

3 Proposal

Planning permission is sought for reconfiguration of the first floor and loft room to reinstate a 3-bedroom unit of dwelling to the property, with associated works to the interior and fenestration.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS16	(High Quality Design)
CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS16	(High Quality Design)
DM10	(Pollution)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
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Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_H2	(Buildings of Local Historic Interest)
ENP_H1	(Design & Heritage)
ENP_D1	(General Design Policy)

Listed Building Grade: Grade 2
Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council Initial Response:

Building Regulation consent will be required for this work

Means of escape does not comply with Approved Document B due to inner rooms first floor. Internal layout change will be required to demonstrate compliance

Mechanical ventilation to new rooms not shown

Drainage provision from new kitchen not indicated

Officer Comment:

Whilst these matters do not fall under the material consideration of this application, following the response above, the agent corresponded with Building Control and they made the following recommendation to confirm revised plans are acceptable:

Yes provided a 30 minutes fire protected route of travel is provided from the second floor to the ground floor door this will be acceptable. The walls, doors to habitable rooms and glazed panes of glass will all need to be 30 minutes including frames holding these elements in place

This in addition to mains operated smoke alarms at each level and suggest heat detector in kitchen will comply with Approved Document B requirements so as to allow sufficient time to escape from the building

Chichester Harbour Conservancy

Recommended condition:

- 1) Details of replacement first floor windows to be agreed by the LPA.

There is no objection to residential use of the first floor, and the proposed external changes visible from the High Street would involve the proposed replacement first floor windows. Provided these replicate the elegant sliding sash style and materials of the existing or original windows, this should enhance the character and appearance of the building, the Conservation Area, and the AONB / National Landscape.

Conservation OfficerSite

The application site is located on the High Street in Emsworth Town Centre and within the boundary of the Emsworth Conservation Area and forms part of a two-storey building which is Grade II listed.

The applications relate to the first and second floors of No. 32B which are accessed from a side entrance from the High Street. The ground floor is currently used as an estate agent's office. The first floor and roof space were last used as office storage spaces. Previous to this, were partially used for residential accommodation.

Proposal

Reconfiguration of the first floor and loft room to reinstate a 3-bedroom unit of dwelling to the property, with associated works to the interior and fenestration.

Legislative and Policy Context:

When assessing the proposal, the following legislation and policy context is taken in consideration.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("1990 Act") requires local planning authorities to have special regard to the desirability of preserving a listed building, its setting or any features of special architectural or historic interest when considering whether to grant listed building consent.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

NPPF

The revised NPPF (December 2023) sets out in Chapter 16, the core principles relating to development affecting Heritage Assets that local planning authorities should consider in making planning decisions in the following paragraphs: 195 - 214.

Local Plan

Local planning policy comprises the adopted Havant Borough Local Plan Core Strategy 2011, along with the Allocations Plan 2014. With regards to local planning policy, the following policies are relevant:

Policy CS11 of the Core Strategy states that planning permission will be granted for development that:

'Protects and where appropriate enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest'.

Policy CP16 (1a) of the Core Strategy states 'Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

'Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site'.

Policy DM20 of the Allocations Plan states that:

'Planning permission will be granted for development proposals that conserves and enhances the historic assets of Havant. It also states that application which affect, or have the potential to affect, heritage assets are expected to provide a Heritage Statement that:

1. Describe the significance of the asset and its setting, using appropriate expertise and where necessary original survey, at a level of detail proportionate to its significance and sufficient to understand the potential impact of the proposal.

2. Sets out the impact of the development on the heritage assets and mitigation that is proportionate to the impact and the significance of the heritage asset, including where possible positive opportunities to conserve and enjoy heritage assets'.

Emsworth Neighbourhood Plan

The Emsworth Neighbourhood Plan has now been adopted and has relevant policies which are applicable to this application:

Policy H1 - Design and Heritage

Policy H2 - Locally Listed Buildings

Assessment

The applications have been submitted with the following relevant documents:

- Heritage statement (combined with D&A Statement)
- Windows condition report

The proposal includes the following works to reinstate the first floor and roof accommodation to a 3no. bedroom, residential apartment, organised over two floors. An assessment of each element of the overall proposal is provided below.

- Replacement of 3no. sash style windows to the front elevation with new double glazed, timber frames:

A window condition report by a qualified heritage consultant, has been submitted with the application. This concludes that the 3no. windows in the front elevation at first floor level are C20 replacements of more historic windows. Therefore, the proposed replacements with timber framed, double glazed units are acceptable subject in principle, subject to more detailed windows being provided for approval. I would recommend here that slimline style glazing is used which appears more akin to historic, single glazed window. The report also advises that more sympathetic glazing bars could be included on the replacement windows.

- Repair of several other windows across the building:

The window condition report also concluded that only two historic windows remain within the building are repairable. The remaining windows are modern replacements and of poor design so are being proposed for replacement. Again, this is acceptable in principle subject to more detailed windows designs being submitted and approved.

- Replacement roof tiles due to water ingress damage:

The roof covering is proposed to be replaced due to water ingress damage. Where existing tiles cannot be salvaged, a replacement roof tile has been proposed - Marley: Acme double camber - clay plain tile (Burnt Flame 013AB). It is considered this is a good match with the existing materials and as such, would not be harmful to the architectural significance of the heritage asset.

- Removal of redundant signage:

No harm to the heritage asset would occur as a result of the removal of the signage.

- Minor repair works to floorboards and plasterwork:

No harm to the heritage asset would occur as a result of the proposed works.

- Removal of modern blockwork between flat and office B:

No harm to the heritage asset would occur as a result of the proposed works.

- Removal of false modern ceiling to reveal historic roof structure and replacement and repair of some roof timbers, felting and battens:

As with the roof covering, some replacement roof structure work is required due to deterioration and water ingress. A structural survey was carried out and new roof joists are proposed to support the roof. The agent has confirmed that the historic roof structure will remain in place as a feature which is welcomed and will reduce the level of harm in this regard. However, further information, in the form of an annotated plan is required to confirm which joists/rafters/purlins are to remain in situ. This could be secured by a planning condition.

- Insertion of 2no. roof light windows, in between roof joists towards the rear of the property in newly revealed ceiling space

This is to allow more light into the newly opened kitchen space. The roof lights would be positioned between existing timber structures and therefore would not result in the loss of historic fabric, not be harmful to the existing fabric. No harm to the heritage asset as a result of the proposed works.

Conclusion

Overall, the proposal would remove previous harmful works and reinstate certain historic features within the building. Overall, the proposals would not result in harm to the designated heritage asset, subject to the acceptability of more detailed elements being secured by conditions. The only alterations to the front elevation would be the changes to the first-floor windows (with timber framed replacements) and the removal of redundant signage from above access door. As such, it is considered that no harm will result to designated conservation area, also a designated heritage asset. Overall, the proposals are in accordance with the relevant legislation, NPPF and local planning policies.

Conclusion

NO OBJECTION subject to the following conditions to be included on APP/24/00120:

1. Prior to any occupation, details of all new windows (including roof lights) to be provided and agreed. Details to include:

a) a 1:20 plan, section and elevation shown in relation to the opening into which it is to be set,

b) full size glazing bar section,

c) the method of opening and external finishes.

All work shall be carried out in full accordance with such approval and be retained thereafter.

Reason - in the interests of the historic and architectural significance of the designated heritage asset and the Emsworth Conservation Area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and policy DM20 of the Havant Borough Local Plan (Allocations) 2011 and the National Planning Policy Framework.

2. No works to the existing roof structure shall be carried out until a detailed plan, including annotations, showing which historic joists/purlins/rafters are to remain in situ alongside any new supporting roof joists is submitted and agreed. All work shall be carried out in full accordance with such approval and be retained thereafter. Reason - in the interests of the historic and architectural significance of the designated heritage asset and the Emsworth Conservation Area having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and policy DM20 of the Havant Borough Local Plan (Allocations) 2011 and the National Planning Policy Framework.

Officer comment:

Window details were submitted following this comment so that they met the requirements as requested by both Environmental Health and the Conservation Officer. The revised details have been agreed, and therefore the above condition requiring submission of details has not been applied to the permission.

Councillor Grainne Rason

No comment received.

Councillor Lulu Bowerman

No comment received.

Councillor R Kennett

No comment received.

Emsworth Residents Forum

No comments received.

Environmental Health Manager, Community Group

I have perused the enclosed plans / documentation provided by the applicant and have no objection in principle to this application. However I would ask that should the Local Planning Authority be minded to approve this application, that the following condition and informatives be added to any positive decision notice:

Condition 1: The applicant to confirm that the measures to be employed with regard to replacement or repair of fenestration to the habitable rooms on the first floor, will meet BS8233:2014 standards as recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e during the day (07:00 to 23:00) 35 dB LAeq,16 hour and at night (23:00 to 07:00) 30 dB LAeq,8 hour for bedrooms.

Reason: To ensure the residential amenity of the property is not impacted upon by any external noise levels, especially traffic noise.

Informatives:

Regarding Hours of Work:

You are hereby requested to ensure that no works or ancillary operations associated with any demolition, excavation, clearance and construction works at the development, which are audible at the site boundary, shall take place on any Sunday or Bank / Public Holiday, nor on any other day except between the following times: Monday to Friday: 8.00 – 18.00 and Saturday: 8.00 – 13.00.

This is in order to protect the occupants of nearby residential properties from noise and vibration nuisance

Regarding Dust Control:

You are hereby requested to ensure that the Environmental Health Pollution team, at Havant Borough Council are advised in writing as to what measures are to be put in place for the control of any dust that might emanate from the development site.

This is in order to protect the occupants of nearby residential properties from dust pollution.

Regarding Bonfires:

You are hereby requested to ensure that no bonfires take place on this site, during any phase of the operation i.e. demolition, excavation, clearance and construction works. If you feel you have a legitimate reason for a bonfire, it is recommended you enquire with the Environmental Health Pollution team, at Havant Borough Council, prior to taking this action.

This is in order to protect the occupants of nearby residential properties from smoke pollution.

Officer comment:

Window details were submitted following this comment so that they met the requirements as requested by both Environmental Health and the Conservation Officer. The revised details have been agreed, and therefore the above condition has not been applied to the permission.

Historic England

Thank you for your letter dated 11 April 2024 regarding the above application for planning permission. On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions, details of which are attached.

Natural England Government Team

No comment received.

Nutrient Team

Officer comment: *The Nutrient Team was consulted and confirmed that nitrates mitigation would not be required as the proposal would not result in the provision of an additional dwelling.*

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: 19

Number of site notices: 2

Statutory advertisement: 19/04/2024

Number of representations received: 0

Comment	Officer Comment
No comments received.	

7 Planning Considerations

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

- (i) Principle of development
- (ii) Impact upon the character and appearance of the Listed Building and Emsworth Conservation Area / AONB
- (iii) Effect on neighbouring properties
- (iv) Parking
- (v) Nitrates and recreational disturbance matters

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The site is located within Emsworth Conservation Area and 32B High Street is a Grade II Listed Building and this requires additional consideration under the Planning (Listed Buildings and Conservation Areas) Act 1990.

(ii) Impact upon the character and appearance of the Listed Building and Emsworth Conservation Area and the Chichester Harbour AONB

7.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) requires Local Planning authorities to have special regard to the desirability of preserving a listed building, its setting or any features of special architectural or historic interest when considering whether to grant planning permission.

7.4 Section 72 of the 1990 Act requires planning authorities when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

7.5 The proposal is for reconfiguration of the first floor and loft room to reinstate a 3-bedroom unit of dwelling to the property, with associated works to the interior and fenestration.

7.6 The proposal includes the following works to reinstate the first floor and roof accommodation to a 3no. bedroom, residential apartment, organised over two floors. An assessment of each element of the overall proposal is provided below.

- 7.7 **Replacement of 3no. sash style windows to the front elevation with new double glazed, timber frames:** A window condition report by a qualified heritage consultant, has been submitted with the application. This concludes that the 3no. windows in the front elevation at first floor level are C20 replacements of more historic windows. Therefore, the proposed replacements with timber framed, double glazed units are acceptable subject in principle, subject to more detailed windows being provided for approval. The Conservation Officer has recommended that slimline style glazing is used which appears more akin to historic, single glazed window. The report also advises that more sympathetic glazing bars could be included on the replacement windows.
- 7.8 **Repair of several other windows across the building:** The window condition report also concluded that only two historic windows remain within the building are repairable. The remaining windows are modern replacements and of poor design so are being proposed for replacement. Again, this is acceptable in principle subject to more detailed windows designs being submitted and approved.
- 7.9 **Replacement roof tiles due to water ingress damage:** The roof covering is proposed to be replaced due to water ingress damage. Where existing tiles cannot be salvaged, a replacement roof tile has been proposed - Marley: Acme double camber - clay plain tile (Burnt Flame 013AB). It is considered this is a good match with the existing materials and as such, would not be harmful to the architectural significance of the heritage asset.
- 7.10 **Removal of redundant signage:** No harm to the heritage asset would occur as a result of the removal of the signage.
- 7.11 **Minor repair works to floorboards and plasterwork:** No harm to the heritage asset would occur as a result of the proposed works.
- 7.12 **Removal of modern blockwork between flat and office B:** No harm to the heritage asset would occur as a result of the proposed works.
- 7.13 **Removal of false modern ceiling to reveal historic roof structure and replacement and repair of some roof timbers, felting and battens:** As with the roof covering, some replacement roof structure work is required due to deterioration and water ingress. A structural survey was carried out and new roof joists are proposed to support the roof. The agent has confirmed that the historic roof structure will remain in place as a feature which is welcomed and will reduce the level of harm in this regard. However, further information, in the form of an annotated plan is required to confirm which joists/rafters/purlins are to remain in situ. This could be secured by a planning condition.
- 7.14 **Insertion of 2no. roof light windows, in between roof joists towards the rear of the property in newly revealed ceiling space:** This is to allow more light into the newly opened kitchen space. The roof lights would be positioned between existing timber structures and therefore would not result in the loss of historic fabric, not be harmful to the existing fabric. No harm to the heritage asset as a result of the proposed works.

- 7.15 Overall, the proposal would remove previous harmful works and reinstate certain historic features within the building. Overall, the proposals would not result in harm to the designated heritage asset, subject to the acceptability of more detailed elements being secured by conditions. The only alterations to the front elevation would be the changes to the first-floor windows (with timber framed replacements) and the removal of redundant signage from above access door. As such, the proposal is considered suitable for the historic context of listed building and the Emsworth Conservation Area and the Area of Outstanding Natural Beauty (AONB) within which the building is situated. The works are also sympathetic to the listed building in terms of design and materials. Overall, the proposals are in accordance with the relevant legislation, NPPF and local planning policies.
- 7.16 A conditions has been recommended by the Conservation Officer and subsequently attached to this permission to ensure no works to the existing roof structure shall be carried out until a detailed plan is submitted and agreed showing which historic joists/ purlins/ rafters are to be retained alongside any new supporting joists.
- 7.17 Window details were submitted following consultee comments so that they met the requirements as requested by both Environmental Health and the Conservation Officer. The revised details have been agreed by both consultees.
- 7.18 It is therefore considered that the proposal would preserve the listed building, its setting, and any features of special architectural or historic interest it possesses, and would preserve and enhance the character and appearance of the conservation area, AONB and the Listed Building, meeting the tests set out in Sections 66 and 72 of the T&CPA 1990 (Listed Buildings and Conservation Areas) as well as meeting the requirements of Policy CS16 of the HBLP (Core strategy) 2011.

(iii) Effect on neighbouring properties

- 7.19 The one new window within the rear elevation and the new proposed roof lights would not introduce a new harmful element of overlooking due to the similar existing context and no immediately adjacent windows on neighbouring properties facing the rooflights. Environmental Health have also commented on the application and raised no objection, though they did recommend a condition to confirm that the measures to be employed with regard to replacement or repair of fenestration to the habitable rooms on the first floor will meet BS8233:2014 standards. There would be no increase in size of the property, meaning there would be no risk of overbearing or loss of light or outlook to neighbouring dwellings.
- 7.20 Consequently, it is considered that the proposal will not appear overbearing or lead to a loss of light, outlook or privacy and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(iv) Parking

- 7.21 No parking spaces are required on site due to the position within the town centre. Public transport would be available to occupants, as detailed in the Parking Justification document submitted 15/03/2024.

(v) Nitrates and recreational disturbance matters

- 7.22 The Nutrient Team was consulted and confirmed that nitrates mitigation and recreational disturbance mitigation would not be required as the proposal would not result in the provision of an additional dwelling.

8 Conclusion

- 8.1 The proposal would preserve the listed building, its setting, and any features of special architectural or historic interest it possesses, and would preserve and enhance the character and appearance of the conservation area, AONB and the Listed Building, meeting the tests set out in Sections 66 and 72 of the T&CPA 1990 (Listed Buildings and Conservation Areas) as well as meeting the requirements of Policy CS16 of the HBLP (Core strategy) 2011. The proposed development is acceptable in principle, is appropriate in terms of design and its impact on the character of the area and would have a limited and acceptable impact on the neighbouring properties. On this basis it is recommended for approval.

9 **RECOMMENDATION:**

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/24/00119 subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

14 Feb 2024	23093-02 rev D	PROPOSED SITE AND BLOCK PLAN
10 Jul 2024	23093-03 rev E	PROPOSED ELEVATIONS, GROUND, FIRST, SECOND FLOOR AND ROOF PLAN
15 Mar 2024		PARKING JUSTIFICATION
30 Jul 2024		STRUCTURAL ASSESSMENT REPORT
14 Feb 2024		WINDOW CONDITION REPORT
14 Feb 2024		COMBINED DESIGN AND ACCESS AND HERITAGE STATEMENT
13 Aug 2024		FLAT ROOF WINDOW DECLARATION OF PERFORMANCE
13 Aug 2024		HERITAGE ROOF WINDOW DECLARATION OF PERFORMANCE
13 Aug 2024		ORDERED WINDOW DIMENSIONS
13 Aug 2024		ORDERED WINDOW DIMENSIONS 2
13 Aug 2024		STANDARD DOUBLE GLAZING
13 Aug 2024		DECLARATION OF PERFORMANCE
13 Aug 2024		WINDOW SCHEDULE

Reason: To ensure provision of a satisfactory development.

- 5 No works to the existing roof structure shall be carried out until a detailed plan, including annotations, showing which historic joists/purlins/rafters are to remain in situ alongside any new supporting roof joists is submitted and agreed. All work shall be carried out in full accordance with such approval and be retained thereafter.

Reason: In the interests of the historic and architectural significance of the designated hertiage asset and the Emsworth Conservation Area having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and policy DM20 of the Havant Borough Local Plan (Allocations)2011 and the National Planning Policy Framework.