

Recommendation: **GRANT PERMISSION**

The ground floor change of use relates to just the front part of the site, and not the

rear warehouse area. The applicant does not currently have an end user of this "shop" area and hence is seeking a flexible use of the front ground floor area. The A3 use was added to the description during the course of determining this application, to give greater flexibility on potential future users, and the application re-advertised as necessary. The proposed residential use of the first floor would actually create 1No 1 bed flat and 1No 2 bed flat (as an office shown would realistically be a bedroom) - the application has been determined on this basis.

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

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS4	()
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM5	(Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses)

Havant Borough Local Plan (Allocations) July 2014

DM17	(Contaminated Land)
AL1	(Presumption in Favour of Sustainable Development)
DM21	(Shopfronts, Signs, Security Shutters and Advertisements)
AL3	(Town, District and Local Centres)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

The policies contained within the Havant Borough Local Plan 2036 Pre-Submission Draft 2019 and the Emsworth Neighbourhood Plan, Submission Version April 2019, are also both material considerations as emerging policy. They can be afforded limited weight.

A full and detailed Planning, Design & Access Statement has been submitted supporting the application.

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Community Infrastructure

We can confirm that there appears to be no CIL Liability as the existing floorspace was in use at 1 January 2019 as required by the CIL Regulations. This should be confirmed in the Officers Report and in writing to the applicant, post decision by the CI Team.

Additionally, instructions should be passed by the Case Officer to the CI Team to issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the number of net additional dwellings and their respective number of bedrooms. See

<http://www.havant.gov.uk/unilateral-undertaking-solent-recreation-mitigation-strategy>

See also information on Nutrient Neutrality: www.havant.gov.uk/nitrogen

Economic Development

None received

Environmental Health

With reference to drawing no. 550-19-03 (May 2019), it is understood that the current proposals do not include any change of use of the existing single-storey (tin-roof) sorting office to the rear of the Georgian former post office.

Plan 550-19-03 is consistent with the planning statement, which does not refer to any residential ground floor use. It is noted however that the combined planning / design & access statement also refers (at 5.2.1) to there being no material changes to the exterior of the building, which is not consistent with the plans submitted.

It is noted that my colleagues in planning policy have made a response to this consultation on the basis of residential accommodation being provided 'to the rear' of the proposed mixed use unit - which (given the footprints shown on 550-19-03) I would interpret as being at ground floor.

From a contamination perspective, the material fact is whether ground-floor residential accommodation is proposed (or not). If so, a proportionate site investigation would be sought to confirm the suitability of soils - in line with comments provided previously under GEN/19/00152 (08/04/2019). If the single storey sorting office is either out of scope of this application, or forms part of the flexible commercial use - contamination may be considered to be 'not material' to these proposals.

As previously advised, I have no air quality or other pollution concerns.

Officer Comment

Confirm that this application does not propose any ground floor residential use, which is proposed as the conversion of the upper two floors only

Hampshire Highways

This site clearly has a planning history and benefits from a rear car park accessed via a very narrow access with inadequate visibility splays. The access also serves another car park to a separate building.

In view of the inadequacies of the existing access the use of it by vehicles should be minimised and therefore subject to the LPA's view on the volume of parking spaces. I confirm I am happy to see a reduction in the number of on site parking spaces, and if the number of spaces could be further decreased by the provision of more space to turn vehicles that would be beneficial.

I confirm the Highway Authority have no objection to this proposed development.

On Amended scheme with A3 use

In my earlier response I expressed the Highway Authority's concern relating to an increase in the use of the existing access because of its narrowness (single track width) and inadequate visibility splays where it meets the highway. The adding of an A3 use to the description could generate significantly more traffic than the other uses and therefore I am inclined to object on the following grounds :-

The proposed development is likely to lead to a significant increase in turning traffic on North Street which is a busy Class 2 Traffic Route from an inadequate access which is

likely to lead to a large increase in hazards to highway users.

That said, if it is acceptable to restrict by condition the use of the rear car parking space to occupiers of the building there would be no change to my earlier recommendation.

**Natural England
Consultation on HRA
Nutrient Neutrality**

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Natural England is aware that your authority has adopted an interim strategy using Grampian conditions to address nutrient impacts from developments currently in the planning system and we have been working with the Council to develop this approach. It is noted that the mitigation would be secured through a Grampian condition, requiring the mitigation package to be agreed, provided to the Council and implemented prior to the occupation of the development.

Your appropriate assessment 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. With regard to deterioration of the water environment, it is noted that the approach to address the positive nitrogen budget for this development is to offset against the interim strategy, with measures to ensure this approach can be adequately secured and accounted for.

It is Natural England's view that in this case, provided the Council as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

Please consult Natural England on the discharge of the Grampian condition.

Solent Recreation Mitigation Strategy

This application is within 5.6km of Chichester and Langstone Harbours SPA and will lead to a net increase in residential accommodation. Natural England is aware that Havant Borough Council has adopted a planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP).

The Appropriate Assessment has taken this into consideration, therefore, providing the appropriate mitigation is secured by any approval, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site, and has no objection to this aspect of the application.

Planning Policy updated 16 July 2019 (after addition of A3 to proposal)

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.

The Pre-submission Havant Borough Local Plan 2036 (HBLP 2036) was approved by the Council on 30 January 2019 and can be afforded limited weight.

In addition, the Emsworth Forum submitted their neighbourhood plan to the borough council in April 2019. This too can be afforded limited weight.

PRINCIPLE OF DEVELOPMENT

Emsworth District Centre

This site falls within the Emsworth District Centre as defined by Policies CS4 and AL3 of the adopted local plan. These policies seek to promote main town centre uses, in order to protect and enhance the vitality and viability of the centre, with a focus on shopping uses, particularly in those parts of the centre defined as the primary shopping area. Similar aims are carried forward into the Pre-Submission Local Plan 2036, in policy C4 Emsworth District Centre. In both plans, the application site lies outside of the primary shopping area.

High quality, mixed-use development that retains active ground floor frontages is supported in principle across the centre in the adopted Local Plan policy CS4.

Under the emerging policy, development proposals in the town centre outside of the primary shopping area are supported where:

- Proposals maximise opportunities for residential or office at upper floors
- Ground floor uses have active frontages
- Community, health care and main town centre uses (except B1a) are proposed at ground floor
- They enhance the evening economy and/or tourist offer of Emsworth.

Residential use at upper floors and to rear

The proposal is for residential above and behind commercial use on the ground floor frontage. High quality, mixed-use development that retains active ground floor frontages is supported in principle across the centre in the adopted Local Plan policy CS4, and the residential element is therefore considered to be in line with that plan. Proposals that maximise opportunities for residential at upper floors are also actively supported in the emerging plan Policy C4.

Commercial Use of ground floor frontage

The application proposes A1/A2/A3/B1a uses at ground floor. All of these are town centre uses, but in the emerging Local Plan B1a office uses are specifically excluded from the list of acceptable ground floor uses. Under the adopted plan, proposals are encouraged which support small and independent businesses. A small unit for A1, A2, A3 or B1a use could be considered to support this aim. An A3 use also has the potential to enhance the evening economy and/or tourist offer of Emsworth, which is an aim of the emerging Local Plan.

However, that plan can be given only limited weight at this time. This includes the restriction on B1a uses in the emerging plan. In any case, it must be noted that permitted development rights exist for the change of use of small scale A1 or A2 uses to B1a. Therefore, even if this use was not proposed now, there would be no control over a later change.

The emerging Emsworth Neighbourhood Plan seeks to create a community hub in this area, under policy C1. The proposal for A1/A2/A3/B1a is unlikely to meet this requirement, although this does of course depend on the nature of the end user,

which could have a community focus or not. The Emsworth Neighbourhood Plan, in Policy H3, also seeks the retention of this building, which is seen to have historic character, architectural merit and strong local interest. Bringing it back into use will help achieve this aim. Similarly to policy C1, preferred uses under Policy H3 are public or community uses. Again, this will depend on the end user, but A1, A2 and A3 uses can certainly be considered public. The neighbourhood plan more generally supports A1, A2 and A3 uses in North Street, where it can be demonstrate that they add to a safe, vibrant and attractive street scene.

Overall, the proposed range of uses on the ground floor is considered appropriate, as town centre uses are supported in this location in principle, and the more restrictive emerging policies may be given only limited weight at this moment in time.

Loss of last use

It is worth noting that Policy DM2 of the adopted Local Plan seeks to prevent the loss of community services and facilities, including shops, and Policy DM3 protects employment (B class uses) or tourism uses. Both policies set requirements for marketing to see whether alternative occupiers can be found before the loss of the use is accepted. The last use of the building was a sui generis royal mail sorting office. Unlike a post office counter this is not considered to be a community use or local shop to which policy DM2 would apply. Similarly, policy DM3, which protects employment uses, is also not deemed to be relevant, given that the policy wording restricts the requirements to B class uses. I therefore consider that under the adopted local plan, there is no requirement for marketing, and I note that none has taken place.

DETAILED CONSIDERATIONS

Design

Both the adopted and the emerging local plan require high quality design in all development, and consideration of the historic environment under policies

- CS16 High Quality Design (Core Strategy) and
- E1 High Quality Design (HBLP2036)
- DM20 Historic Assets (Allocations Plan)
- DM21 Shopfronts, Signs, Security Shutters and Advertisements (Site Allocations)
- E13 Historic Environment and Heritage Assets (HBLP2036)

On this tight site, the relationship with surrounding uses is crucial in terms of the design and configuration of the development.

The emerging Emsworth Neighbourhood Plan includes a suite of design policies, and a design checklist, which may be given limited weight in decision making.

Parking & Access

Parking standards apply under the adopted and the emerging local plans (see Parking Standards SPD). 1 space is required per 1 bedroom flat. 5 spaces are proposed on site to serve the commercial and the residential element. While standards differ for different commercial uses, the number of spaces is considered to meet the requirement. Cycle parking will also be required. A cycle store is proposed, though there appears to be no information on the number of cycles it is intended to accommodate.

The emerging Local Plan policy IN4 requires vehicles to leave and enter the

highway in forward gear (Policy IN4 of the HBLP2036), so advice should be sought from the transport engineer regarding the appropriateness of turning arrangements on site.

It is acknowledged that the requirements for parking provision and for turning on site may have to be balanced.

Space Standards

The emerging Local Plan includes minimum spaces standards for in and outdoor space.

The indoor space of the flats appears to meet this requirement, while there is no outdoor amenity space. That being said, policy H1 High Quality New Homes can be given only limited weight at this time.

Nutrient Neutrality

Following recent case law, residential development will need to achieve 'nutrient neutrality'. The applicant will therefore be required to submit a 'European Site avoidance and mitigation checklist'. Further information is available at www.havant.gov.uk/nitrogen

Conclusion

In policy terms, the key consideration is whether the proposal supports and enhances the vitality and viability of Emsworth District Centre.

The residential use at upper floors and to the rear is supported in principle, subject to detailed development management considerations, particularly on design a layout, and demonstration of nutrient neutrality. The proposed ground floor uses, though partially contrary to emerging policy, are also considered appropriate on balance.

Traffic Management

No adverse comment

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 19

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
1 letter of support received: I would like to support the application. It is good to see a significant empty property to the north of the town centre	Noted

being brought back into use as a mixed development.	
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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 and proposed uses
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Highways and parking
- (v) Compliance with Habitats Regulations
- (vi) CIL
- (vii) Contamination

(i) Principle of development and proposed uses

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. Being within the defined Emsworth District Centre policies CS4 and AL3 promote town centre uses in order to protect and enhance the vitality and viability of the centre with a focus on shopping uses to retain active ground floor frontages. The current application proposes a flexible mixed use of the front part of the ground floor which would include A1 (retail) A2 (financial & professional services) A3 (Restaurants & cafe) and B1a (business office). As outlined in detail within the Policy Teams consultation response, the A uses would all provide active frontages, serve the local community and represent appropriate traditional town centre uses, appropriate to the Secondary Frontage.

However the alternative proposed B1(a) office is excluded from the list of acceptable ground floor uses within the emerging policy C4 and directed to the upper floors. This policy can currently only be afforded limited weight and the agent has provided an in depth justification for the inclusion of a B1(a) use - namely that the direction of travel by Central Government is to support new businesses and encourage further diversity within high streets, taken from the White Paper "Planning reform: Supporting the High Street and Increasing Delivery of New Homes" Oct 2018. It is also argued that new permitted development rights would allow for a change of use of A1 or A2 to B1 and that the emerging policy is not fully aligned with that approach. Furthermore it is suggested that office workers and visitors to a B1(a) use would patronise and therefore support the existing shops, cafes, restaurants etc and hence would not undermine the overall aim of maintaining the vitality and viability of Emsworth District Centre.

The building does not have large traditional shop front windows and may be suitable for a B1 use. Given that the application is speculative and seeking a variety of uses to enable marketing of the premises, and the limited weight of the emerging policy, then overall it is considered that the range of uses sought would be appropriate to bring the unit back into active use. The proposed conversion of the upper floors to residential is compliant with policies and appropriate in the district centre.

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

The only external alterations of the property would be the removal of the chimneys and

changing an existing window on the north (side) elevation to a door to serve the flats above. Otherwise the design and appearance of this traditional old building would be protected and retained in street scene terms.

(iii) Impact upon residential amenity

The proposed A3 restaurant or cafe use may require external extraction, which is unknown at this stage, but would need to be sensitively sited to protect both the visual appearance of the building and protect the amenity of neighbouring residents (particularly those that share the side access and have an outlook to the site). This can be conditioned. Otherwise the proposed uses would generally be compatible with the mixed character and context of the area and be unlikely to have any adverse impact on neighbouring amenity.

(iv) Highways and parking

The site was the former Post Office sorting office with a customer service/collection point. That use was permitted in 1995 with no conditions limiting hours of use or vehicle movements. As such, until this use ceased in early 2019, there would have been considerable activity and traffic movements associated with the site. There is a rear car park which is narrow but is shown to provide parking for 5 vehicles, utilising the shared access for turning. The proposed development of 1No 1 bed and 1No 2 bed flat would require 3 on site spaces and these can be provided, leaving 2 for the ground floor commercial use. The ground floor area within the current proposal amounts to some 76 sqm which would result in an under provision of parking for this use, the exact amount will vary depending on final use. (It is noted that the existing single storey rear extension area, the former sorting area, is excluded from this proposal and any future applications covering this area may trigger further parking demand which will have to be considered at that time).

The determination of this application must have regard to the past use of the site and the presence of nearby public car parks. The proposed uses would likely result in a less intensive use of the rear car park and access than the former sorting office and therefore, in this instance, it is considered that there would be no additional harm to highway safety or amenity. The Highway Authority have raised concern about the introduction of the A3 use, on the basis of generating more traffic than the other uses. However it is considered that customers to an A3 use (restaurant & cafe) are likely to be combining trips and would park in the nearby public car parks, in a similar way to customers of either an A1 or A2 use. The proposal is not for a takeaway which may generate more short term, collection only trips with greater impact on highway safety. Given the layout of the site and narrow access customers are unlikely to use the rear car park which would realistically be for staff and servicing only. There is also an existing outbuilding at the rear which is proposed to be used for secure cycle storage for staff. Having secure cycle storage, 2 car parking spaces available for staff and servicing is, on balance, considered sufficient to serve the small size of this front unit and would not result in harm to highway safety or amenity.

(v) Compliance with Habitats Regulations

The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several

European Sites due to both the increase in recreation and the decrease in water quality that would be a result of the proposed residential development from the upper floor flats.

The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy and the appropriate contribution of £908.30 and associated Deed has been received.

The second is a package of measures based on the Position Statement on Nutrient Neutral Development. The applicant has indicated a willingness to accept a Grampian style condition/legal agreement to secure the outstanding mitigation package relating to water quality issues for the upper floor flats.

The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs 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 indicated a willingness to enter into a legal agreement to secure the mitigation packages.

(vi) CIL

In terms of CIL, there is no new floorspace proposed, the application is a change of use only. The building was in use for its lawful use for 6 continuous months within the previous 36 months and as such under Regulation 40 of the CIL Regulations 2010 (as amended 2014) then CIL is not charged for any part of the original building that is re-used in these circumstances.

Therefore there would be no CIL liability for this application. The CIL team will confirm this on decision.

(vii) Contamination

As per Environmental Health's consultee response above, the potential contamination risks of the site relate to a residential use of the ground floor from residual fuel storage and vapour ingress. However the proposed development does not include any ground floor residential use and therefore at this stage there is no need for any contamination investigations.

8 Conclusion

It is considered that the proposed uses would support the vitality and viability of the Emsworth District Centre and bring a currently vacant building back into active use. The development is therefore supportable in principle and recommended for conditional permission, subject to compliance with the Habitats Regulations and appropriate mitigation package to address the impact on water quality.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00638

(A) 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:

Existing & Proposed Site Plans Drawing Number 550-19-01
Proposed Plans & Elevations Drawing Number 550-19-03
Planning Report by Acorn Planning dated June 2019

Reason: - To ensure provision of a satisfactory development.

- 3 The upper floors residential 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; all measures necessary to meet the agreed waste efficiency calculation must be installed before first occupation and retained thereafter;
 - b) A mitigation package addressing the additional nutrient input arising from the upper floors residential development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the upper floors residential development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
 - c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

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. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough

Local Plan (Core Strategy) 2011 and Policy E14 of the Pre-Submission Havant Borough Local Plan 2036.

- 4 No externally visible or audible plant, machinery or structures required for extraction, ventilation or filtration purposes shall be installed at the premises until and unless details of the external siting, appearance and acoustic performance of the same have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the visual appearance of the site and locality and the amenities of nearby residential properties, and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The car parking, cycle storage, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

Reason: In the interests of highway safety and having due regard to policies DM13 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.