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Site Address: Market Parade Development Site, Market Parade, Havant

Proposal: Outline application with all matters reserved for demolition of existing buildings and redevelopment of site to erect up to 130No. Apartments and 1126sqm of ground floor commercial/retail space (Use Classes A1-A5 and B1(a)) and associated service, access and 58 private residential basement parking spaces (indicative height of building between five and thirteen stories).

|                 |                                       |                          |                   |
|-----------------|---------------------------------------|--------------------------|-------------------|
| Application No: | APP/14/01225                          | Expiry Date:             | 29/02/2016        |
| Applicant:      | Mr Sheath                             |                          |                   |
| Agent:          | Mr Ben Christian<br>Vail Williams LLP | Recommending<br>Officer: | Andrew Biltcliffe |
| Ward:           | St Faiths                             |                          |                   |

Reason for Committee Consideration: EHPE referral

EHPE Recommendation: **GRANT OUTLINE CONSENT**

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### **Executive Summary**

This is an outline application with all matters reserved. The application, if as recommended, is approved, is establishing the principle of development. The key consideration is whether or not this proposal meets the test of sustainable development in the NPPF.

In considering whether the presumption in favour of sustainable development is satisfied the economic, social and environmental aspects of the proposal have to be weighed. The proposal represents the first and currently only available regeneration opportunity for Market Parade at the most sustainable transport Hub location in the Borough. The scale and character of development proposed seeks to introduce an ambitious step-change in the look of Market Parade which could give market confidence in investing in Havant town centre and stimulate further interest in the remainder of the Allocation area. In economic terms, investment of this scale is sending a significant positive message about the Council's corporate priorities that underpin the general regeneration ambition of the Council.

However, the scale of the proposal in creating the step-change raises difficult urban design issues and challenges the achievement of a comprehensive development of the wider Allocation area, in terms of how successfully a development of this scale could be accommodated within the wider area. Urban design concerns are analysed in detail in the Studio REAL Design Review of the scheme undertaken for the Council, which concludes that on its own the scale of the building will change the character of the town centre and potentially lead to unacceptable relationships with surrounding development, spaces and occupiers. Historic England and the Conservation Consultant have also objected to the proposal on the basis that it will neither preserve nor enhance, but instead harm the character of the St Faiths Conservation Area - given the LPA's statutory duty in this regard, such objections must be given substantial weight. However, whilst 'harm' has been identified it is not considered to be 'substantial harm' or total loss to the heritage asset of the St Faiths Conservation Area. Paragraph 134 of the NPPF confirms that "*Where a development proposal will lead to less than substantial harm to the significance of a*

*designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”* It could also be considered that the existing buildings on the site are similarly not conserving or enhancing the St Faiths Conservation Area and detract from the heritage asset.

In terms of the relationship with the wider Market Parade regeneration allocation, the proposals understandably pay little regard to the outdated Havant Town Centre Urban Design Framework although it does retain the existing street pattern. The scale of building proposed would ideally have a more spacious setting and may raise expectations about what can be achievable on the remainder of site.

In social terms the Market Parade area is currently considered to lack a socially inclusive mix of uses consisting of a mix of hot food takeaways, small shops and low income housing with a poor quality public realm that does not foster a feeling of safety or desire to partake in community engagement. The proposal could provide that step change in the social status of this area as the Private Rented Sector model at the heart of the scheme would raise the quality of homes and potentially build on the movement towards a higher quality night time economy as demonstrated by the opening of the new Grastar restaurant in North Street.

The existing buildings at the rail gateway to the town present a poor economic, social and environmental reception to all comers. As part of the Prosperity Havant agenda the Market Parade area has been identified as a priority for regeneration. This site is critical to the wider success of the whole town, to create a reason to get off the train and stay in the 'northern quarter' of the town rather than go straight to the more attractive Meridian - West Street - Solent Road 'quarters'. This proposal is a mixed use development that is proposing up to 130 new homes and 1126 sqm of commercial and retail space. This will generate jobs and homes and therefore meets the tests of the social and economic criteria of the sustainability test.

In terms of the application it is recognised that there will be harm to the heritage asset of the St Faiths Conservation Area that is unlikely to be fully mitigated at the detailed design stage. There are potentially environmental issues with the proposal, in terms of massing and scale and the impact on the desired comprehensive redevelopment of the wider Market Parade area, particularly in terms of making the most of the Park outlook. There will be a loss of low cost rented accommodation but this will be replaced with higher quality private rented providing a shift in the housing market and a focus on higher quality night time economy offerings. The economic benefits of the proposal could be significant.

Whilst there are heritage issues to consider that relate to environmental issues these must be balanced with other responses from statutory consultees who make it clear there are no major issues or objections from all the infrastructure providers, ecology, Natural England and the Environment Agency. The Conservation Area harm has been weighed against the public benefits of the proposal, and it is considered that the applicants have demonstrated a viable use of the site, that is the only one that has come forward in the area since the ideas for upgrading were formalised in the Urban Design Framework in 2006.

The application is proposing the redevelopment of an area that has been identified in the Local Plan as a priority for regeneration. It is a proposal that accords with the principles coming forward in the NPPF consultation about higher densities at transport hubs. There has previously been no market interest in bringing forward proposals and this scheme could be the catalyst for the large scale redevelopment of this area which is key to the future of the prosperity of the town centre. There are risks, as set out in the report, however, in what is a very significant weighing of the issues it is considered that there are public benefits from the environmental, social and economic progress that can be captured from this proposal.

Accordingly, in what is a balance of sustainable development principles, the application is recommended for outline permission.

## **Detailed Report**

### **1 Site Description**

- 1.1 The application site is located within Havant Town Centre, immediately south of the Railway Station which has direct connections to London Waterloo and London Victoria, as well as mainline stations along the south coast. The site measures 0.22 hectares in area, and is bounded by North Street on its eastern side; the Market Parade distributor road on its southern side; the Market Parade precinct on its western side; and the Railway Station forecourt on its northern side.
- 1.2 The buildings currently found on the site date from the 1960s development of the wider Market Parade area, and comprise a linear row of commercial units at ground floor with two floors of residential accommodation above wrapping around the western and southern frontages of the site onto the precinct and road respectively. These rows of units, in common with other parts of Market Parade, are defined as a secondary shopping frontage in the Local Plan. The existing development is flat roofed in form with service access available from an open parking/servicing yard lying to the rear of the units, as well as from the street. It is not an attractive area and the 1960's development is a product of its time and is not of high quality. It provides a poor quality visual appearance to the Town when entering from the Railway station.
- 1.3 The eastern part of the site was formerly the site of The Star Public House, a Victorian property which occupied much of the eastern frontage onto North Street. The site occupied by The Star is currently vacant with hoardings around the site. The former site of The Star and the adjacent commercial unit to the south both lie within the northernmost part of the St Faiths Conservation Area. The reason why the area was included in the Conservation Area was primarily due to The Star Public House which was demolished in 2014.
- 1.4 In terms of adjacent development, to the west and south west of the pedestrian precinct lie further rows of commercial and residential/office development in Market Parade dating back to the 1960s, which exhibit a similar poor quality and character to the buildings on the application site. Beyond these buildings lies Havant Park. The Market Parade road operates a one-way system heading north from its junction with Elm Lane, opposite the Meridian Shopping Centre and nearby the Bus Station, and looping around to meet North Street. To the south of the site No's 34-42 Market Parade has had a mansard roof added to its original 1960s form, resulting in a four storey building on the street corner with North Street.
- 1.5 Opposite the site on its eastern side lie two storey buildings within the St Faiths Conservation Area - these mainly comprising commercial units at ground floor with accommodation above. South of these, and to the south east of the application site, lies the largely two-storey 1960s development of North Street Arcade. To the north east lies a three storey office block occupied by Morris Crocker Accountants.
- 1.6 The Railway Station forecourt to the north of the site is open and provides general circulation space and drop-off/pick-up facilities for customers and taxis, as well as access through to both the Park and the pedestrian footbridge over the railway to the north. There is a notable levels difference between the application site and this forecourt area; the adjacent pedestrian precinct featuring steps and a ramp to accommodate the rise up to the forecourt.

### **2 Relevant Planning History**

2.1 APP/13/00555 & APP/13/00725

Demolition of Public House and change of use to temporary car park. Planning Permission and Conservation Area Consents granted in September 2013. Whilst the Public House was demolished in 2014, the site has remained fenced off since that time and the car park use has not to date been implemented.

- 2.2 A Development Consultation Forum (DCF) was held into the emerging proposals for the site on 4th July 2014. The proposals at that time comprised 6No. retail units and 136 residential units, housed within a 5-8 storey building.

### **3 Proposal**

- 3.1 The proposal under consideration proposes a redevelopment of the site the subject of this application to provide up to 130No. Apartments and 1170sqm of ground floor commercial/retail floor space falling within Use Classes A1-A5 and B1(a) (offices). The apartments are indicated to comprise 36No. 1 bed units of 47sqm, and 94No. 2 bed units of 67sqm. Parking for 58 cars is proposed at basement level; residential cycle storage and residential and commercial bin storage would be provided at ground floor level; a landscaped amenity deck is suggested at first floor level.

- 3.2 The application has been submitted in outline form with all matters reserved - therefore **all illustrative material submitted with the application must be regarded as indicative only**. Nevertheless, regard should be had to this illustrative material as giving an indication of how the amount of development applied for could be accommodated on the site. In addition, the application is supported by a Planning Statement and a Design and Access Statement which set out the general intentions for the future detailed design phase for the site, which could be expected to be carried forward into a reserved matters application, should this outline application be approved. This application is therefore seeking to establish the principle of this scale of development for this site.

- 3.3 In terms of access, the application is supported by a Transport Assessment which identifies existing access arrangements and does not propose any significant alterations to the highway network to be needed to accommodate the development - the basement car park would be accessed off North Street; whilst pedestrian access to the apartments would be taken from the site's frontages onto North Street, Market Parade road and Market Parade precinct. Servicing for the commercial units and refuse collection would take place from the roadside in Market Parade from the existing layby.

- 3.4 In terms of layout, scale and appearance, the Design and Access Statement anticipates a perimeter block approach to the site, whereby a continuous built form is provided around all frontages of the site with a central core containing the bin and storage at ground floor with landscaping deck at first floor. The scale of development is described as varying between 5 and 13 stories, and based on the illustrative elevations its character is intended to be contemporary in form with a view to creating sweeping elevations on the site's various frontages, possibly punctuated by balconies.

- 3.5 Based on viability information submitted to the Council as part of the application, it is understood that the proposal is intended to be offered to the market as a Private Rented Sector development; no affordable housing is proposed to be provided as part of the scheme. However, this would be subject to further viability appraisal work and considered as part of the S106 Agreement should consent be given.

### **4 Policy Considerations**

National Planning Policy Framework 2012

Havant Borough Local Plan (Core Strategy) March 2011

Havant Borough Local Plan (Allocations) July 2014

Havant Town Centre Urban Design Framework SPD 2006

Residential Parking and Cycle Provision SPD 2010

Housing SPD 2011

Borough Design Guide SPD 2011

Listed Building Grade: Not applicable.

Conservation Area: St Faiths

## **5 Statutory and Non Statutory Consultee Responses**

It should be noted that some of these responses deal with matters of detail that cannot be addressed at this stage as this is an Outline Application with all matters to be reserved.

### **Planning Policy**

#### Coordination of development/regeneration

The application site forms part of a key regeneration site for Havant Town Centre. Market Parade is identified in Policy CS6 (Regeneration of the Borough) and the wider Market Parade site (which includes the application site) is specifically allocated for mixed use development in Policy HB3 (site policy H10/BD30).

Policy DM6 (Coordination of Development) is also of relevance, stating that proposals will only be permitted where they do not undermine the future development potential of adjacent sites.

The proposal in this application will contribute positively toward the borough housing requirement (CS9) and will (when looked at in isolation to the wider site) provide some form of regeneration to this relatively run-down and redundant block. However, this does not outweigh concerns relating to the potential impact this scheme will have to the wider regeneration potential of the Market Parade area and the ability to achieve a comprehensive and coordinated approach.

Policy HB3 (site reference H10/BD30) from the adopted Allocations Plan relates specifically to the Market Parade site. It relates to a far larger site than subject to the current application and proposes uses including offices, main town centre uses and housing (approximately 225 dwellings). This number of 225 dwellings relates to the entire allocation site at a rate of 150 dwellings per hectare. Although this indicative number of dwellings can be increased and it is useful to do so in order to address the high housing need in the borough, any resulting development still needs to be satisfactory in urban design terms and address any existing issues in Market Parade. Proposed development also needs to be considered in terms of its impact on the remaining allocated site at Market Parade. There are concerns that if this application were permitted (thereby bringing forward the site in a piecemeal manner) the wider regeneration/redevelopment will be difficult to deliver in a satisfactory and viable manner. The site specific development requirements for this site (Policy H10/BD30) specifically say that 'a coordinated approach needs to be taken to the delivery of this mixed use site'. This links with the urban design advice received for this proposal provided by Studio REAL.

The above emphasis through policies in the adopted Local Plan on the need for

coordination of development and the importance of this key regeneration site for the borough is clear.

Therefore, although the principle of the redevelopment in the existing urban area is supported (Policy CS17) as is the provision of new homes to address housing supply (CS9) it is not considered that this outweighs concerns as to how the development proposed would potentially compromise the ability to achieve a satisfactory wider regeneration proposal for the remainder of the site.

In summary the existing Market Parade development has some urban design mistakes of its era. The most notable is the way the development turns its back onto the town park. The park is an asset for the town and frontage toward the park will be key to maximising the regeneration opportunity for the wider site (and in turn the vitality and vibrancy of the town centre). A comprehensive redevelopment across the entire Market Parade allocation site will give the opportunity to reconsider the street pattern to achieve frontage to the park and also allow comprehensive thought on more practical matters such as adequate servicing.

The proposed development will mean that the current street layout in the north-east of Market Parade, which is considered to be poor in urban design terms, would be locked in place. As a result, the wider development of the rest of the Market Parade allocation site will need to work around this to address the deficiencies in the current layout and create a layout which will be successful in urban design terms for the future. This is mainly because the commercial units proposed in this application will need to maintain public frontage and appropriate amenity will also need to be retained for the proposed residential units. This will inevitably limit the available development space to the immediate west of the application site (maintaining its existing narrow and awkward shape adjacent to the park). The ability for any subsequent proposals on this adjacent site to then appropriately address the public frontage on both the existing precinct area of Market Parade (toward the proposed development) and also the park will be very difficult to achieve. This could undermine the ability to achieve redevelopment of the remainder parts of the site and most certainly limit the ability to maximise the regeneration opportunity that the overall Market Parade site presents.

The images/drawings provided by the applicant to show how the wider redevelopment could be achieved do not demonstrate how the dual frontage that would be required could be successfully achieved (nor servicing and other practicalities that could hinder this neighbouring site being redeveloped).

In April 2015 the Council received a £50,000 CLG grant toward the production of a Local Development Order (LDO) for the Market Parade site. Once adopted this will effectively grant planning permission for certain types/scale of development within a defined area (i.e the larger Market Parade allocation site). The LDO will not carry weight until such a time as it is adopted, which is expected in August 2016.

It is considered that this application is contrary to Policy CS6, DM6 and HB3 (H10/BD30) for the following reasons:

- It compromises the potential of future sites as this piecemeal approach will prejudice the potential for the satisfactory development of a larger area in all likelihood (see Policy DM6 and supporting text 10.20 and 10.21).
- It fails to provide a comprehensive approach to the physical regeneration of the Market Parade area (see Policy CS6).
- It fails to provide a coordinated approach to the delivery of this mixed use allocated site (Policy H10/BD30).

The adopted Havant Town Centre Urban Design Framework (2006) is also a

consideration. Many of the objectives in the SPD for Market Parade and the importance of the park highlighted in the document remain relevant and have fed into the work that has progressed so far on the Market Parade LDO. This includes 'active, tree lined frontage to the park' (pg 44 of SPD) and a landmark building on the park edge (pg 47 of SPD). Although the weight to be given to this SPD is limited due to its age, the objectives remain relevant today.

#### Other Points

No affordable housing is proposed on viability grounds. A more recent financial model the applicant has provided which suggests improved viability is noted, although zero affordable housing provision is still sought. The appropriateness and need for affordable housing provision therefore needs to be more thoroughly looked into to ensure the proposal is as policy compliant as possible (i.e. the 30% affordable housing requirement in CS9) whilst still remaining viable. However, it is questionable as to how appropriate further analysis is at an outline stage with all matters reserved. Costs associated with the development could change and it is quite likely the sale values will go up or the delivery model will change and as such it may be premature to consider a departure from policy at this early outline stage when all matters are reserved.

In terms of the quantum of development the proposal equates to approximately 590 dwellings per hectare (dph) on the application site. This appears very high. Separate design advice has been sought and this should be considered in the context of Policy CS16 (High Quality Design). Although all matters are reserved it needs to be satisfied that the quantum of development can be achieved in a satisfactory manner (design, servicing, etc.) at this scale, particularly bearing in mind the relationship with the conservation area.

Car parking provision should be considered in the context of the adopted SPD. This indicates that town centre locations such as Havant can be appropriate for as little as zero parking provision.

#### Community Infrastructure Levy

CIL will be required along with a SPA mitigation package, which could be comprised of a contribution towards the Solent Recreation Mitigation Partnership Interim Mitigation Scheme.

#### **Economic Development**

Ambitious plans but would benefit town centre – concerns over time scale/finance and whether scheme will fit in with overall Market Parade regeneration.

Would look to secure an Employment & Skills Plan (or contribution) on build phase.

#### **Housing**

39 affordable units (minimum) should be provided to meet Policy CS9.

Viability assessment suggesting provision of affordable housing would render scheme unviable is premature at outline stage.

#### **Historic England**

Large scale building of 5-13 stories would be completely out of character with the conservation area and demonstrates no regard for the context of the site. Would 'dramatically overshadow' buildings on North Street and be harmful to character and appearance of conservation area.

Under the NPPF it is a core planning principle to conserve heritage assets – no other planning concern is given a greater sense of importance in the NPPF. Onus is on the LPA to rigorously test the necessity of any harmful works; and seek to improve proposals so that they avoid or minimise harm to designated heritage assets.

Height and scale of new development must be the first consideration to ensure that a new proposal properly respects the conservation area and meets NPPF requirements.

### **Conservation Consultant**

Objection to proposed application on basis of:

- Lack of contextual analysis and absence of a clear framework – no urban design justification for departure from adopted SPD
- Form of development – serious concerns as to how the substantially higher development and related massing can be successfully integrated
- Harm and negative impact on Conservation Area – heritage statement does not focus on this; acknowledges overshadowing of buildings in North Street
- The proposed scheme has major failings.
  - a) It is coming forward in abstract, departing from the adopted Urban Design Framework. It is essential to set the development of sites within a clear Framework, even if the Framework itself needs reviewing. It is premature until this has been done.
  - b) I can not stress strongly enough the need for an integrated approach to the regeneration of the town centre within an established framework which addresses the built development (existing and proposed), the opportunity to create a dynamic and positive public spaces (between buildings) and to reinforce key routes within the town. The current proposals achieve none of these.
  - c) The quantum and form of development has no bearing on the character, grain or scale of buildings in the area. Good quality contemporary development can positively add to the character and distinctiveness of the area and is to be supported. However, the proposals fail to achieve this. The buildings are monolithic in form and singularly fail to respond to their context. In so doing it fails key national and local policy design guidance.
  - d) The development will have a harmful impact on the conservation area and the buildings immediately abutting the site. The basic statutory duty to “preserve or enhance” has not been met, I have serious concerns about the immediate and long term impact of such development on the local area.

### **Design Council**

No response received.

### **Highways Agency**

No objection.

### **Hampshire Highways**

*Based on original submission:*

- Development Access Proposals – reliance on TROs and loss of on-street parking in a town centre location should be avoided; design details are limited and therefore extent of impact unclear. Study needed for pedestrians and cyclists routes to site to establish suitability.
- Traffic Impact – TRICS data based on Greater Manchester, not reflective of this area. Allowance needs to be made of new trips to retail units rather than all trips being already on the network. Some junction assessments missing.
- Personal Injury Accident data shows 6 accidents in vicinity of site involving vulnerable road users – needs to be addressed by applicant as levels of activity will only increase in area.
- Framework Travel Plan – will need more work.
- Transport contribution – Transport Assessment suggests contributions to mitigate wider impact of site; needs to be finalised and agreed.

Recommendation of refusal if above matters not resolved.



Comments awaited following receipt of further information – this will be circulated to members of the Committee prior to the meeting

#### **Development Engineer - Highways**

- Tandem spaces not recommended in basement car park
- Dangerous layout at bottom of ramp; swept paths required
- Travel plan needs to justify the amount of car parking
- Concern re engineering detail of design – can basement car park be economically constructed; can ramps be achieved to correct gradients; what entrance controls and what sight lines will be required?
- Reliance on surrounding area for servicing could act as a constraint on redevelopment opportunities
- Servicing doors cannot open over the highway

#### **Traffic Management Team**

- Traffic Regulation Orders (TROs) required to address proposed servicing arrangements
- Conflicting information in Site Management Plan re servicing arrangements
- Assumption that workers can park in town centre car parks – not all are long stay and they are there to aid economic viability of the town during trading hours
- How will residents without a parking space be able to manage normal day to day tasks if there is no on street parking available
- Whilst car parking levels are stated by applicant to be appropriate for a highly accessible area, do not agree and will create increasing competition for on street parking in other residential roads
- Query re enforcement of parking on site

#### **Waste Services Manager**

Location of bins area will affect time taken to effect waste collection from site – not supportive.

#### **Hampshire Fire & Rescue**

Access and facilities for fire fighting will need to comply with Building Regulations. General advice offered re: high reach appliances; water supplies; sprinklers; environmental issues and timber framed buildings.

#### **Environment Agency**

No objection.

#### **Local Lead Flood Authority HCC**

General principles of surface water drainage proposals are acceptable. Further information required at more detailed design phase.

Mechanism for securing long-term maintenance needs to be considered.

#### **Portsmouth Water Company**

Comments provided in relation to the application in their role of protecting public drinking water supplies. Conditions requested covering:

- Piling risk assessment.
- Phase II contamination investigation and remediation strategy.
- Surface water drainage strategy - which should avoid infiltration systems (use of surface water system supported).

#### **Engineering/Drainage**

- Sewerage capacity check will be required to ensure development can be accommodated within the foul and surface water sewerage system (Southern

- Water).
- Basement construction will require tanking against ground water and provision for sump pumping.
  - Proximity of main river (Lavant Stream) will require EA consent.
  - Check with Portsmouth Water and EA regarding proximity to ground water protection zone.
  - Discharge to main river assumed, will require EA approval.
  - Provision for SuDS will be expected in the final application.

### **Southern Water**

Inadequate capacity in local network to provide foul sewage disposal to service proposed development – additional off-site sewers or improvements to existing sewers will be required, which can be requested by the developer under S98 of Water Industry Act 1991.

Surface water disposal can be provided to service the development.

Need for design of basement car park to take account of possible surcharging of public sewers.

### **Southern Electric**

No comments received.

### **Network Rail**

- Any building should be sited at least 2m from NR's boundary to allow for future maintenance without relying on access over NR's land
- Surface and foul water drainage to be provided separate from NR's property
- Comments re plant working, scaffolding and piling arrangements
- Request for minimum 1.8m high fence along boundary with NR land
- Lighting must not interfere with trains
- Noise/vibration implications of railway on development must be assessed in context of NPPF
- Comments on acceptable forms of soft landscaping species

### **Natural England**

No objections.

### **County Ecologist**

Sound habitat survey undertaken, no further surveys required – no evidence of legally protected or otherwise notable species.

### **County Archaeologist**

Need to fully assess archaeological potential of site prior to commencement of any development – conditions recommended.

### **Environmental Health Manager**

Air quality/contamination issues:

- No in-principle objections
- Conditions recommended to address risk of contamination and turbidity to potable water supplies
- Conditions needed in respect of detailed design of drainage systems
- Desirable in air quality terms for access to be taken from North Street
- Care needs to be exercised to avoid substantial erosion of short stay spaces for town centre visitors (which will increase congestion/parking saturation)
- Vehicle trip generation figures considered to under estimate likely traffic generation figures by ignoring commercial floor space and not reflecting actual survey data
- Junctions are missing from the TIA data
- Emissions from enclosed parking area need to be controlled by design or condition

- Framework Travel Plan should aim for stronger modal share and modal shift
- Air quality in vicinity of site considered to be acceptable

#### **Public Spaces Development Manager**

No comments received.

#### **Crime Prevention Officer**

- Havant town centre suffers from crime and anti-social behaviour
- Access between apartments and commercial units must be entirely separate
- Various security recommendations in respect of cycle stores, apartments and commercial units, and basement car park
- 130 apartments but only 58 parking spaces – on street parking in area is already restricted and would be concerned if more pressure is put on on-street provision. Can additional parking be provided for residents?

#### **County Education Officer**

No education contribution will be sought from this development. The reason is that the development will yield approximately 4 pupils per year group and there are surplus places in the area to allow these pupils to be offered a place at a school.

#### **REAL Design Review**

In view of the significance of the site in the overall regeneration proposals for the town centre, and the indicative scale of development proposed, a Design Review was commissioned by Havant Borough Council from studio REAL of the submitted application. The Design Review analyses the application both as a stand-alone scheme, and also in the context of the aspirations for the regeneration of the wider Market Parade area.

The findings of the Design Review are attached at Appendix K. For the stand-alone assessment the Review identifies a number of positive and negative factors arising from the scheme; in terms of the wider area the Review is critical of the scheme's adherence to the existing road layout and reliance on the precinct for one of its key frontages, which it is considered will undermine a successful redesign of the area as a whole.

## **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: 126

Number of site notices: 10

Statutory advertisement: 16/10/2015

Number of representations received: 10 (including Havant Civic Society)

#### **Summary:**

- Loss of light and privacy to residential and commercial properties in North Street and Market Parade
- Eye sore over surrounding area
- Increase vehicle traffic and noise, and parking issues which will restrict access to existing properties
- 13 storey not appropriate for a historic market town like Havant and would be totally out of proportion and spoil the town – building would be at least twice the height of St

- Faiths Church and the Meridian Centre
- Concerns re consultation processes at pre-application stage
  - Scale and height of building out of context with anything else in Havant and will not present a good view for rail travellers and visitors to Havant
  - Appearance and quality of development likely to have a detrimental impact on the area and could discourage other developers regenerating other parts of the area in a more suitable way – the scheme is massively oversized and poorly designed for where it is
  - Overlooking of Morris Crocker premises by residents of flats and size and height would significantly affect light coming into the building
  - Inadequate car parking for residents and no provision for commercial users – lack of parking already an issue in the area
  - Arrangements for deliveries/collections inadequate and likely to cause congestion in North Street and back to around the bus station area
  - Design and materials need to enhance the town centre – avoid use of timber which fades unevenly
  - Any landscaping around the development needs to be agreed in detail in order to ensure that it is deliverable
  - Whatever is built here will set the standard for height and scale of other 1960s buildings replacements

## **7 Planning Considerations**

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

- (i) Principle of development
- (ii) Nature of development proposed
- (iii) Impact upon the character of the area, including the St Faiths Conservation Area
- (iv) Relationship with regeneration proposals for remainder of Market Parade
- (v) Impact upon amenity
- (vi) Highways, traffic and parking issues
- (vii) Infrastructure implications
- (viii) Environmental considerations

(i) Principle of development

7.2 The National Planning Policy Framework (NPPF) sets out a clear presumption in favour of sustainable development; and describes the three dimensions that the planning system must have regard to when determining applications - an economic role, a social role and an environmental role. These three roles are to be seen as mutually dependent:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

7.3 When making decisions on planning applications, this presumption means that

development proposals that accord with the development plan should be approved without delay; but where the development plan is out-of-date, permission should be granted unless the adverse effects of doing so would significantly outweigh the benefits.

- 7.4 The NPPF also sets out core planning principles, which in relation to this application include the need to proactively drive and support sustainable economic development; take account of market signals; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and character of different areas; encourage the effective use of land by reusing brownfield land; promote mixed use developments; conserve heritage assets; and focus significant development in locations which are sustainable.
- 7.5 With regard to the development plan, the application site forms part of Mixed Use Allocation Policy HB3 Site H10/BD30 of the adopted Havant Borough Local Plan (Allocations) 2014 ('the Allocations Plan'). Site H10/BD30 identifies the entire 1960s Market Parade area (1.55ha) as having the potential to provide housing, offices and main town centre uses through a regeneration of the site, with the opportunity to provide a landmark building. Site specific requirements in the policy include the need for a coordinated approach to delivery of the mixed use site; that development should preserve or enhance the character or appearance of the Conservation Area; and that due regard be had to the Havant Town Centre Urban Design Framework SPD. An indicative figure of 225 dwellings is suggested as being provided; this equating to a development density of approximately 150 dwellings/ha.
- 7.6 The Havant Town Centre Urban Design Framework SPD was adopted in 2006. It identified Market Parade as one of the key development areas in the town centre and suggested a potential redevelopment of the northern and western parts of the 1960s development to regenerate the area with an urban form of up to 4 storeys with a landmark tower suggested adjacent to Havant Park of up to 8 storeys. However, other than minor changes of use and the demolition of The Star P.H. which was associated with this current application, no substantial change has taken place to the Market Parade area nor has any investor interest been generated as a result of the SPD's adoption. As this document was produced prior to the economic recession and prior to the NPPF it is considered that its recommendations as to the potential capacity of the town centre for redevelopment in this location should carry little weight in the determination of this application.
- 7.7 In terms of heritage assets, the eastern part of the application site lies within St Faiths Conservation Area (largely due to the original presence of the Star Public House, now demolished) and the proposed development is considered by the heritage advice to affect the setting of the remainder of the adjacent Conservation Area land. When making a decision on an application where the site is located adjacent to or within the conservation area, the local planning authority must have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area. This statutory obligation, found in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, applies to all decisions concerning Conservation Areas. Protecting and enhancing the historic environment is also one of the core principles of the NPPF.
- 7.8 The overall principles of redevelopment are therefore that the application site forms part of one of the allocated development sites in the Allocations Plan and therefore the principle of redeveloping existing buildings in Market Parade as a whole is supported. A successful redevelopment of Market Parade would contribute positively to the Council's corporate priorities to secure economic growth in the Borough and accord with its ambitious 'Prosperity Havant' agenda. The site lies in a particularly sustainable location, with access to bus and rail interchanges adjacent to the site, and thus an intensification of land use in principle on the site would be consistent with both the NPPF and the current Government consultation. The consultation closed on 22 February 2016 and makes it clear that there are "significant benefits to encouraging development around new and

existing commuter hubs - reducing travel distances by private transport, making effective use of private and public sector land in sustainable locations, and helping to secure the wider regeneration and growth of the local area. In this context, we are keen to support higher density housing development around commuter hubs”.

- 7.9 The proposed changes in the NPPF consultation are as follows: “We are proposing a change to national planning policy that would expect local planning authorities, in both plan-making and in taking planning decisions, to require higher density development around commuter hubs wherever feasible. We propose that a commuter hub is defined as: a) a public transport interchange (rail, tube or tram) where people can board or alight to continue their journey by other public transport (including buses), walking or cycling; and b) a place that has, or could have in the future, a frequent service to that stop. We envisage defining a frequent service as running at least every 15 minutes during normal commuting hours.” It is clear that Market Parade is located in one of the key commuter hubs in the Borough. The principles in the consultation are good planning considerations relative to this site.
- 7.10 The current application represents the first and only proposal that has come forward that proposes significant change to the townscape character of Market Parade. The key development management issues associated with the proposal relate to the core planning principles set out in the NPPF and reflected in development plan policies, which include the nature and scale of the development proposed; its relationship with its surroundings - both existing and the wider Market Parade redevelopment proposals; the highways and other infrastructure implications of the proposal; and other environmental considerations.
- (ii) Nature of development proposed
- 7.11 The development proposals contained in this outline application embody a number of different land uses. At ground floor level commercial uses are proposed falling within the range A1-A5 and B1(a) - these allow for shops, financial and professional services, food and drink establishments and offices. Such uses are considered appropriate town centre uses which would enable active street frontages to be created and support the function of the town centre in this secondary location in a manner consistent with Policy CS4.
- 7.12 Rising above the commercial units the remaining development would comprise up to 130 residential apartments; indicated as 36 No. 1 bed units and 94 No. 2 bed units. In terms of residential density this would deliver the equivalent of 590 dwellings/ha. This higher density would fit the Government’s direction of travel outlined in the NPPF Consultation while recognising it is in excess of the densities envisaged in the Allocations Plan. - . In terms of housing provision, the dwellings proposed would constitute a net gain of 116 units on the site and make a notable contribution to the Council's housing target as set out in Policy CS9. This policy seeks different types of residential development therefore this proposal will help contribute to mixed and sustainable communities. Given the sustainable location of the application site close to a variety of transport nodes in the town centre, the application's focus on 1 and 2 bed apartments is considered appropriate.
- 7.13 Policy CS9 requires that development proposals of 15 dwellings or more deliver on average 30-40% affordable housing unless a lesser requirement has been transparently justified on viability grounds. The application was initially submitted with a viability assessment based on conventional market sales which indicated that the development could not viably come forward, even with no affordable housing provision - which cast serious doubt on the deliverability of the scheme. Discussions have since taken place with the applicant and agents which has clarified that the model of housing provision being pursued in this case is a Private Rented Sector (PRS) scheme - i.e. a large-scale, professionally managed development of purpose-built rented accommodation backed by financial institutions. This is a model of development which has not to date come forward

in the Borough to any significant degree, the majority of rental properties being 'buy to let' rather than the 'build to rent' model being put forward in this case.

- 7.14 PRS schemes are currently being supported by the Government on the basis that they can deliver high quality, professionally managed homes, and the applicant's agents have argued that the differing financial arrangements associated with the PRS model will ensure that the development is deliverable. They have also advised that the scale of development being pursued in this case is a factor of both the format of the proposal (a large-scale PRS scheme) and the viability position on the site; the number of units proposed being necessary to deliver a reasonable return on the site. Nonetheless there remains no proposal to provide affordable housing as part of the scheme (either on site or by way of financial contribution) as viability is still reported to be an issue. The submitted viability assessment remains to be independently verified, however the applicant's agents have agreed to a third-party review of their PRS viability assessment in the event that it is resolved to grant planning permission. Should this independent review identify scope for further contributions without undermining the viability of the scheme, the provision of some form of affordable housing contribution can then form part of a S106 Agreement. If it is proved that the scheme is not viable with any affordable housing then Government policy is clear that this in itself would not justify withholding permission.

(iii) Impact upon the character of the area, including the St Faiths Conservation Area

- 7.15 Whilst the application has been submitted in outline form with all matters reserved, the indicative elevations submitted with the proposal enable some assessment of the manner in which the quantum of development applied for might be delivered on the site, and from this an analysis of the implications of this for the character of the area in general and the St Faiths Conservation Area in particular. Both Policy CS16 and the Borough Design Guide SPD set out criteria for achieving high quality design in new developments, which stem from a clear understanding of the context for new development in order to create positive relationships between buildings, streets and spaces.
- 7.16 As set out in Section 5, in view of the significance of the site in the overall regeneration proposals for the town centre, and the indicative scale of development proposed, a Design Review was commissioned by officers from Studio REAL of the submitted application. The Design Review analyses the application both as a stand-alone scheme, and also in the context of the aspirations for the regeneration of the wider Market Parade area. For the stand-alone assessment the Review has identified a number of positive and negative factors arising from the scheme. From Appendix K it can be seen that the positive factors attributed to the scheme largely stem from its favourably sustainable location adjacent to the Railway Station; the opportunities available to secure active and accessible frontages for both commercial occupiers and residents; and the manner in which the suggested built form could address and enclose the streets/precinct on all sides. These are considered to be general urban design matters that a scheme of any given scale would be expected to achieve, should the application site be redeveloped.
- 7.17 The negative factors associated with the indicative elevations, however, reflect the concerns expressed by third parties and heritage-based consultees that the particular quantum of development applied for will have significant implications for the character of the area. The application site lies some 250m from the historic core of Havant's market town, and the typical character of the town features relatively fine-grained urban forms, particularly within the Conservation Area boundaries. The site has distinctly differing frontages - to the north the Railway Station is single storey in scale and features a high level of pedestrian and vehicular movement adjacent to the site; to the south and west lies the 1960s Market Parade which is three/four storey in scale and which has been identified as being in need of renewal in a variety of policy documents since 2006; to the east lies North Street and the St Faiths Conservation Area which features buildings of two/three storey height.

- 7.18 The submitted elevations and supporting Design and Access Statement would indicate that in order to achieve the quantum of development being applied for it will be necessary to devise a building which rises from 5 to 13 stories in height, with a continuous 'wrap-around' built form and uniform elevations. As such the format of development as a single block of varying height will markedly contrast with the more fine-grained character in the majority of the town.
- 7.19 In terms of height, the indicative elevations show that, at 13 stories high, the development is likely to achieve a height of 38.5m - by comparison the maximum height achieved by other tall buildings in the area are 21.5m (maximum height of Meridian Centre); and 19.5m (spire of United Reformed Church). The scale of the proposal would be markedly different and influence the character of the town centre and any future redevelopment proposals coming forward would have a new benchmark in terms of height within the town centre. The success of large buildings in design terms often stems from their setting; generally a more spacious setting is required in order to successfully accommodate large-scale buildings, and this principle lies behind the Havant Town Centre Urban Design Framework's suggestion that where a landmark tower was required, it be located adjacent to Havant Park in order to provide a suitable setting for the building. A landscaped setting also results in a lower density of development across a site as a whole - recent redevelopment proposals examined in Portsmouth and Southampton city centres have been identified as typically resulting in densities of c.300 - 600 dwellings/ha. The proposal does not currently have such a spacious setting, whilst proposing 590 dwellings/ha on the modest site area available of 0.22ha.
- 7.20 In terms of scale, the height and massing of the proposal will therefore be significantly higher and bulkier than surrounding buildings and is likely to result in a domination of the relatively narrow streets and spaces adjacent to the application site. This could be regarded as having both positive and negative attributes - from a positive point of view the applicant's agents have argued that the size of the building would act as a statement of future investment in the town centre, and that a visible quantum of development which departs from the prevailing character of the area is necessary for the first building in a regeneration scheme. The agents call for an element of courage in the assessment of the proposal in the light of these considerations.
- 7.21 Having regard to the nature of surrounding development, it is considered that the scale and massing of the building required to accommodate the ground floor commercial units and up to 130 No. apartments could have the following negative impacts on the environment in adjoining streets and spaces:
- the development would overshadow the Station forecourt area and appear overbearing (the Heritage Statement submitted with the application acknowledges that the proposal will "impose heavily" on the station building);
  - the development would overshadow the precinct between the application site and the Market Parade block to the west of the site. Whilst the application papers suggest that the precinct area might be enclosed to mitigate this impact, this proposal does not form part of the application; nor does the land in question fall within the applicant's control;
  - the 7 storey (approx. 22m high) facade on the south side is likely to appear out of proportion to the existing 3/4 storey block in Market Parade to the south (although the scale of this block may change with the wider redevelopment of the Market Parade allocation site);
  - the 5-7 storey (approx. 16m-22m high) development would be overbearing and overshadow the development on the east side of North Street
- 7.22 The development opposite the site in North Street lies within St Faiths Conservation Area (as does the eastern part of the application site) and there is a statutory duty on the local planning authority to have special regard to the desirability of preserving or enhancing the



character or appearance of the Conservation Area when considering development proposals. The applicant's agents have argued that the delivery of the development would meet this test by replacing the 1960s Market Parade buildings with a modern tall building of its era, and that the juxtaposition of old with new buildings is not unusual in town centres and would enhance the setting of the Conservation Area. In very general terms these views are supported; the local plan allocation accepts a 145 dph housing density over this and the wider Market Parade area. The emerging LDO work is likely to pursue a still higher density (current draft ideas are around 300dph). However, the application proposes a significant further step change of development relative to the Conservation Area in order to achieve up to the 130 units/590dph proposed. When having regard to the particular character and scale of the application proposal in the light of the context for the site and the consultation responses of both Historic England and the Conservation Consultant it is considered that the development would harm the Conservation Area.

(iv) Relationship with regeneration proposals for remainder of Market Parade

- 7.23 The application site forms part of the wider Allocations Plan site allocation H10/BD30, which relates to the wider Market Parade area and whose objectives are to secure a coordinated and comprehensive redevelopment of this part of the town centre. The Council's emerging LDO work is intended to support this coordinated approach, and draft proposals indicate a street pattern and layout of development across the area as a whole with a view to achieving a more successful urban design solution which has a focus on Havant Park as an existing asset of the town centre. The current layout of Market Parade largely turns its back on the Park. This philosophy was initially set out in the Town Centre Urban Design Framework SPD, and remains relevant. If permitted the LDO work would need to adapt its approach accordingly.
- 7.24 The Design Review undertaken by Studio REAL has included an assessment of the relationship of the application proposals to the wider regeneration plans for the area. The application proposals would retain an active commercial frontage onto the Market Parade precinct and would require the longer term proposals for the wider Market Parade area to retain this as a feature. The Design Review raises concern that, in having to allow for this feature and not developing the northern part of Market Parade more comprehensively as a single perimeter block (of which the application site would only form part), it will be difficult to devise a redevelopment opportunity for the north western part of Market Parade which successfully addresses both Havant Park and the retained precinct.
- 7.25 The applicant's agent has drawn attention to the pre-application work undertaken, including the DCF in July 2014, which set out a vision for the wider area and sought to provide reassurance that the development of the application site in isolation would not be prejudicial to a more comprehensive redevelopment. They have also commented that, if both parcels of development in the northern sector of Market Parade are required to come forward together, then this will deny the opportunity the current proposal has to 'kick-start' regeneration in the area, particularly as it is the only actual developer interest we have had in the area.

(v) Impact upon amenity

- 7.26 The Design Review prepared by Studio REAL sets out a number of issues in terms of the urban design implications of developing at the scale proposed in relation to adjoining streets and buildings. Representations have been received from a number of occupiers of properties in North Street opposite the application site that reflect those concerns, in that the overshadowing and overbearing nature of the proposal in relation to adjoining properties will adversely affect the amenity of occupiers of those properties in terms of light and outlook; with office, retail and residential properties in North Street all having their principal elevations facing onto the application site, which will see a potential 5-8 storey block of 16m-22m in height constructed approximately 13-15m from their west facing

elevations.

- 7.27 Again, the concerns expressed must be considered in the context of a development proposal seeking to initiate significant change on a site that has been identified as being in need of redevelopment through the Allocations Plan process and earlier SPD; a successful new development would improve the townscape at this point and would enhance the outlook and amenity of nearby properties. However, it is clear that the nature of the proposal will have a direct impact upon nearby properties.
- 7.28 Within the development itself, the high density proposal is considered to have implications for the quality of environment to be created for future occupiers. Based upon the illustrative floor plans submitted, the 2 bed apartments would all be located such as to have views out from the development, with some having dual aspects also looking into the landscaped deck within the core; these are therefore likely to benefit from good quality light and outlook. By contrast, 25 of the 1 bed apartments would be single aspect and only have views into the central core, which ranges in width between 11m-13.5m adjacent to the apartments in question. With storey heights ranging from 4 to 12 stories above the landscaped deck, the lower level apartments in particular will have very limited light and outlook. These are all points of detail that would be considered by the reserve matters application and cannot be considered as part of this application which is establishing the principle of development.

(vi) Highways, traffic and parking issues

- 7.29 The Transport Assessment submitted with the application sets out the key highway principles underlying the indicative site layout plan. Access to the basement car park is anticipated as being taken from North Street via a give-way junction; in order to accommodate this there will be a need to remove a small number of on-street car parking bays by means of a Traffic Regulation Order, the mechanism for which would need to be funded by the developer through a S 106 Agreement. Subject to this being achieved, there is no objection to a new access being created in this location.
- 7.30 Pedestrian access to the residential units would be secured via four 'cores', one at each corner of the building which would include lift access. The layout of the site can be designed so that refuse vehicles can stop within 30m of all bin collection points, with refuse collection being taken from the existing layby in Market Parade to the south of the site. Servicing of the commercial units would also take place from this location. The effect of this requirement is that there is likely to need to be a suspension of parking in these bays at off-peak times in order to allow delivery and refuse vehicles to park up safely - a Site Management Plan being put in place for the site to manage delivery times.
- 7.31 In terms of traffic generation, following agreement over the appropriate trip rates to be used between the applicant's engineers and the Highways Authority the effect on local junction and traffic routes has been assessed. The development is forecast to lead to an increase in traffic flows in North Street/Market Parade of 9.3% in the AM peak and 9.6% in the PM peak, which is not considered will have a detrimental impact on the operation of the junction. Further afield, the impact of the development on traffic flows along the B2149 strategic corridor through Havant has also been assessed in the light of recent development activity and traffic growth. Whilst the provision of additional housing and vehicular movements will lead to incremental increases on this already well trafficked route (a factor which will apply to the wider Market Parade regeneration as well as the current application), in relation to the submitted application the applicant's assessment has demonstrated an increase of 1% in the AM peak and 0.9% in the PM peak, which is not considered by the highways authority to represent a severe impact as set out in the NPPF.
- 7.32 With regard to car parking provision, the proposed basement parking is intended to deliver 58 car parking spaces to support the residential development - a ratio of 0.45

spaces per dwelling. No parking is proposed for the commercial element of the scheme. The Havant Borough Residential Parking and Cycle Provision SPD identifies Havant Town Centre to be a highly accessible location where reduced or even zero standards of vehicle parking provision can be considered in order to maximise the use of land and discourage use of the private motor vehicle, and the proposals are considered to be consistent with the aims of the SPD. That said, the highway authority response identifies a number of matters which should be progressed in order that sustainable modes of travel are supported by the development proposals, and any overspill parking within the town centre is appropriately managed:

- As the Transport Assessment relies on sustainable transport provision to reduce reliance on the private car to access the proposals, a contribution should be sought to improvements to the cycling route linking the site with Havant College, the Public Service Plaza, the Leisure Centre and beyond. The proposed development will increase the demand on this link. The applicant's engineers have suggested that viability issues associated with the site might preclude any such funding being available - however, as discussed above the submitted viability assessment is to be the subject of third party review, at which time the capacity for any funding will be confirmed and included as part of a S106 Agreement.
- A Framework Travel Plan has been initiated by the applicant's engineer but will require further work in order that it can be incorporated in a S106 Agreement - the effect of a successful Travel Plan being to provide opportunities and incentives for occupiers of the development to make use of sustainable modes of travel, thus reducing the reliance on the private motor vehicle and reducing potential traffic generation/parking issues.
- Acknowledging that on street parking in the immediate vicinity of the site is subject to parking restrictions, further afield in the town centre are locations where parking is unrestricted at present, which could come under pressure if car ownership associated with the site's occupation is higher than forecast and/or the Travel Plan's objectives are not met. As such funding will need to be put in place to enable amendments to existing TROs if overspill parking in these locations does materialise, the mechanism for which could form part of a S106 Agreement.

7.33 In terms of cycle parking, the Transport Assessment confirms the intention of the development to accommodate cycle parking provision in accordance with the adopted standards of the Havant Borough Residential Parking and Cycle Provision SPD.

7.34 Subject to the S106 requirements being secured, the highways authority has not objected to the application and it is considered that the highways, traffic and parking arrangements can be secured in a satisfactory manner for the site as a stand-alone development.

(vii) Infrastructure implications

7.35 The development would be liable to the Council's Community Infrastructure Levy which, based upon the amount of new floor space anticipated in the application, would amount to approximately £743,400. In addition to the highway issues addressed above, consultation responses from a range of infrastructure providers would indicate that the development could be successfully accommodated within existing, or enhanced, services.

7.36 With regard to drainage provision, Southern Water have confirmed that there is capacity to accommodate the surface water discharge from the site via existing systems - whilst this will mean that a Sustainable Urban Drainage system (SUDs) will not be installed at the site, the use of existing sewers accords with the recommendations of the Local Lead Flood Authority and Portsmouth Water Company and will ensure that local water supplies are not placed at risk from infiltration systems as are usually associated with SUDs. In terms of foul sewage disposal, whilst Southern Water have advised there to be inadequate capacity in the local network to service the proposed development, this can be addressed by

the developer by requisitioning improvements under Water Industry Act provisions.

- 7.37 Network Rail have advised of a number of criteria which the future layout and construction details would have to take account of, which it is considered can be accommodated satisfactorily in the event that more detailed proposals emerge.
- 7.37 In terms of education provision, the County Education Officer has confirmed there to be sufficient surplus school places in the area to accommodate the additional pupils arising from the development proposals.
- 7.38 None of the infrastructure providers have raised any objections to this application. Most of the points are points of detail that can be dealt with by the S106 or through conditions.

(viii) Environmental considerations

- 7.39 The application has been supported by a Habitat Survey Report which identifies the site as holding negligible to low ecological interest - no bat roosts were identified within the buildings on site, and no other significant ecological constraints were identified. The Report has recommended a number of features to enhance the site's ecological value for bats, which could be carried forward into a detailed design phase.
- 7.40 The Habitat Survey report also acknowledges the proximity of the application site to sites designated for their nature conservation interest. The application has been assessed under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) (The Habitats Regulations). The proposal would lead to a net increase in population, which would be likely to lead to a significant effect (as described in Regulation 61(1) (a) of the Habitats Regulations) on the Chichester and Langstone Harbours Special Protection Areas (SPA). Furthermore the development is not necessary for the management of the SPA. As a result a mitigation package is required, which can be secured through a financial contribution to the Solent Recreation Mitigation Project at a scale of £174 per dwelling (net) (plus monitoring and administration fees). Subject to this mitigation package being secured through a S106 Agreement, the level of mitigation provided is considered sufficient to remove the significant effect on the SPA which would otherwise have been likely to occur. As such, an appropriate assessment under Regulation 61 of the Habitats Regulations is not necessary.
- 7.41 In terms of archaeology, the submitted Heritage Statement's desk-based assessment identifies the potential for the presence of buried archaeological remains, although there have been no known previous archaeological investigations within the site. The County Archaeologist has advised that there is no indication that there are likely to be any overriding archaeological concerns, but has recommended the imposition of conditions to ensure that on-site assessments, recording and reporting of any archaeological deposits take place prior to any development taking place.
- 7.42 From an environmental health perspective, the application has been supported by a Phase 1 Desk Study and Site Walkover report which analyses the potential for contamination to affect development proposals for the site. The report recommends a further intrusive contaminated land investigation may be required, and this approach has been agreed in principle by the Environmental Health Manager and can be secured through appropriate conditions on any approval. From an air quality perspective, no objections have been raised to the proposal by the Environmental Health Manager.

## **8 Conclusion**

- 8.1 This is an outline application with all matters reserved. The application, if approved, is establishing the principle of development. The key consideration is whether or not this

proposal meets the test of sustainable development in the NPPF.

- 8.2 In considering whether the presumption in favour of sustainable development is satisfied the economic, social and environmental aspects of the proposal have to be weighed. The proposal represents the first and currently only available regeneration opportunity for Market Parade at the most sustainable transport Hub location in the Borough. The scale and character of development proposed seeks to introduce an ambitious step-change in the look of Market Parade which could give market confidence in investing in Havant town centre and stimulate further interest in the remainder of the Allocation area. In economic terms, investment of this scale is sending a significant positive message about the Council's corporate priorities that underpin the general regeneration ambition of the Council.
- 8.3 However, the scale of the proposal in creating the step-change raises difficult urban design issues and challenges the achievement of a comprehensive development of the wider Allocation area, in terms of how successfully a development of this scale could be accommodated within the wider area. Urban design concerns are analysed in detail in the Studio REAL Design Review of the scheme undertaken for the Council, which concludes that on its own the scale of the building will change the character of the town centre and potentially lead to unacceptable relationships with surrounding development, spaces and occupiers. Historic England and the Conservation Consultant have also objected to the proposal on the basis that it will neither preserve nor enhance, but instead harm the character of the St Faiths Conservation Area - given the LPA's statutory duty in this regard, such objections must be given substantial weight. However, whilst 'harm' has been identified it is not considered to be 'substantial harm' or total loss to the heritage asset of the St Faiths Conservation Area. Paragraph 134 of the NPPF confirms that "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*" It could also be considered that the existing buildings on the site are similarly not conserving or enhancing the St Faiths Conservation Area and detract from the heritage asset.
- 8.4 In terms of the relationship with the wider Market Parade regeneration allocation the proposals understandably pay little regard to the outdated Havant Town Centre Urban Design Framework although it does retain the existing street pattern. The scale of building proposed would ideally have a more spacious setting and may raise expectations about what can be achievable on the remainder of site.
- 8.5 In social terms the Market Parade area is currently considered to lack a socially inclusive mix of uses consisting of a mix of hot food takeaways, small shops and low income housing with a poor quality public realm that does not foster a feeling of safety or desire to partake in community engagement. The proposal could provide that step change in the social status of this area as the Private Rented Sector model at the heart of the scheme would raise the quality of homes and potentially build on the movement towards a higher quality night time economy as demonstrated by the opening of the new Grastar restaurant in North Street.
- 8.6 The existing buildings at the rail gateway to the town present a poor economic, social and environmental reception to all comers. As part of the Prosperity Havant agenda the Market Parade area has been identified as a priority for regeneration. This site is critical to the wider success of the whole town, to create a reason to get off the train and stay in the 'northern quarter' of the town rather than go straight to the more attractive Meridian - West Street - Solent Road 'quarters'. This proposal is a mixed use development that is proposing up to 130 new homes and 1126 sqm of commercial and retail space. This will generate jobs and homes and therefore meets the tests of the social and economic criteria

of the sustainability test.

- 8.7 In terms of the application it is recognised that there will be harm to the heritage asset of the St Faiths Conservation Area that is unlikely to be fully mitigated at the detailed design stage. There are potentially environmental issues with the proposal, in terms of massing and scale and the impact on the desired comprehensive redevelopment of the wider Market Parade area, particularly in terms of making the most of the Park outlook. There will be a loss of low cost rented accommodation but this will be replaced with higher quality private rented providing a shift in the housing market and a focus on higher quality night time economy offerings. The economic benefits of the proposal could be significant.
- 8.8 Whilst there are heritage issues to consider that relate to environmental issues these must be balanced with other responses from statutory consultees who make it clear there are no major issues or objections from all the infrastructure providers, ecology, Natural England, Environment Agency. The Conservation Area harm has been weighed against the public benefits of the proposal and it is considered that the applicants have demonstrated a viable use of the site that is the only one on that has come forward in the area since the ideas for upgrading the area were formalised in the Urban Design Framework in 2006.
- 8.9 The application is proposing the redevelopment of an area that has been identified in the Local Plan as a priority for regeneration. It is a proposal that accords with the principles coming forward in the NPPF consultation about higher densities at transport hubs. There has previously been no market interest in bringing forward proposals and this scheme could be the catalyst for the large scale redevelopment of this area which is key to the future of the prosperity of the town centre. There are risks, as set out in the report, however, in what is a very significant weighing of the issues it is considered that there are public benefits from the environmental, social and economic progress that can be captured from this proposal. Accordingly in what is a balance of sustainable development principles the application is recommended for outline permission.

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## 9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT OUTLINE CONSENT** for application APP/14/01225 subject to:

- (A) The completion of a third-party viability assessment of the application to establish the scope of the development to make contributions towards affordable housing and sustainable transport measures;
- (B) The completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 in a form satisfactory to the Solicitor to the Council to secure the following terms:
  - (i) Occupancy of the development to be on the basis of a Private Rented Scheme model;
  - (ii) Affordable housing contribution (subject to outcome of third-party viability assessment);
  - (iii) Waste and servicing management plan to manage the timing of deliveries and refuse collection;
  - (iv) Sustainable Transport Contribution (subject to outcome of third-party viability

assessment)

- (v) Commitment to provide funding on request for a Traffic Regulation Order to manage any overspill parking in the town centre;
- (vi) Progression of a Traffic Regulation Order to remove on-street parking to accommodate the site access and associated visibility splays;
- (vii) Provision of a Full Travel Plan with monitoring fees, approval fees and bond;
- (viii) Employment and Skills Plan (or contribution equivalent) in respect of build phase;
- (ix) Mitigation package in the form of a contribution to the Solent Recreation Mitigation Project, as set out in paragraph 7.38 above

(C) Appropriate conditions, to be determined by the Executive Head of Planning and Economy.

**Appendices:**

- (A) Location Plan
- (B) Block Plan
- (C) Ground Level Floor Plan
- (D) Basement Parking Floor Plan
- (E) Residential Level 1 Floor Plan
- (F) Proposed Elevations A-A
- (G) Proposed Elevations B-B
- (H) Proposed Elevations C-C
- (I) Proposed Elevations D-D
- (J) CGI Images
- (K) Design Review of application by Studio REAL