
Site Address:	Emsworth Dental Surgery, 30 High Street, Emsworth, PO10 7AW		
Proposal:	First and Second Floor Spaces to be converted from Residential (C3) to additional space for Dental Surgery (E), with internal alterations.		
Application Type:	Full Planning Permission		
Application No:	APP/23/00683	Expiry Date:	29/09/2023
Applicant:	Mr Gabriel Emsworth Dental Surgery		
Agent:	Miss Knight Helyer Davies Architects Ltd	Case Officer:	Tina Pickup
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

Site Description

- 1.1 The site is located on the north eastern side of the High Street, directly opposite the square, and comprises a three storey, Grade II Listed building. It was formerly the Lloyd's Bank and is now occupied by Emsworth Dental Surgery on the ground floor with 2 bed residential flats on each of the first and second floors above. The Listing details describes the building as:

Bank. Early C19. Stucco. Symmetrical front (west) of 3 storeys, 3 windows. Mid C20 eaves cornice, quoins, 2nd floor bands with keys, thin architraves. Sashes in reveals. Classical mid C20 ground floor with continuous cornice, frieze, pilasters, enclosing sash windows and entrances, plinth.

- 1.2 The site lies within Emsworth Conservation Area, the Chichester Harbour AONB, and the Emsworth District Centre (policy CS4) and within the Primary Frontage Area (policy AL3) as defined by the adopted policies map. The site lies outside any current or future flood zone.

2 Planning History

00/63696/004 - Listed Building Consent application for proposed installation of satellite receiving dish to south east elevation, PERM,15/12/2000

00/63696/003 - Proposed installation of satellite receiving dish to south east elevation, PERM,15/12/2000

99/63696/002 - Non-illuminated fascia and hanging sign to front elevation. (Revised application). PERM,09/04/1999

98/63696/001 - Listed building application for internally illuminated fascia sign and non-illuminated name plate projecting sign to front (west) elevation., REF,07/12/1998

98/63696/000 - Internally illuminated fascia sign and projecting sign to front (west) elevation., REF,07/12/1998

03/63696/005 - Listed Building Consent for removal of entrance step and front door extended down to achieve level access to the building., PERM,08/01/2004

04/63696/007 - Display of an internally illuminated static ATM sign to the front (south west) elevation., WD,27/10/2004

06/63696/008 - Display of internally illuminated fascia sign and projecting sign fronting High Street., REF,08/01/2007

07/63696/009 - Display of non-illuminated fascia sign and projecting sign fronting High Street., PERM,09/03/2007

APP/11/01282 - Change of use of upper two floors to 2No. 2 bed flats and single storey rear ground floor office extension., PERM,11/10/2011

APP/11/01323 - Listed Building Consent to demolish lean-to roof above boiler room to rear at first floor level, part of external stair case and internal alterations., PERM,11/10/2011

APP/13/00199 - Display of replacement lettering above front entrance (LLOYDS BANK - non illuminated); 1No. illuminated hanging sign; 1No. illuminated ATM header sign; and non-illuminated branch name plate, vinyl detail and letter box sign., PERM,14/05/2013

APP/13/00231 - Listed Building Consent for display of replacement lettering above front entrance (LLOYDS BANK - non illuminated); 1No. illuminated hanging sign; 1No. illuminated ATM header sign; and non-illuminated branch name plate, vinyl detail and letter box sign., PERM,14/05/2013

APP/13/00926 - Variation of Condition 2 of Listed Building Consent APP/11/01323 to provide for revised trigger points for submission of further details., PERM,07/11/2013

APP/13/01210 - Listed Building Consent for relocation of ATM and infill of vacant opening; redecoration of front elevation; reconfiguration of ground floor accommodation., PERM,29/01/2014

APP/13/01227 - Relocate ATM and infill vacant opening., PERM,29/01/2014

APP/13/01272 - Display of 1No. illuminated A1 portrait window marketing unit, PERM,12/02/2014

APP/14/00827 - Discharge of Condition No's 1, 2, and 3 of Planning Permission

APP/11/01282., UNK,

APP/14/00829 - Discharge of Condition No. 1 of Planning Permission APP/13/00926., UNK,

APP/15/00125 - Change of use and alterations of part of rear ground floor from banking use to form one new one bedroom flat and repositioning of external staircase., WD,26/03/2015

APP/15/00138 - Listed Building consent for alterations of part of rear ground floor from banking use to form one new one bedroom flat and repositioning of external staircase., WD,26/03/2015

APP/15/00191 - Variation of Condition 3 of Planning Permission APP/11/01282 to vary approved plans., WD,07/04/2015

APP/15/00192 - Partial Discharge of Condition No/s 2c and 2e of Listed Building Consent APP/11/01323, WD,07/04/2015

APP/15/00193 - Partial Discharge of Condition No/s 1.1, 1.2 and 1.4 of Listed Building Consent APP/13/00926., WD,07/04/2015

APP/15/00194 - Variation of Condition 4 of Listed Building Consent APP/11/01323 to vary approved plans., WD,07/04/2015

APP/15/00306 - Listed Building Consent for conversion of ground floor from an unused bank A2 to a dentist practice D1. First and second floor existing flat to be renovated. Refurbishment of external building. Single story extension to rear of ground floor. Remove external steel stair fire escape. Create separate front entrance at ground level for flats on upper levels. Create stair core for fire egress (approved 04/06/2015). Request to Discharge Condition No. 3 (04.04.2016)., PERM,04/06/2015

APP/15/00750 - Discharge of Condition No. 3 of Planning Permission APP/15/00305., PERM,20/07/2015

APP/15/00305 - Conversion of ground floor from an unused bank A2 to a dentist practice D1. First and second floor existing flat to be renovated. Refurbishment of external building. Single story extension to rear of ground floor. Remove external steel stair fire escape. Create separate front entrance at ground level for flats on upper levels. Create stair core for fire egress., PERM,04/06/2015

APP/15/00817 - Discharge of Condition No. 3 of Listed Building Consent APP/15/00306., PERM,06/08/2015

APP/22/01229 - Change of use of first floor from residential (Use Class C3) to Dental Surgery (Use Class E(e)) in association with ground floor Dental Surgery with new internal staircase and internal alterations (approved 10.3.23). Request to discharge condition 3 (recd 5.4.23)., PERM,10/03/2023

APP/22/01230 - Listed Building Consent for new internal staircase and internal alterations., PERM,10/03/2023

And other current application:

APP/23/00684 - Listed Building Consent for First and Second Floor Spaces to be converted from Residential (C3) to additional space for Dental Surgery (E), with internal alterations.

3 Proposal

- 3.1 First and Second Floor Spaces to be converted from Residential (C3) to additional space for Dental Surgery (E), with internal alterations.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS1	(Health and Wellbeing)
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)
CS2	(Employment)
CS4	()
CS9	(Housing)
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM2	(Protection of Existing Community Facilities and Shops)

Havant Borough Local Plan (Allocations) July 2014

DM20	(Historic Assets)
AL1	(Presumption in Favour of Sustainable Development)
AL3	(Town, District and Local Centres)

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_H1	(Design & Heritage)
ENP_C2	(Retail, High Street & Food/Drink Uses)

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Joint Supplementary Planning Document - Chichester Harbour Area of Outstanding Natural Beauty

Listed Building Grade: Grade 2

Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour

No Objection

There would be no external alterations under these proposals and therefore no visual impact on the AONB. There is no objection to the proposed change of use, which expands the existing use on the site and would be unlikely to harm the character of the area

Conservation Officer

see LB application APP/23/00684 for full response

Assessment

In contrast to the previous planning approvals, the proposal is now to convert both the first and second floors of the building to part of the dentist business. By including the second floor in the conversion proposal, the existing staircase can be incorporated and utilised. This means that the previously approved additional staircase is not necessary and therefore, this revised development requires less intervention with the internal physical fabric. Some loss of historic building fabric will still occur at ground floor to facilitate an opening to access the existing staircase however, on balance this will be less intrusive than the previous approvals.

Part of the revised proposal includes a scheme of soundproofing for the first-floor conversion due to the adjacent residential flats which are in situ (there are no direct adjacent residential units to the ground or second floors). This scheme would involve the inclusion of additional insulation on the rooms marked up to be surgeries (as shown on the Noise Assessment and Mitigation Scheme Nov 2023), as these rooms are likely to create more noise from machinery. The insulation proposed is Steico therm insulation which is a wood fibre insulation with more breathable qualities and therefore suitable for a historic building.

Overall whilst the revised application would result in the second floor being converted, only a very small amount of historic fabric will be lost. Therefore, the scheme would not alter the historic and architectural significance of the heritage asset, nor have any harmful impact on the conservation area. The proposal therefore accords with the relevant sections of the T&CPA 1990 and national and local planning policies.

Conclusion

NO OBJECTION

Southern Water

Formal application for connection to the public sewer required;
Surface water discharge should follow part H3 of Building Regs and encourage Reuse.
If any sewer found during works an investigation will be required

Officer Comment:

As an existing business connected at the site, with no ground works proposed, then these comments are not considered relevant

Emsworth Residents Forum

None received

Environmental Health

Having reviewed the applicants submission in relation to the proposed scheme. We are concerned about the impact of noise upon other neighbouring flats from the proposal. The application seeks to convert the first and second floors into an extension to existing surgery. This proposal will put commercial operations and associated noises in direct contact with upperworks of the other adjoining properties. The applicant needs to confirm details of any equipment that will be used at the upper floors and measures to mitigate the associated noise. The applicant has made no reference to this fundamental material considerations and we are unable to recommend any noise condition until the applicant provide further information as requested.

Accordingly, the application is not supported. However, we will be happy to review any further information when it becomes available.

On noise assessment & mitigation scheme:

Thank you for providing the clarification on the sound insulation proposed.

I am happy to confirm that the details of the sound insulation are acceptable. Accordingly, I have no further comments.

Highways

Access to the site is to remain as existing, with the site directly connecting into the local footway network of Havant, allowing for sustainable access to the site via walking or bus travel.

Onwards, for those utilising a car to gain access to the site, whilst formal roadside parking outside of the surgery is limited, it is noted that South Street Car Park is located approximately 120m to the west, and can be readily utilised by patients. As such no highway issues would be anticipated in terms of parking or potential highway obstruction.

Planning Policy

Planning permission has previously been granted under reference APP/22/01229 for the change of use of the first floor space to be converted from residential to dental surgery. This application extends the proposal to the second floor also.

In policy terms, the considerations remain the same.

The principle of the Class E use on the upper floors is supported in policy terms. This view takes into consideration the town centre location and the fact that a residential unit will be lost.

The change of use is supported by the policies in the Local Plan (Policies CS4 and AL3) and the Emsworth Neighbourhood Plan (Policy C2) which seek to protect the vitality and viability of town centres, including the Emsworth District Centre. Policy CS4 supports development which supports small and independent businesses in the town centre, and policy C2 supports Class E uses here. AL3 is largely concerned with maintaining active ground floor frontages, which this proposal safeguards.

Policy CS9 of the Local Plan is concerned with meeting housing needs over the plan period. It does not contain specific provisions regarding the loss of housing, but the explanatory text contains a heading dealing with loss of dwellings'.

Paragraph 6.26 states that only in instances whereby the loss of dwelling(s) will be to achieve wider benefits in accordance with other objectives of (this) Core Strategy should proposals be considered favourably. It is considered that the loss of flats is outweighed here by the fact that a community and health use in a sustainable town centre location is supported by the change of use.

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: 15

Number of site notices: 1

Statutory advertisement: 06/10/2023

Number of representations received: 0

Comment	Officer Comment
None 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) Use and Loss of residential unit
- (iii) Impact upon the Listed Building, Conservation Area and AONB
- (iv) Impact upon residential amenity
- (v) Impact on heritage assets
- (vi) Highways

(i) Principle of development

7.2 The application site is located within the urban area, as defined by Policy AL2 of the Havant Borough Local Plan (Allocations) and Policy CS17 of the Core Strategy. Therefore development is considered acceptable in principle, subject to development management criteria. Since the site lies within a Conservation Area and affects a Listed Building, Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant to the determination of this application requiring special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest, as well as the desirability of preserving or enhancing the character or appearance of a conservation area. The associated internal and external alterations to the Listed building are considered under APP/23/00684.

- 7.3 Planning permission has already been granted to extend the existing ground floor dental practice into the first floor by changing the use of the first floor from a residential flat (APP/22/01229 refers). This approved layout required the insertion of a new staircase to access the first floor for dental patients, leaving the existing staircase for access to the flat on the second floor. This permission has not been implemented and the current proposal now seeks to also change both the first and second floor into dental space, which would not require the previous new staircase and can rely on the existing staircase.

(ii) Use and Loss of residential units

- 7.4 The proposal would result in the entire building being used for Class E(e) dental surgery purposes, with the associated loss of the 2 residential flats ie 'dwellings'. The site falls within the Emsworth District Centre and within the Primary Frontage Area (Policies CS4 and AL3) and the Emsworth Neighbourhood Plan supports commercial, business and service uses on the High Street (Policy C2). As such the retention of the health service the dental surgery provides, and its active ground floor use, and its expansion into the upper floors is supported in principle and would further promote the vitality and viability of Emsworth District Centre in accordance with policies CS4 and AL3, and Emsworth Neighbourhood Plan policy C2.
- 7.5 Policy CS9 is concerned with housing and its supporting text states that a loss of dwellings should only be considered favourably where wider benefits will be achieved. Since the dental surgery provides a health service to the local community, it is considered that in this instance, the expansion of the surgery in an accessible and sustainable location would achieve a wider benefit that outweighs the loss of the two residential flats.
- 7.6 It is further noted that historically the upper floors were used as office/storage/meeting accommodation in relation to the former bank use. As noted in the planning history above, in 2011 (APP/11/01282) planning permission was granted for a change of use of the upper floors to 2 No. 2 bed flats as well as a single storey rear ground floor office extension. The building was not originally designed with residential accommodation on its upper floors. Furthermore the current scheme omits the need for the second staircase which is less harmful to the historic significance of the building and therefore can also be considered a wider benefit of this particular proposal.
- 7.7 Overall the proposed use of the building is considered appropriate to this town centre location and supported by policy, and the resultant loss of residential units would have wider benefits and not undermine or be contrary to any policy in this instance.

(iii) Impact upon Listed Building, Conservation Area and AONB

- 7.8 As the change of use relates to the first and second floors only, with no associated external works, then the character of the Conservation Area would be preserved. Furthermore the character of the AONB would be unaffected.
- 7.9 The Council's Conservation Officer has considered the proposals and notes that compared to the planning history the current proposal requires less intervention with the internal physical fabric of the building by utilising the existing staircase. Whilst some minor internal alterations would be required these would not be intrusive. Negotiations have also taken place over the sound insulation necessary to ensure it is breathable and appropriate for the historic building.

- 7.10 Overall the proposal would only result in a very small amount of historic fabric being lost, and this would not alter the historic and architectural significance of the heritage asset or have any harmful impact on the conservation area. The proposal is therefore considered to accord with the Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and be compliant with the requirements of Policies CS11, CS12, and CS16 of the HBLP (Core strategy) and policy DM20 of the HBLP (Allocations) and Policy H1 of the Emsworth Neighbourhood Plan 2019 – 2036.

(iv) Impact upon residential amenity

- 7.11 Environmental Health note the potential for noise transmission from the dental surgery to adjoining users and as a result a noise assessment and details of sound insulation for the shared wall with number 28 to the north-west has been provided, which is in use as a residential flat. Number 32 to the south is in use as an estate agents and the first floor is currently associated offices and it is noted that the party wall would be adjacent staff room and stairwell and not dental surgeries, and therefore would be less affected. The noise assessment notes that the use of the building could be restricted to Class E(e) which has lower potential for noise than other Class E uses. It further notes the daytime hours of the surgery would not conflict with any evening or overnight quiet times for the adjacent users. The specific type of sound insulation, Steico Therm, has been negotiated as suitable for the historic building, and Environmental Health have also agreed to the noise mitigation scheme.
- 7.12 Given the extant permission to use the first floor as a dental surgery when the only noise insulation required was between the first and second floor, and not adjacent users, then this scheme represents an improvement and should help to protect neighbouring amenity at number 28 from any noise disturbance. Overall it is considered that there would be no significant adverse impacts on the residential amenities of the adjacent properties. As such, it is considered that the proposal would have limited and acceptable impact on the adjacent properties and be compliant with Policy CS16 of the Havant Local Plan (Core Strategy). It is noted that no letters of objection were received with respect to the scheme.

(vi) Highways

- 7.13 The proposal would result in increased patients using the site but there is no on-site parking provided. However the town centre location is noted with nearby car parks and bus stops. The highway authority also note the sustainable access to the site via walking or bus travel with some roadside parking and South Street car park within 120m. They therefore raise no objection in terms of parking or highway obstruction.

8 Conclusion

- 8.1 For the reasons outlined above, the proposed change of use of the first and second floor, with associated minor internal alterations, is considered acceptable and whilst it involves the loss of 2 residential flats, it would result in the provision of an enhanced community health use within a sustainable location. It is therefore recommended for approval.
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9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/23/00683 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:

Design, Access and Heritage Statement by hd architects dated August 2023
Site location, block and proposed plans and elevations - Drawing Number 22073-02

Noise Assessment & Mitigation Scheme by hd architects on Council's website dated 21 November 2023

Reason: To ensure provision of a satisfactory development.

- 3 The hereby approved noise mitigation scheme as shown within the Noise Assessment & Mitigation Scheme on the Council's website dated 21 November shall be implemented in full prior to the dental use on the first floor being first brought into use. It shall be maintained in accordance with the approved details and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To protect the amenities of the adjacent residential property in terms of noise pollution and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 Notwithstanding the provisions of any Town and Country Planning (General Development) (England) Order 2015 (as amended), the Use Class shall be restricted to Class E(e) of Schedule 2 Part A of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order and for no other purpose whatsoever.

Reason: In order to limit significant noise impacts from other potential uses to safeguard the amenities of adjoining residential occupiers and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The premises shall only be open for trade or business between the hours of 0800-1800 (Monday to Friday) and 0800-1300 on Saturdays and not at any time on Sunday or any recognised Public Holiday.

Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.