

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)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS2	(Employment)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS4	()
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

DM20	(Historic Assets)
AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_W3	(Change of Use Applications)
ENP_M1	(Cycle Storage Provision)
ENP_H1	(Design & Heritage)
ENP_D1	(General Design Policy)

Listed Building Grade II
Conservation Area: Emsworth

5 **Statutory and Non Statutory Consultations**

Community Infrastructure

The application is not CIL liable because the entire floor area has been occupied for its lawful use for 6 continuous months of the 36 previous months so credit can be given for the proposed change of use.

Pending a response from Natural England on the 'HRA', instructions should be passed by the Case Officer to the CI Team to

(b) Issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the additional dwelling and its respective number of bedrooms. See Unilateral Undertaking - Solent Recreation Mitigation Strategy | Havant Borough Council

(c) Issue the Nutrient Neutrality Unilateral Undertaking. See <https://www.havant.gov.uk/nitrogen-developers>

Chichester Harbour Conservancy - No Comment 31/1/24

Recommendation – No objection, subject to the applicant entering into a planning obligation to mitigate for (a) recreational disturbance at the Chichester Harbour shoreline and (b) the additional nutrient loading on Chichester Harbour, as well as a planning condition requiring implementation with the specified window framework materials, to be painted and maintained white (RAL 9010).

Having regard to submitted photographs/Google streetview imagery and the policy framework* below, these minor alterations to maintain the building fabric are not considered to have any significant impact on the AONB landscape, nor the integrity of this Grade II Listed Building within Character Area A of the Emsworth Conservation Area. Curiously, the fact that the site is a Listed Building is not mentioned in the Council's CACA, although is annotated as such on the appraisal mapping. The site is outside of any of the defined retail frontages of the Defined Emsworth Town

Centre, so the last strand of Policy CS4 in terms of retaining active ground floor frontages is not applicable and this part of South Street has more of a residential/mixed commercial character.

The overall historic significance of the building and character and appearance of the CA would be preserved and whereas only a small courtyard would be the only amenity space, it is considered important to support the optimum viable use for the property to ensure the on-going longevity of this heritage asset. Conversion to flats to optimise density in this highly sustainable location of least flood risk would not seem tenable owing to the layout of the building and need to preserve the integrity of the Listed Building.

The alterations requested by the Council's Conservation Officer are understood and The Conservancy has no objections to the amended plans that have been submitted. The H.E. list entry reads "SU 7405 HAVANT SOUTH STREET Emsworth (East Side) 11/33 No. 8 GV II House (office). Early C19. Stucco, with a tile roof. Symmetrical front of 2 storeys, 2 windows. Upper sashes. Ground floor shop-front with dentilled cornice, frieze, pilasters, and doorcase with cornice, frieze, pilasters and 6-panelled door. Later south side window."

As a final point and having regard to NPPF Paragraph 180 (d), there would seem little opportunity to improve biodiversity at the site, albeit Officer negotiation of either a bat box or bird box affixed to the rear elevation at first floor level would be welcome, given the green/treed space between South Street and Tower Street to the rear of the site.

Policy framework

NPPF (July 2021) paragraphs – 1-3, 6-13, 15, 20, 23, 28, 38, 47, 55, 60, 69, 77, Chapter 7, 92, 105-106, 111-112, 119-120, 124, 126-128, 130, 134, 152-154, 159, 161, 174, 176, 180, Chapter 16 & 218-219; NPPG (2014 onwards): ID's 6-8, ID18a, ID21a, ID26; Havant Borough Local Plan (Core Strategy) 2011 - CS11-CS12, CS14, CS16;

Havant Borough Local Plan (Allocations) DPD 2014 - AL1, DM20; 'Made' Emsworth Neighbourhood Plan (2021) - H1-H3, D1, D6; Chichester Harbour AONB Management Plan 2019-2024: 1-2, 15; CHC Planning Principles (adopted by CHC 17.10.2016 onwards) – 01, 04, 09; SPG/SPD - Joint CHAONB SPD; Borough Design Guide; Emsworth Conservation Area CACA & Management Plan ; Emsworth Design Statement

Officer Comment: *a condition requiring a bird or bat box to the rear of the property, is recommended, if permission is forthcoming.*

Conservation Officer - Final Comments - No Objection.

Following the previous response which raised concerns with certain elements of the proposal, amended plans have been submitted.

It is now proposed to retain the existing, single glazed bow windows and removes the pediment detail over the front door. The agent has confirmed that the right-hand window is likely to have been inserted in the late 40's following WWII and the larger, left hand window, in the mid 60's when this part of the building changed into an estate agents. This replaced an earlier, timber sash window.

Whilst the existing windows are now known to not be original to the building, they do still form part of historical significance in that they represent its social / economic history as a partially commercial building within the conservation area. Given that the windows appear to be in a good state of repair, I would support their retention as part of conversion. I also welcome the removal of the pediment feature above the front entrance.

The proposal is now considered to accord with Section 72 of the 1990 T&CP Act in that it will preserve and enhance the special interest and quality of the Emsworth Conservation Area and accord with the relevant local and national planning policies.

Conclusion _

NO OBJECTION subject to the following conditions:

1. Full scale or 1:5 details of new casement window in dormer extension to be provided and agreed prior to installation.

Conservation Officer - 1st Comment - Holding Objection

No. 8 South Street is a, semi-detached, Grade II listed building located in the Emsworth Conservation Area. South Street extends from the Market Square down to the harbour's edge and is characterised by former fisherman's cottages and some historic public houses.

The official listing dates the building back to the early C19, however it is thought locally to be earlier than that. It has a stucco frontage, with a yellow / cream paint finish and a clay tile with 2no. external stacks. The front elevation features 2no. sash windows at first floor with black painted reveals, whilst the ground floor includes a centralised door with a sash bow windows either side, framed with white painted pilasters. The two-storey rear extension is thought to be a Victorian addition.

The side elevation is of exposed brick and the rear elevation includes a small dormer window extension within the catslide clay roof. Internally, there are two equal sized room towards the front and a larger room to the rear and a central staircase. Upstairs there are three rooms and further staircase and room leading to the attic space which has been converted to living accommodation. There is an outbuilding and garden at the rear.

Proposal

Change of use from Class E (Estate Agency office) to C3 (Dwelling) and minor

alterations, including replacement windows, addition of kitchen, bathroom and en-suite shower room

AND..

Listed building application for change of use from Class E (Estate Agency office) to C3 (Dwelling) and minor alterations, including replacement windows, addition of kitchen, bathroom and en-suite shower room.

Legislative and Policy Context .

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

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.

The revised National Planning Policy Framework (NPPF) was published in February 2019 and sets down the policies that the Council must take into account when determining planning applications. The 'Historic Environment Good Practice Advice in Planning Note 2', states at paragraph 4:

'The significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest' and provides at paragraphs 8, 9 and 10 that in order for the Local Planning Authority to make decisions in line with legal requirements, the objectives of the development plan; and, the policy requirements of the NPPF, great importance is placed on understanding the nature, extent and level of the significance of the heritage asset.

The revised NPPF (February 2019) 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:

'184. 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.

189. 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.

190. 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.

191. 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.

192. 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.

Considering potential impacts

193. 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.

194. 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.

With regards to local planning policy, the following 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 – Heritage Appraisals

Assessment .

The heritage asset has had a range of uses, originating as a public house for fisherman / smugglers from C18, owned by the saffron Brewery until 1904 when it ceased to operate. The building was then used a private residence with the front left room being let out as a sweet shop. In the early 60's the right hand, front room was used as an estate agent's office. This operation has now ceased, and the building is vacant.

In terms of historical significance therefore, the building has played an important part within the historic setting of Emsworth. Its architectural significance is represented predominantly in the frontage which signifies its previous commercial uses.

The proposal to change the use of the building to fully residential would in principle, be of negligible harm, as no major structural changes are proposed. The room layout on each floor would remain as existing and only internal cosmetic alterations are to be included. The replacement dormer window on the rear facing roof slope would be of a similar design and scale to the existing and would cause no further harm.

One point of concern however is the proposal to change the existing, ground floor bow windows to sash windows and the inclusion of a Georgian style pediment over the front door. The existing windows appear to be original, and if not, certain historic replacement with single glazing and delicate glazing bar detailing. Given that these would have been the style of windows present when the building was in use as a pub, sweet shop and estate agents, they make a valuable contribution to the historical significance of the building and it would be harmful to the heritage asset to see these removed. Also,

the inclusion of the Georgian style pediment would be an overly ornate feature for a simple vernacular building and not wholly within the characteristics of traditional cottages in South Street.

If the bow windows can be retained and the Georgina style pediment removed from the plans, the overall scheme could be supported from a heritage perspective.

Conclusion

HOLDING OBJECTION

Councillor Julie Thain-Smith - No Comment

Councillor Lulu Bowerman - No Comment

Councillor R Kennett - No Comment

Economic Development - No Objection

In terms of ED comments on this application it is considered that as estate agency services are now largely online then there is unlikely to be any significant demand for this commercial unit as another estate agency. My understanding is that as Estate Agencies are now likely to fall into Class E then a change to a Class C3 residence is in principle ok, subject to prior approval. The only issue then is around Listed Building impacts. The building has a residential appearance and was likely a residence originally so in principle this ought to be supported.

Hampshire Highways - No Objection

The Highway Authority are satisfied that the proposed change of use will not have a detrimental impact on the wider highway network.

It is noted that no off-site parking is provided for the proposed dwelling. Residents have the opportunity to obtain a permit to park in the public car parks in close proximity of the dwelling. It is Havant Borough Council's responsibility as local parking authority to confirm whether this is acceptable. The Highway Authority would be satisfied subject to written confirmation from Havant Borough Council that this is agreed.

Having regard to the above, the Highway Authority provide no objections to the above planning application.

Natural England - No Objection

With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Your appropriate assessment dated 12 January 2023, concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions.

Your authority has measures in place to manage potential impacts through

contributions to an agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the Habitats Site(s) for the duration of the proposed development.

This advice is provided on the basis that all mitigation measures will be secured as planning conditions or obligations by your authority to ensure their strict and timely implementation for the full duration of the development. Your authority should be assured that proposed financial contribution rates are proportionate to the identified effects of the proposed development, suitably precautionary, and in line with the Retail Price Index, where relevant.

Further Advice
Nutrient Budget – Bespoke Occupancy Figure

We note that an alternative occupancy figure has been used in the nutrient budget calculation. It is Natural England's view that competent authorities may choose to adopt bespoke calculations for detailed planning applications, if sound evidence is available. These are matters for each competent authority. Natural England's advice is to take a precautionary approach that recognises the uncertainty

Nutrients Team - No Objection

I can confirm there is sufficient capacity in the Council's strategic mitigation scheme to accommodate the application proposals.

The applicant should be advised that the Council's strategic mitigation scheme is to be charged at £3,000 per kilogram of nitrogen (as at 18/11/22). In addition, the applicant is advised that there is limited capacity remaining in the Council's mitigation scheme at Warblington Farm. There is alternative mitigation available from third party providers in order to avoid and mitigate the water quality impact arising out of the proposed development. The details of other schemes have been published on the Partnership for South Hampshire's website at:
<https://www.push.gov.uk/work/mitigation-schemes-available-to-developers/>

Planning Policy - Principle Policy Objection **Policy Status**

The [Local Plan \(Core Strategy\)](#) and the [Local Plan \(Allocations\)](#), together with the Hampshire Minerals and Waste Plan form the development plan for the borough. In addition, in Emsworth, the [Emsworth Neighbourhood Plan](#) forms part of the development plan. The Council has also adopted a [Housing Delivery Position Statement](#), which is a material consideration in the determination of applications.

Impact on the vitality and viability of the town centre

In policy terms, the key consideration in this proposal is the likely impact of the conversion of a commercial use to residential in the heart of Emsworth District Centre. The does not lie within the defined primary or secondary frontage, but does lie within the wider boundary of Emsworth District Centre. As such, policies CS4 and AL3 of the Local Plan apply. These policies seek to protect the vitality and viability of the borough's town centres.

Policy CS4 states that planning permission will be granted for appropriate town centre

developments which

2. Promote and enhance the following hierarchy of identified centres
3. Enhance the evening economy of the town and district centres.
4. Retain and enhance local markets.
5. Support small and independent businesses.
6. Encourage high quality, mixed-use development in designated centres that retain active ground floor frontages.

It is not considered that the scheme supports points 1-4. Elaborating on bullet point 5, the supporting text at paragraph 3.54 acknowledges the role that residential uses can play in supporting town centres, but goes on to explain that any new homes should be located on upper floors above town centre uses with active ground floor frontages. The text explicitly states that the loss of ground floor town centre uses to residential development will be resisted.

Policy AL3 sets a number of criteria for acceptable uses in the town centres. These primarily relate to the primary and secondary areas of the centre. Since the site lies outside of the primary or secondary frontage as defined in the policy, but within the wider town centre, the only criterion within AL3 that applies is criterion 1. This gives support to proposals 'that provide main town centre uses ..., and so contribute to their vitality and viability.' The NPPF, while acknowledging a role for residential development in town centres', does not class them as main town centre uses (see NPPF glossary).

The Emsworth Neighbourhood Plan contains a policy for the town centre, Policy C2 'Retail, High Street & Food / Drink Uses'. This policy supports commercial, business and service uses (class E), and pubs or other drinking establishments on South Street. It is silent on residential conversions, but the supporting text goes on to explain that a healthy mix of economic and social uses within the town centre will be required to maintain and enhance the attractiveness of Emsworth.

Policy DM2 of the Local Plan contains a marketing requirement for local shops and community facilities. It is not considered that the estate agents office falls within this category, and as such it is not suggested that the applicant needs to comply with the provisions of this policy. Nevertheless, it is noted that the applicant has stated that the unit was marketed for 18 months for commercial use and no occupier was found.

Housing Need and Planning Balance

It is acknowledged that the Borough can not currently demonstrate a 5 year housing land supply. Due to this shortfall, the relevant development plan policies are deemed to be out of date.

Both national policy and the Council's own Housing Delivery position statement accept that this tilts the planning balance towards granting permission for housing proposals under the presumption in favour of sustainable development at paragraph 11 of the NPPF. However, it does not follow that permission should automatically be granted in these circumstances.

It is suggested that a number of matters should be considered in the planning balance in this context:

- The fact that only a single dwelling is proposed, which will not make a notable contribution to supply
- The listed building status of the property and the acceptability of the proposal in heritage terms, noting that heritage assets are an NPPF footnote 7 constraint

- in the context of the presumption in favour of sustainable development.
- Whether adverse impacts of approval would significantly and demonstrably outweigh the benefits of granting permission – this consideration may take into account the policies in the development plan as set out above. It is considered that the aims of these policies – to protect the vitality and viability of town centres - remain consistent with the policies in the NPPF when read as a whole.

Conclusion

Policies in the development plan indicate that a conversion to residential in this location should be resisted, and therefore, an in principle policy objection arises. However, the presumption in favour of sustainable development is also acknowledged and must be weighed in the planning balance.

Officer Comment: *the policy objection has been balanced below against the recognised need for housing development within the Borough, the evidence submitted in support of the proposal, that indicates, following the marketing of the property, that there is little in the way of demand for this commercial unit and that the proposal would provide a suitable alternative use for this listed building.*

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: 13

Number of site notices: 2

Statutory advertisement: 23/12/2022

Number of representations received: 0

Comment	Officer Comment
None.	

7 Planning Considerations

Habitat Regulations Assessment & Appropriate Assessment

The Council, as competent authority under Regulation 63(1)(a) of the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations), has conducted a Habitats Regulations Assessment (HA) of the proposed development.

Recreational Pressure

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs. In line with Policy DM24 of adopted Havant Borough Local Plan (Allocations) and the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

The applicant has proposed a mitigation package based on the methodology in the Developer Contributions Guide. The scale of the proposed mitigation package would remove the likelihood of a significant effect. The applicant has entered into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy DM24.

Water quality

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Therefore, a significant effect on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA cannot be ruled out.

Natural England have produced 'Advice on achieving nutrient neutrality for new development in the Solent region'. This sets out a methodology to calculate the nutrient emissions from a development site. The applicant has used this methodology to calculate the nutrient emissions from the site. This calculation has confirmed that the site will emit a net nutrient load into European Sites. The Position Statement and Mitigation Plan for Nutrient Neutral Development sets out a mitigation package which will mitigate the impact that this development would have on the designated European Site. The applicant has entered into a legal agreement to secure the mitigation package.

Appropriate Assessment conclusion

The Habitats Regulations Assessment concluded that the avoidance and mitigation packages proposed in the Appropriate Assessment are sufficient to remove the significant effects on the Solent's European Sites which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has entered into a legal agreement to secure the mitigation packages.

7.2 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 Conservation Area, the setting of Listed Buildings and the Chichester Area of Outstanding Natural Beauty.
- (iii) Impact upon residential amenity
- (iv) Access and Parking
- (v) Flood Risk & Drainage
- (vi) CIL

(i) Principle of development & Loss of Commercial Space

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

- 7.3 The Council published its latest 'Five Year Housing Land Supply Update in March 2023. This indicates that the Council cannot demonstrate a five-year supply of deliverable sites. The assessment found that the Council could only demonstrate a 1.81 year housing land supply, with a 20% buffer.
- 7.4 The Framework indicates that where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites the policies in the development plan which are most important for determining the application are to be considered out of date. In such cases, the tilted balance is engaged, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme when assessed against the NPPF as a whole.
- 7.5 Another key policy consideration is the likely impact of the conversion of a commercial use to residential within the Emsworth District Centre. The site does not lie within the defined primary or secondary frontage, but does fall within the wider boundary of Emsworth District Centre. As such, policies CS4 and AL3 of the Local Plan apply. These policies seek to protect the vitality and viability of the borough's town centres. That said, this part of the Emsworth District Centre, is made up of a mixed use of commercial and residential uses, both at ground and first floor.
- 7.6 Policy CS4 states that planning permission will be granted for appropriate town centre developments which:
1. Promote and enhance the following hierarchy of identified centres
 2. Enhance the evening economy of the town and district centres.
 3. Retain and enhance local markets.
 4. Support small and independent businesses.
 5. Encourage high quality, mixed-use development in designated centres that retain active ground floor frontages.
- 7.7 The scheme is not considered to support bullet points 1-4 above. Elaborating on bullet point 5, the supporting text at paragraph 3.54 acknowledges the role that residential uses can play in supporting town centres, but goes on to explain that any new homes should be located on upper floors above town centre uses with active ground floor frontages. The text explicitly states that the loss of ground floor town centre uses to residential development will be resisted.
- 7.8 Policy AL3 sets a number of criteria for acceptable uses in the town centres. These primarily relate to the primary and secondary areas of the centre. Since the site lies outside of the primary or secondary frontage as defined in the policy, but within the wider town centre, the only criterion within AL3 that applies is criterion 1. This gives support to proposals 'that provide main town centre uses ..., and so contribute to their vitality and viability.' The NPPF, while acknowledging a role for residential development in town centres', does not class them as main town centre uses (see NPPF glossary).
- 7.9 The Emsworth Neighbourhood Plan contains a policy for the town centre, Policy C2 'Retail, High Street & Food / Drink Uses'. This policy supports commercial, business

and service uses (class E), and pubs or other drinking establishments on South Street. It is silent on residential conversions, but the supporting text goes on to explain that a healthy mix of economic and social uses within the town centre will be required to maintain and enhance the attractiveness of Emsworth.

7.10 As to Policy DM2 of the Local Plan this contains a marketing requirement for local shops and community facilities. It is accepted that the estate agents' office do not fall within this category, and as such it is not suggested that the applicant needs to comply with the provisions of this policy. Nevertheless, it is noted that the applicant has provided evidence and stated that the property was marketed for 18 months for commercial use, not specifically as an estate agency. Out of the 12 enquires received only 2 were commercial, both of those as an estate agency, with the other 10 enquires concerning possible change of use to residential. As to the 2nd enquiries regarding the continuation of the use as an estate agency, the agent has advised that 1 was with the view of a change of use after purchase and the other was focused on retaining the Hazle & Co name rather than the premises. Therefore, on the information available to the LPA, the marketing of the premises for a commercial use, over an extended period, has not secured a purchaser or a possible alternative commercial use within this Town Centre location. The lack of any interest in continuing the commercial use of the property weights in favour of the development, which in itself is not considered to undermine the vitality and viability of the Town Centre, together with the very modest addition to the Council's housing stock, when balanced against the loss of this commercial premises within the Town Centre.

7.11 Regard has also been given to securing a suitable alternative use for this heritage asset, consistent with its conservation. It is considered that the proposal would be a suitable alternative use consistent with its conservation within this Town Centre location, which also weighs in favour of the proposal.

(ii) Impact upon the character and appearance of the Conservation Area, the setting of Listed Buildings and the Chichester Area of Outstanding Natural Beauty.

7.12 8 South Street is a Grade II listed building that falls within the Emsworth Conservation Area where special regard must be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and to preserving or enhancing the character and appearance of the area under the Planning (Listed Building and Conservation Area) Act 1990. The site also falls within the Chichester Area of Outstanding Natural Beauty, where under the Countryside and Rights of Way Act 2000, LPA must have regard for the purpose of conserving and enhancing the natural beauty of the AONB.

7.13 The Council's Conservation Officer (CO) has been consulted over the proposal and found that "... to change the use of the building to fully residential would in principle, be of negligible harm, as no major structural changes are proposed. The room layout on each floor would remain as existing and only internal cosmetic alterations are to be included. The replacement dormer window on the rear facing roof slope would be of a similar design and scale to the existing and would cause no further harm.". The only point of concern raised initially was "...the proposal to change the existing, ground floor bow windows to sash windows and the inclusion of a Georgian style pediment over the front door." as the windows "... make a valuable contribution to the historical significance of the building and it would be harmful to the heritage asset to see these removed. Also, the inclusion of the Georgian style pediment would be an overly ornate feature for a simple vernacular building and not wholly within the characteristics of traditional cottages in South Street." The CO raised a holding objection in respect of

these matters.

- 7.14 Following discussions with the agent, these changes have been removed from the scheme and the holding objection of the CO withdrawn, subject to a condition regarding full scale plans relating to the new casement window in the dormer extension. Therefore, the proposal would preserve the building and its setting and the character and appearance of the area, as required by Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990. If permission is granted, the condition of the CO is recommended.
- 7.15 As to the impact on the AONB, the proposal is not considered to have any material impact on its landscape.
- 7.16 With regard to the impact of the change of use from commercial to residential, the Town Centre benefits from a number of residential units at ground and first floor to the south and north of the application site, which contribute to the character and appearance of the area. The proposed change of use, with the limited changes to the building, would not materially impact on the character and appearance of the area, whilst securing an appropriate alternative use for the listed building.

(iii) Impact upon residential amenity

Impact on existing residential amenity

- 7.17 The premises is a semi-detached building, with the other half to the south a retail unit, with residential above. The conversion of the building to residential is unlikely to give rise to a level of noise and disturbance to the attached semi to warrant a refusal of planning permission. As to the detached retail/first floor residential unit to the north, due to the orientation of this building, an existing first floor window in the rear of 8 South Street overlooks this residential unit's first floor balcony. This overlooking would not materially change from that currently being experienced from the commercial use of the building. As to the residential development to the rear there is a separation distance of over 20m as required by Havant's Design Guide.

Impact on future residential amenity

- 7.18 The proposal would provide all the attributes of a dwellinghouse, which would be a dining, living, kitchen/breakfast, utility, WC rooms and 3 bedrooms and bathroom at first floor. The floor area of the accommodation would be approximately 124 sqm, which exceeds the Government's Technical housing standards - nationally described space standard for a 3 bed dwelling. To the rear would be a courtyard for refuse and recycling bins, feeding through to an outbuilding for bicycle storage and a rear garden, which includes a further building. The property also benefits from a side access onto South Street. Within this Town Centre location, the proposal would provide an appropriate level of accommodation, with access to an appropriately sized rear garden.

(iv) Access and Parking

Access

- 7.19 No changes to the access are proposed.

Parking

- 7.20 The existing commercial use has no on-site parking as an estate agency, which non proposed for the development. There is also currently no on-site cycle provision.
- 7.21 The proposal is for a 3 bedroom dwelling.
- 7.22 Havant's Car Parking SPD, for Class C3 dwellinghouses, normally requires 2 parking space for a 3 bed unit. The floor area of the proposal is 124 sqm. For the existing Class E use as an estate agency office, (which would formerly have been a Class A2 use), the SPD is silent on the level of car parking required. However, as this use now falls within the Class E use, which includes offices, for which the SDP identifies a minimum parking standard of 1 space per 30 sqm, when used as a comparison, 4 on-site car parking spaces would be required for the existing use. As previously stated, no on-site car parking is currently provided, with 2 spaces required for the proposed use. When using this comparison, the proposal would generate less on street parking than the existing lawful use.
- 7.23 As to public transport, Emsworth benefits from a train station to the north of the A259, with a service bus from the High Street located a short distance away, that travels east toward Littlehampton via Chichester and west towards Portsmouth Harbour via Havant. The site is also located with a Town Centre location, with access to a range of shops and serviced, which is a material planning consideration.
- 7.24 As mentioned above, the existing use does not benefit from on-site parking, being reliant on the public highway for parking (which is available at certain times and/or the public car parks to the west of the site, with residents having the opportunity to obtain a parking permit, which the agent has indicated would be sought by future occupiers. Havant's Car Parking SPD recognises that within the Borough, some areas are more accessible to shops, services and public transport than others, with Emsworth identified as being accessible, benefiting from shops and services, a train station and bus routes.
- 7.25 It is acknowledged that the proposal does not accord with Policy DM13 of the HBLPCS as regards the provision of on-site car parking. That said, as outlined above, given the existing use of the site which in accordance with the SPD requires, as a comparison, a higher level of car parking provision than the proposal, combined with the site's highly sustainable location, it is considered that in this particular situation the provision of zero on site car parking would be an improvement over the existing use, and is considered acceptable. Having regard to this, the development would not have a significant adverse impact on onstreet parking or the safety and free flow of the highway network when assessed against the current lawful use of the property

(v) Flood Risk & Drainage

Flood Risk

- 7.26 The site falls within Flood Zone 1 and would remain so with climate change, which has the lowest probability of flooding - less than 0.1 annual probability of sea flooding. Therefore, the risk of future flooding is not considered to be a material issue with the development.

Drainage

- 7.27 The site is connected to main drainage, albeit little in the way of information relating to

this matter has been provided. That said, drainage, including surface water run off, would fall within Building Control's remit.

(vi) CIL

- 7.28 The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the Council on the 20 February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough.
- 7.29 The application is not CIL liable because the entire floor area has been occupied for its lawful use for 6 continuous months of the 36 previous months so credit can be given for the proposed change of use.

8 Overall Conclusions and Final Planning Balance

- 8.1 The proposal conflicts with the development plan as a whole. However, whilst the importance of the plan-led system is recognised, it is necessary to consider whether there are material considerations of sufficient weight or importance to indicate that the decision should be made other than in accordance with the development plan.
- 8.2 The site is located within a mixed area of residential and commercial development, within a very sustainable location with access to shops and services, for which substantial weight is given. Evidence produced by the applicant demonstrates, that there is little in the way of demand for this commercial unit. Having regard to this, the loss of this commercial unit is given modest weight. The conversion of the unit, which would provide a suitable alternative use for the listed building, with acceptable alterations, is given substantial weight. The very small contribution to the Council's housing stock, is given modest weight. Therefore, when balancing the competing aims and having due regard to the advice in the National Planning Policy Framework at paragraph 11d, it is recommended that conditional planning permission be granted for the proposal.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/01148 subject to the following conditions

1 General

The works to which this Listed Building Consent relate must be begun within a period of 3 years beginning with the date on which this consent is granted.

Reason: To comply with 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:

Plans

Location & Block Plan - Drawing No. 535 PL01 Rev P1
Floor Plans - Drawing No. 535 PL05 Rev P3
Proposed Elevations - Drawing No. 535 PLO7 Rev P2

Documents

Design & Access Statement
Flood Risk Assessment
Heritage Statement
Solent Nutrient Budget Calculator
European Site Avoidance & Mitigation Checklist
Occupancy Calculator
Marketing Information
Uploaded email on 15/12/22 from Agent

Reason: - To ensure provision of a satisfactory development.

- 3 The external materials used shall match, in type, colour and texture, those of the existing building so far as practicable.

Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 Prior to installation, a full scale or 1:5 scale plan of the new casement window in the dormer extension shall be submitted to Local Planning Authority for approved. The casement window shall be installed in accordance with the approved plan.

Reason: In order to safeguard the building's special architectural and historic interest having due regard to Havant Borough Local Plan (Core Strategy) 2011 policy CS11, Havant Borough Local Plan (Allocations) 2014 policy DM20 and the National Planning Policy Framework.

5

Prior to Occupation

1. The development hereby permitted shall not be occupied until:
 - (a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and
 - (b) All measures necessary to meet the approved water efficiency calculation have been installed.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH

Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 6 Prior to occupation of the replacement dwelling hereby approved, details of a bat or bird box to be installed on the building shall be submitted to, and approved in writing by the Local Planning Authority. The approved bat box shall be installed in full accordance with the approved details before the occupation of the dwelling and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of nature conservation and biodiversity net gain, and having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

7 **Post Occupation**

At all times following occupation of the development hereby approved, all measures for water usage within the submitted nutrient budget shall be maintained in the development in perpetuity.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.