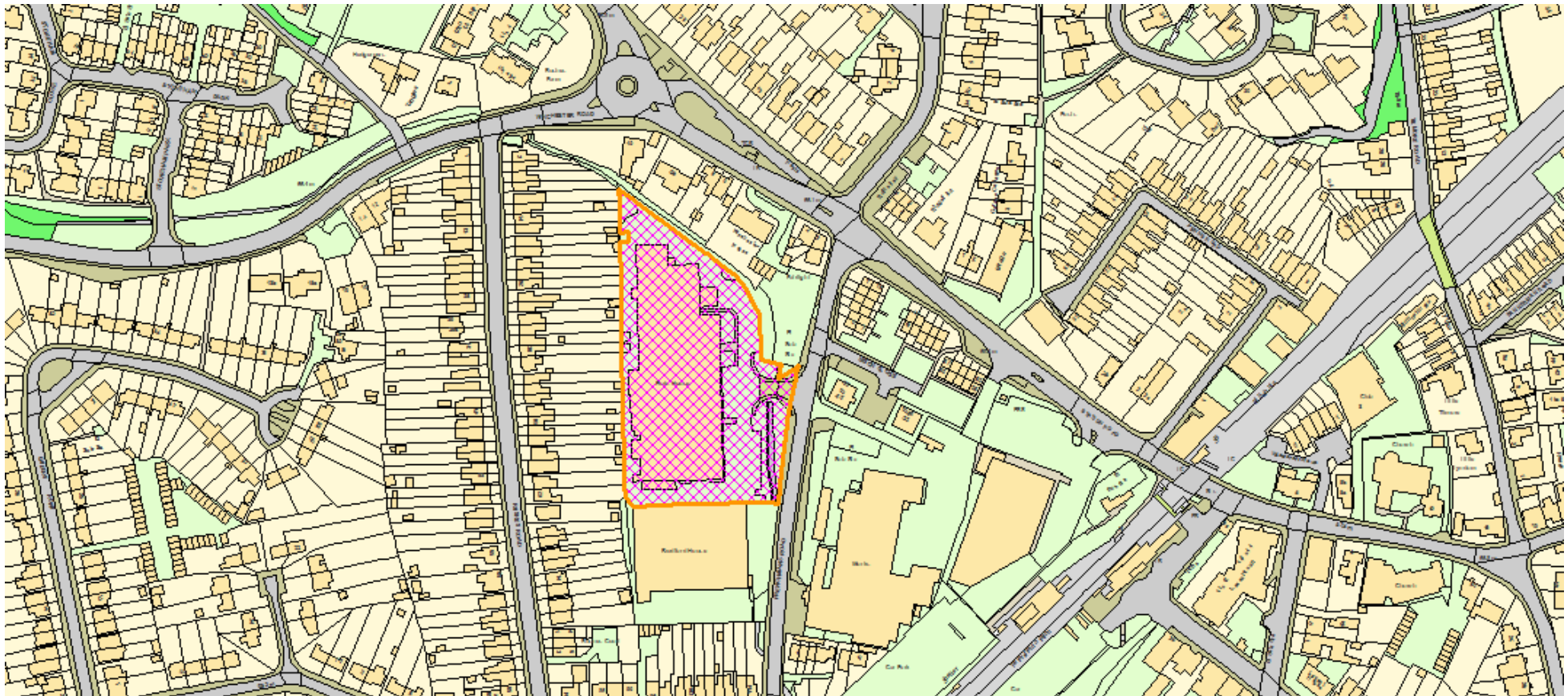
South Downs National Park Partnership Management Plan 2013

<https://www.southdowns.gov.uk/national-park-authority/our-work/key-documents/partnership-management-plan/>

South Downs Integrated Landscape Character Assessment 2005 and 2011

<https://www.southdowns.gov.uk/planning/planning-advice/landscape/>

**Site Location Map**



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