



Appeal Decision

Site visit made on 20 March 2018

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd May 2018

Appeal Ref: APP/L1765/W/17/3184816

Fulcrum 6, Solent Way, Whiteley PO15 7FT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Kelvin Rawlings (Allied Developments Ltd) against the decision of Winchester City Council.
 - The application Ref 16/03553/OUT, dated 23 December 2016, was refused by notice dated 24 March 2017.
 - The development proposed is residential development of the site by the erection of 44 dwellings with access and open space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline with all matters reserved for further consideration apart from access. Site plans showing dwelling siting, associated refuse and surface water strategies, tree protection areas, vehicle highway tracking routes, and landscaping have been considered as indicative.
3. A Unilateral Undertaking has been submitted to address the Council's reasons for refusal based on affordable housing and the integrity of Solent Special Protections Areas (SPAs). The obligation mainly details affordable housing provision on the site and contributions for mitigation in respect of the significant effect of the proposal, in combination with other plans and projects, on the SPAs.
4. An updated Ecological Report details results of additional ecological surveys which has been submitted to address a Council reason for refusal on such a matter. I will comment upon it and the UU later in this decision.

Main Issue

5. The main issue is whether the loss of land allocated for employment use is justified.

Reasons

Employment provision

6. The appeal site comprises 1.7 hectares of land with grassland, scrub and trees which is located on the northern edge of a business park at the junction of Rookery Avenue and Solent Way. To the south and south east of the site,

areas have been developed with business buildings. Recently, planning permission has been granted for a retail store on land opposite the site. The appeal site and land either side of Solent Way has been allocated for employment development since 1987 and comes within the Solent 2 Employment Allocation under the Winchester District Local Plan Part 2: Development Management and Site Allocations (LPP2) 2017.

7. In relation to the appeal proposal, LPP2 policy SHUA3 states that planning permission will be granted provided that detailed proposals accord with the Development Plan and meet specific development requirements. Amongst the requirements is that the proposal would provide for a range of employment uses within Classes B1 (Business), B2 (General Industry) or B8 (Storage and Distribution) or will provide significant employment opportunities elsewhere, especially within the established town centres. Given the residential nature of the proposal, there would be a conflict with this policy.
8. Under policy CP9 of the Winchester District Local Plan Part 1 –Joint Core Strategy (LPP1), the loss of existing or allocated employment land within Use Classes B1, B2 or B8 will be resisted and only be permitted where retaining a business use would not be reasonable. Under the policy, losses would only be permitted where retaining a business use would not be reasonable having regard to the redevelopment potential for other employment uses/mix of uses, whether the employment use/allocation meets or could meet a specific local requirement and the benefits of the proposed use compared to the benefits of retaining the existing use.
9. A marketing report (MR) identifies difficult economic conditions which have resulted in an abundance of available business accommodation within the vicinity. The developed and undeveloped areas of Solent Business Park (Solent 1 and 2), along with Segensworth North, offer significant existing and future floorspace availability. The MR indicates speculative development is also considered too risky financially. A marketing campaign of the site has taken place since 2006 and indicated no demand for business use of the site. The MR indicates no local requirement for employment use and concludes that the site is unlikely to be viably developed for employment purposes in the future. However, the MR does not demonstrate that alternative employment opportunities outside of Classes B1, B2 or B8 has been assessed as indicated in LPP1 policy CP9 and LPP2 policy SHUA3 and nor does it take into account future expansion of Whiteley under LPP2.
10. Turning to the benefits of the proposed use, the National Planning Policy Framework's (the Framework) encourages proposals boosting housing supply and the provision of affordable housing. The number of proposed dwellings would make a modest contribution to the supply of housing and through the obligation, 40% of the dwellings would be affordable in accordance with LPP1 policy CP3. The Appellant has indicated a 5 year deficiency in housing land supply within the Council areas of Eastleigh and Fareham but within Winchester City Council, it has not been disputed that there is adequate supply in this respect. Taking all these factors into account, the provision of additional housing, including affordable, would represent significant benefits.
11. However, Solent Business Park is part of a mix of housing, employment and facilities that has been developed and planned over time within the Whiteley area. Within the recently adopted LPP2, policy SH3 allocates land for about

3500 houses to the north of Whiteley taking advantage of the major employment areas of the Solent Business Park. As part of this planned new residential development, a significant number of businesses would have to be displaced which would need accommodation elsewhere. A background study to the LPP2, the Economic and Employment Land Evidence Report GL Hearn 2016 also found a continuing need for the levels of employment land sought despite the effects of the economic downturn and current levels in floorspace densities. Under the recently adopted LPP2, the Solent Business Park allocation was reviewed with the examining plan inspector finding that there is no reason to disagree with the Council's proposals for this land under policy SHUA3.

12. Under the LPP1, policy DS1 also seeks development within the Solent Business Park to support sustainable economic growth under the Partnership of Urban South Hampshire (PUSH). Although a non-statutory document, PUSH Position Statement 2016, identifies the Solent Business Park as a Strategic Employment location. Therefore, the retention of the appeal site for employment purposes within the Solent Business Park is important in terms of providing a balance of uses, both for the existing settlement of Whiteley and for its proposed expansion.
13. Furthermore, the residential use could affect the employment feasibility of neighbouring sites within the allocation. A B1 business use, such as the adjacent B1 user, can operate acceptably adjacent to a residential use and the Appellant's noise assessment demonstrates this, in compliance with LPP2 policy DM20. However, users change and the new residents would be sensitive receptors that could demand noise restrictions that would impact on the feasibility of employment uses falling outside Class B1 use and thus, the flexible range of employment uses proposed within the allocation under LPP2. In summary, substantial weight is attached to role of the Solent 2 allocation in both the existing and future development of Whiteley for all these reasons.
14. Under any residential scheme, residents would provide financial benefits through spending to the local economy. Residents would also have good accessibility to public transport and local facilities and any development could be of a high design standard for occupiers and the area. Existing woodland, covered by a Tree Preservation Order, is to be retained and reinforced. Public open space, including a play area, and landscaping would be provided and the landscape and ecological value of the area could be enhanced. However, these economic, social and environmental benefits would be small as most of them could be secured through its allocated employment use.
15. In summary, the proposal does not take into account the feasibility of employment uses other than B1, B2 or B8. The benefits of provision of additional housing, including affordable housing, would also not be outweighed by the loss of employment use taking into account the existing and future planning of Whiteley. Thus, the loss of this employment land would not be reasonable and there would be conflicts with LPP1 policy CP9 and LPP2 policy SHUA3.

Other matters

16. The appeal site has been undeveloped for a long period of time but it is part of a larger business park within a development area comprising housing and facilities being developed over time. The appeal site is well located in terms of transport links, housing and facilities, and the MR also does not take into

account future development needs or the possibility of alternative employment uses to business use. Therefore, it has not been demonstrated that there is no reasonable prospect of the site being developed for employment, having regard to market signals and the relative need locally for different land uses under the Framework.

17. A retail store has been permitted recently within the employment allocation. The MRs for this is essentially the same as the appeal proposal. The retail use would be a non-business use but LPP1 policy CP9 and LPP2 policy SHUA3 provide for employment use, such as retail, which the appeal proposal would not be. Thus, there is a significant difference between the two schemes and in any case, every proposal must be dealt with on its particular planning merits.
18. The updated Ecological Appraisal shows no evidence of protected species under the habitats regulations. In respect of reptiles not covered by these regulations, translocation towards a neighbouring land owned by the Appellant is recommended. Taking into account the report and the Council's comments, conditions could be imposed to secure the recommended mitigation and there would be no harm to the biodiversity of the site.

Planning Balance

19. The proposal would result in the harmful loss of employment provision in conflict with LPP1 policy CP9 and LPP2 policy SHUA3. The proposal would contribute to housing supply under both LPP1 and LPP2, and the affordable housing, would be provided in accordance with LPP1 policy CP3. Such housing policy considerations weigh significantly in favour of the proposal but, as previously indicated, there are stronger policy reasons for retaining the employment allocation of the site especially given the planned development of Whiteley. Therefore, the proposal would conflict with the development plan as a whole.
20. As to material considerations, it has not been demonstrated that there is no reasonable prospect of the site being developed for its employment allocation/use. Whilst the boost to housing and the provision of affordable housing are significant considerations, such benefits would not override the adverse effect of the loss of the employment land for the reasons already discussed. Other cited economic, social and environmental benefits would be small. Consequently, there are no material considerations to indicate that the proposal should not be determined otherwise than in accordance with the development plan.
21. The UU identifies a contribution to provide mitigation for the effect of the development on the interest features of the Solent SPAs. As there is a substantive reason to dismiss this appeal, I have no need to consider this matter.

Conclusion

22. For the reasons given above and having regard to all other matters raised, including support, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR