
Site Address: 4 Queen Street, Emsworth, PO10 7BL
Proposal: Change of use from a Class E ground floor shop to a Sui Generis Nail Bar. Painted signage to be replaced on the front elevation.
Application Type: Full Planning Permission
Application No: APP/22/01146 Expiry Date: 07/02/2023
Applicant: Mrs T Pham
Agent: Mr I Knight Case Officer: Jenni Price
Ward: Emsworth

Recommendation: **GRANT PERMISSION**

1 Site Description

4 Queen Street, Emsworth, PO10 7BL

The property is located at No.4 Queen Street and is a small two-storey terraced unit which comprises of a class E (commercial, business and service) ground floor shop. The building dates from around the 1850's and is a Grade 11 Listed Building. It is located within the Emsworth Conservation Area.

2 Planning History

APP/13/01106 - Listed Building Consent to allow conversion to shop and small eatery. , WD,17/12/2013

APP/13/01105 - Change of use from A1 to A3. , WD,17/12/2013

3 Proposal

Change of use from a Class E ground floor shop to a Sui Generis Nail Bar. The non-illuminated painted signage will be replaced on the front elevation.

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

CS4 (Town, District and Local Centres)

CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)

CS12 (Chichester Harbour Area of Outstanding Natural Beauty)

CS16 (High Quality Design)

DM10 (Pollution)

DM14 (Car and Cycle Parking on Development (excluding residential))

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

DM20 (Historic Assets)

DM21 (Shopfronts, Signs, Security Shutters and Advertisements)

Emsworth Neighbourhood Plan Post Examination Version 2020

H1 (Design and Heritage)

D1 (General Design Policy)

Listed Building Grade: Not applicable.

Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

Recommendation – No objection.

Following a site visit made 13.2.2023 and having regard to the policy framework* below, this change of use of a very small amount of floorspace within the Emsworth Conservation Area is unlikely to adversely affect the vitality and viability of Emsworth Town Centre.

The property is Grade II Listed and its description is given below –

“House above shops. Mid C19. Brick walls, slate roof. 2 storeys, 3 windows. Sashes. Shop-front with cornice, frieze, and pilasters, with coupled central doors, which are ½-glazed with narrow side panes.”

The site falls outside of the defined primary/secondary retail frontages in any case, such that Policy CS4 is not applicable. The overall historic significance of the Listed Building and character and appearance of the CA would be preserved.

*Policy framework

NPPF (July 2021) paragraphs – 7-8, 10-12, 28, 38, 47, 55, 92, 98, 126, 152-154, 158, 174, 176, 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, DM9; 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

Conservation Officer

Assessment

The proposal to bring the ground floor element back into use as a nail bar, does not require any physical changes to the interior or exterior of the building, other than the new signage being painted onto the fascia board. The shopfront as existing will remain in situ.

There are no details relating to the proposed new signage, or whether the existing shopfront will remain the same colour. I therefore feel it is necessary and relevant to request details of this, via planning condition, to be provided and agreed prior to any works commencing.

Overall, it is considered that the proposed change of use will not harm the historical or architectural significance of the designated heritage assets, those being No. 4 Queen

Street and the Emsworth Conservation Area. As such, no objection is raised to the application.

Conclusion

NO OBJECTION subject to the following condition (suggested wording):

1. No development shall commence until confirmation / details of the shopfront colour and signage (including an image of how this will appear on the shopfront) have been provided and agreed. Any such agreed details shall remain in situ thereafter.

Reason: in the interests of the protection of the historical interest of the designated heritage asset.

Further comments received by email 20/03/22

I am happy that they have specified that the new sign will use the same font and colour as on the existing fascia and that this can be conditioned as per these details.

Councillor Julie Thain-Smith

No comments received

Councillor Lulu Bowerman

No comments received

Councillor R Kennett

No comments received

Environmental Health Manager, Community Group

Thank you for consulting the Environmental Protection team on the above application. Please accept this email as confirmation that we do not have any objections to make.

Hampshire Highways

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

No parking is proposed as part of this change of use which is consistent with the arrangements of the previous use. Local pay and display car parks are available for visitors to utilise. It is Havant Borough Council's responsibility as local parking authority to confirm whether the parking proposals are 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 this planning application.

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: 11

Number of site notices: 1.

Statutory advertisement: 30/12/2022

Number of representations received: 4 objections (two from same address) and 1 Support

The following are material planning considerations raised by adjoining and nearby occupiers that are applicable to the proposal:

1. Increase in noise and disturbance
2. Not in keeping
3. Parking
4. Odors/ extraction/ filter issues
5. Illumination
6. Opening hours
7. Design of signage

Comment	Officer Comment
The application states, "There is negligible waste, no external machinery noise or expelled dour issue with this inconsequential change of use " There needs to be absolute guarantee that there will be no expelled dour from the nail salon. Given the use of organic chemicals in nail salons, the applicant should guarantee no ventilation from the property of such vapours and odors through fan, window or ventilation systems.	The Agent has confirmed that there is no external machinery noise or expelled odour issue. The Environmental Health Team have been notified of the application and have raised no objections regarding noise or the needed use of extractor fans.
Such a pity that a shop more in keeping with the historical nature of the road and surrounding area can not be encouraged. This proposed addition will inevitably increase traffic to an already very busy road. There is more than enough illegal parking and maneuvering on this road anyway without this addition. There should be no bright or neon lights attached to this shop, either externally or in the window. Opening hours should be strictly 9am-5pm. Signage should be discreet and in accordance with the conservation area.	The use of the ground floor is commercial and within a frontage of other commercial uses. It is adjacent to a designated shopping area, therefore it is considered that the proposal is not out of keeping. The use is acceptable and it would not have an adverse effect on noise or be a disturbance within the area. See part 7 (iv) in relation to parking.
We support this application.	Noted

We would be delighted to see another business move into the village. Empty shops are not good for the overall image of the town. Our understanding is that this premises used to be a beauty salon offering nail treatments. It did not cause any issues then. Good luck with the business.	
I object to the proposed change of use from a ground floor shop to a nail bar, as well as the proposed replacement of painted signage on the front elevation, for the following reasons: The long opening hours of the nail bar would have a negative impact on the surrounding residential areas, leading to increased noise and disturbance for local residents. The proposed signage and lighting would be out of keeping with the character of the listed building and the surrounding conservation area, and would have a detrimental effect on the visual amenity of the area. The increased traffic and parking associated with the nail bar would exacerbate existing problems in the area, leading to further congestion and limited parking availability for local residents and businesses. In light of these concerns, we urge the planning committee to reject the application and consider alternative uses for the premises that would have a less negative impact on the surrounding area.	The agent has advised that there would be 1-2 staff with opening hours of 9-5 Monday to Friday. A condition limiting hours to 9-5 Monday to Saturday is recommended. The signage will be painted over what is the existing fascia sign with no illumination proposed. This will be a like for like change and is considered acceptable within the conservation area.
Further to previous objections regarding this matter your attention is drawn to the fact that the Highway Authority have stated that they could only be satisfied regarding the impact of the lack of parking for this facility if Havant Borough Council were to confirm in writing that sufficient parking was indeed available and would not negatively impact local	Parking is considered in Part 7 (iv)

residents. The planning officer should please note that this confirmation has not been forthcoming from Havant Borough Council as at 22.2.2023 and therefore the Highway Authority are not satisfied with this application. (The relevant section stating this is copied from the Highway Authorities submission below); "it is Havant Borough Council's responsibility as local parking authority to confirm whether the parking proposals are acceptable. The Highway Authority would be satisfied subject to written confirmation from Havant Borough Council that this is agreed"	
We recently received another letter from the planning dept (dated 01/02/23) where it states that further details about the planning application have been received. Please could you explain what these details are? We can see no representation or image of the painted signage or any of the window treatments that are to be used for privacy with no neon signage internally displayed in the windows. Since this is a sensitive Grade 2 listed area, we feel it is appropriate that this is in keeping with the residential conservation area of Emsworth and this information should be supplied in advance. Also there has been no confirmation or agreement of limiting the hours of operation.	Revised ownership certificate provided. Signage would match in style existing and a condition is recommended

7 **Planning Considerations**

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

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area /AONB
- (iii) Impact upon Listed Building and Conservation Area
- (iv) Parking and Highways
- (v) Impact on residential amenity

(i) Principle of development

The Havant Borough Local Plan (Allocations) Publication document follows on from the adopted Havant Borough Local Plan (Core Strategy) and identifies sites for specific uses including housing, employment, retail and recreation up to 2026.

This plan identifies the application site as being within the Emsworth Town Centre Boundary but is not within the primary or secondary retail frontage. As such the relevant policy relating to this application is policy EM2 of the Core Strategy. Policy EM2 refers to the Protection of Existing Community Facilities and Shops.

Policy EM2 of the Core Strategy refers to the change of use or loss of a premises or land currently or last used as a community services and facility, including local shops, will only be permitted where both the following criteria can be met.

1. It has been demonstrated, through an active marketing process that the premises or land are no longer viable for their authorised use or any other use which would provide a beneficial facility to the local community.
2. The facility is no longer required for a community use or that there is an easily accessible existing or new facility for the community it is intended to serve.

It further states that “ Policy EM2 refers to shops located within the primary and secondary frontages of centres identified in policy CS as well as small local shops located outside these centres that meet the everyday shopping needs”. The shop signage indicates that the previous use was as an antiques shop and therefore did not meet everyday shopping needs.

The Emsworth Neighbourhood Plan 2019 – 2036 states that *“The district centre of Emsworth is a vibrant retail centre and is characterised by a high proportion of independent shops, and a range of restaurants and public houses which support a lively night-time economy.”* The unit has been used as an antique shop that does not meet everyday shopping needs. There are also small units converted from other uses.

The proposed change of use would not result in a loss of a community services facility or a shop meeting everyday needs and as such, there is no conflict with the requirements of this policy.

7.2 (ii) Impact upon the character and appearance of the area AONB

It is considered that the proposed use would generally be compatible with the mixed character and context of the area and be unlikely to have any adverse impact on neighbouring amenity or impact upon the character and appearance of the area. The site is within Chichester Harbour AONB, however, the change of use is not anticipated to result in harm to the visual amenities of the area and it is noted that no objection has been received from the Harbour Conservancy in relation to the proposal.

As the facial sign will be non-illuminated it is considered that there will be no impact on neighbour amenity.

7.3 (iii) Impact upon Listed Building and Conservation Area

The change of use is considered acceptable to the conservation area and the non-illuminated sign will not effect the listed building as it is replacing the existing sign and the agent has confirmed that the same font style and colour will be used. The proposal is therefore considered to preserve the character and appearance of the Conservation Area and Listed Building.

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.

It is considered that the proposals would preserve the 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. It is considered that the proposals would preserve the character and appearance of the Conservation Area.

7.4 (iv) Parking and Highways

No parking is proposed as part of this change of use which is consistent with the arrangements of the previous use. Local pay and display car parks are available for visitors to utilise, there is also some limited on street parking nearby. Given the location in Emsworth Town centre with other commercial units without individual parking that the proposal is acceptable.

7.5 (v) Impact on residential amenity

The impact on residential amenity of the use has been considered. A condition is recommended in relation to hours of use and no objection has been raised by the Environmental Health Team.

7.6 Additional information

The Conservation Officer and the Heritage Team initially raised matters with the type of shop front colour and signage details including colour. The agent/applicant has confirmed by email that only the wording to the signage will be replaced using the same colours and the same font as the existing sign. There are no changes to the shop front proposed.

8 Conclusion

- 8.1 It is considered that the proposed change of use would support the vitality and viability of the Emsworth Town Centre and the non-illuminated sign would not result in any identified harm to either the character of the area, or residential amenity.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to GRANT permission for application APP/22/01146 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 and completed strictly in accordance with the submitted and approved specifications, written particulars and plans:

KAD 01A SP Site Plan

KAD 02 A EX Existing elevation and floor plan

KAD 03 A PP Proposed elevation and floor plan

Heritage Statement

Supporting Statement

Email Ian Knight dated 23rd February 2023 regarding signage

Reason: - To ensure provision of a satisfactory development.

- 3 The proposed fascia sign shall match in font, colour and lettering size that of the existing signage. There shall be no alteration to the shopfront which shall remain painted white to match existing details. In addition no internally illuminated signage shall be installed within the front window area.

Reason: To ensure that the details are acceptable on this Listed Building located in Emsworth Conservation Area having due regard to policies CS11 and DM21 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM20 of the Havant Borough Local Plan (Allocations) 2014, policy H1 of Emsworth Neighbourhood Plan 2019-2036 and the National Planning Policy Framework.

- 4 The premises shall only be open for trade or business between the hours of 09.00 hours and 17.00 hours Monday to Saturday inclusive.

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.