

Site Address:	Emsworth Dental Surgery, 30 High Street, Emsworth, PO10 7AW		
Proposal:	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.		
Application Type:	Full Planning Permission		
Application No:	APP/22/01229	Expiry Date:	15/02/2023
Applicant:	Mr Gabriel		
Agent:	Miss Knight	Case Officer:	Graham Speller
	Helyer Davies Architects Ltd		
Ward:	Emsworth		

1 Site Description

2 Planning History

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/22/01230 - Listed Building Consent for new internal staircase and internal alterations. Under Consideration.

3 Proposal

- 3.1 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.

4 Policy Considerations

National Planning Policy Framework 2021

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

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	(Town, District and Local Centres)
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 2019 - 2036

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

Listed Building Grade: Grade II

Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

Recommendation – No objection.

Conservation Officer

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.

The need for the decision taker to attach considerable or special weight to the desirability of preserving the setting of listed buildings has been reinforced through two recent high court decisions of: *Barnwell Manor Wind Energy Limited vs. East Northamptonshire District Council et al* (2014);/ and *North Norfolk District Council vs. DCLG and Mack* (2014).

The above statute and its subsequent and consistent interpretation in recent high court decision emphasises the need for the policies of the NPPF to be implemented whilst always having regard to the need to give special or greater weight to the preservation of the setting of a listed building.

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.

The revised NPPF (July 2021) 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:

189. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

194. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

195. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

196. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

197. In determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Local Planning Policies

Policy CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) 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 CS16 (High Quality Design) (1a) of the Core Strategy states that "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 a relevant policy which is applicable to this application:

Policy H1 – Design and Heritage

Assessment

In order to increase the capacity of the dental surgery, the proposal is to expand into the existing first floor residential flat, through its conversion. The second floor flat would remain in situ. The main internal change would be the erection of a new internal staircase from the ground floor reception area. The existing staircase to the first floor, which is accessed via a separate door on the High Street, cannot not be used due to building regulations.

The new staircase will be located in a space currently used as a cupboard at ground floor and a small ensuite bathroom at first floor and part of the bedroom. It has been located in this position to have the minimal impact on the structural integrity of the building. At ground floor, minimal historic fabric is evident and therefore the loss of the cupboard space would not be harmful to the building. The first floor ensuite is not considered to be an original space, as the walls to this small room are not structural. The staircase would involve the loss of part of the flooring in the FF bedroom however, it would not require any structural changes. A small number of new stud walls are proposed but these are not considered to be harmful as the original walls will be retained.

Overall whilst a very small amount of historic fabric will be lost, this would not alter the historic and architectural significance of the heritage asset or 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

Councillor Julie Thain-Smith

No comments received.

Councillor Lulu Bowerman

No comments received.

Councillor R Kennett

No comments received.

Developer Services, Southern Water

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

Environmental Health Manager, Community Group

Thank you for consulting the Environmental Protection Team on this application. Please note these comments relate to noise only.

Whilst we do not object to the proposed use at first floor level we note there is an existing residential unit at second floor level. Therefore, if permission is granted we

recommend the following conditions are attached in order mitigate any noise impacts,

Days and hours of use:

Recommend the above in order to limit any impact on the existing second floor residential development. The hours and days should be restricted to the current hours and days in existence for the dental practice at ground floor level.

Use Class restriction:

The Use Class should be restricted to E(e) in order to limit significant noise impacts from other potential Use Classes e.g., restaurant, light industrial.

Noise mitigation scheme to be submitted:

No development shall commence on site until a scheme for the protection of adjoining domestic premises has been submitted to and approved in writing by the Local Planning Authority. The noise mitigation scheme shall be implemented and maintained in accordance with the approved details and shall not be altered without the prior written approval of the Local Planning Authority. The scheme shall include an assessment of the potential impacts from any proposed external fixed plant e.g., air handling units, carried out in accordance with British Standard 4142:2014+A1:2019. It must also include an assessment of the potential impact of any internal noise generated by the proposed use e.g., drilling etc., on the existing residential use, and how structure-borne and air-borne noise will be mitigated. Approved document E of the Building Regulations gives sound insulation values for domestic on domestic, however it states that a higher level of sound insulation will be required between commercial and domestic premises.

Hampshire Highways

The proposal relates to the change of use on the first floor from a 2 bedroom apartment to provide 2 further dental surgery rooms for the existing dental business. This would be likely to result in an increase in client numbers with as exists now no car parking available on site. However, being located in the town centre there are nearby opportunities for on street parking and public car parks available within walking distance. It is likely that client trips may well be combined with visits to other destinations services/facilities within the town centre which would reduce the likely transport impacts.

Having regard to the above comments the Highway Authority are satisfied that the proposed change of use would be unlikely to result in a detrimental impact on the operation or safety of the local highway network. The Highway Authority would therefore recommend - No objection (no conditions)

Natural England Government Team

No comments received.

Planning Policy

The principle of the first floor Class E use 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 the single flat 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: At least one site notice exists

Statutory advertisement: 06/01/2023

Number of representations received: 0

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) Loss of residential unit
- (iii) Impact upon the character and appearance of the Conservation Area
- (iv) Impact upon residential amenity
- (v) Impact on heritage assets
- (vi) Highways

(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 management criteria.

(ii) Loss of residential unit

7.3 The explanatory text to Policy CS9 states that a loss of dwellings should only be considered favourably where wider benefits will be achieved.

7.4 The proposals involve the change of use of a first floor flat to Dental Surgery (Use Class E(e)) in association with the existing ground floor Dental Surgery. Therefore, there would be a loss of 'dwellings' (one flat) as a result of the proposal. However, it is important to note that originally 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.

7.5 In the explanatory text to Policy DM2, it states, among other things, that Policy DM2 relates to community facilities including health.

7.6 It is considered that as the dental surgery provides a health service to the local community the expansion of the surgery in an accessible and sustainable location does achieve a wider benefit that outweighs the loss of a residential flat.

(iii) Impact upon the character and appearance of the area

7.7 As the change of use only relates to the first floor, the character of the conservation area on this part of the High Street would not be affected. Furthermore, there would be no external changes which would affect the visual appearance of the building and therefore the character of the conservation area. It is noted that no objections are raised by the Council's conservation officer in this regard.

(iv) Impact upon residential amenity

7.8 As noted above, Environmental Health raise no objections, however, as there would still be a residential unit at second floor level it is recommended that conditions are imposed regarding days and hours of use to the current hours of operation. In addition, a condition relating to restricting the use class is recommended to limit significant noise impacts from other potential uses. Furthermore, a pre-commencement condition is recommended requiring the submission of a noise mitigation scheme. With regards the latter, the applicant's agent has agreed to such a pre-commencement condition.

7.9 It is considered that, subject to the conditions recommended by Environmental Health, there would be no significant adverse impacts on the residential amenities of the second floor flat and neighbouring 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.

(v) Impact on heritage assets

7.10 As noted above, the Council's conservation officer has considered the proposals and comments that, overall, whilst a very small amount of historic fabric will be lost, this would not alter the historic and architectural significance of the heritage asset or have any harmful impact on the conservation area.

7.11 As a result, insofar as the statutory duties imposed by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 72 (1) of the Planning Act (Listed Buildings and Conservation Areas) Act 1990 are engaged, their objective of preserving the setting of listed buildings and the character or appearance of the Conservation Area are satisfied.

(vi) Highways

7.12 The highway authority comment that the proposal is likely to result in an increase in client numbers and that there is no car parking provision. However, it notes that the site is located in a town centre location and that there are nearby opportunities for on

street parking and public car parks available within walking distance. In addition, the highway authority comment that it is likely that client trips may well be combined with visits to other destinations services/facilities within the town centre which would reduce the likely transport impacts. As such, the highway authority is satisfied that the proposed change of use would be unlikely to result in a detrimental impact on the operation or safety of the local highway network and raises no objections.

8 **Conclusion**

- 8.1 For the reasons outlined above, the proposed change of use and internal alterations are considered acceptable and whilst it involves a loss of a 2 bedroom flat, 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 Planning be authorised to **GRANT PERMISSION** for application APP/22/01229 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:
22073-02 - PROPOSED PLANS, ELEVATIONS AND SITE PLANS
DESIGN ACCESS & HERITAGE STATEMENT
Reason: - To ensure provision of a satisfactory development.
- 3 No development shall commence on site until a scheme for the protection of adjoining domestic premises has been submitted to and approved in writing by the Local Planning Authority. The noise mitigation scheme shall be implemented and maintained in accordance with the approved details and shall not be altered without the prior written approval of the Local Planning Authority. The scheme shall include an assessment of the potential impacts from any proposed external fixed plant e.g., air handling units, carried out in accordance with British Standard 4142:2014+A1:2019. It must also include an assessment of the potential impact of any internal noise generated by the proposed use e.g., drilling etc., on the existing residential use, and how structure-borne and air-borne noise will be mitigated.
Reason: To protect the amenities of nearby residential properties 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 2021.

- 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 2021.
- 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 2021.