
Site Address: 55 High Street, Emsworth, PO10 7AN
Proposal: Change of use of ground floor to Class A2 (office/studio); creation of 1No. one bed dwelling on first and second floor (Class C3).
Application No: APP/18/01074 Expiry Date: 21/12/2018
Applicant: Mr Barnes
 Chalk Creatives
Agent: Mr Barnes Case Officer: Rachael McMurray
 Chalk Creatives
Ward: Emsworth

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 55 High Street is a three-storey late eighteenth century property forming a pair with No.57 and located on the south side of High Street close to the Queen Street junction. It is a grade II listed building set within the Emsworth Conservation Area and the Chichester Harbour Area of Outstanding Natural Beauty. The site was most recently used as a dentist, the property does not benefit from any off street car parking.

2 Planning History

90/50314/003 - Display of externally illuminated fascia sign and hanging sign., REF,
90/50314/004 - Listed building consent for display of externally illuminated fascia sign and hanging sign, REF,
01/50314/008 - Non-illuminated fascia sign, and projecting sign and vinyl on shop window and door to give appearance of etched glass., PERM,07/09/2001
01/50314/009 - Application for Listed Building Consent for non-illuminated fascia sign, and projecting sign and vinyl on shop window and door to give the appearance of etched glass., PERM,07/09/2001
01/50314/007 - Listed Building Application for the change of use to Dental Practice (Class D1) to include internal works., PERM,23/04/2001
01/50314/006 - Change of use to Dental Practice (Class D1)., PERM,23/04/2001
95/50314/005 - Change of use from A2 to A1 retail personal to Mrs M F Rio., PERM,23/11/1995
APP/17/01044 - Change of use from dental surgery (Class D1) to dwellinghouse (Class C3). PERM,16/11/2017
APP/17/01045 - Listed building application for conversion of existing dental surgery to a dwellinghouse. PERM,16/11/2017
APP/18/01075 - Listed Building Consent for Change of use of ground floor to Class A2 (office/studio); creation of 1No. one bed dwelling on first and second floor (Class C3)., DEL,

3 Proposal

Change of use of ground floor to Class A2 (office/studio); creation of 1No. one bed dwelling on first and second floor (Class C3).

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)
CS16 (High Quality Design)
DM13 (Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

DM20 (Historic Assets)

Listed Building Grade: Grade 2
Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

Nothing received.

Historic England

No requirement to notify on this type of application.

Natural England Government Team

No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

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. 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, providing that all mitigation measures are appropriately secured in any permission given.

Please note in future cases where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation.

Rights of Way, Access land, Coastal access and National Trails

Paragraph 98 of the NPPF highlights the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Landscape advice

The proposed development is for a site within or close to a nationally designated landscape namely Chichester Harbour AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (585 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Planning Policy, PPUD

Summary - there is no objection to the change of use however, consideration will need to be made with regards to the parking requirement for this proposal, as well as the detailed impact on the heritage asset.

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: 09/11/2018

Number of representations received: 0

7 Planning Considerations

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

- (i) Principle of development
- (ii) Impact upon the character and setting of the conservation area and AONB
- (iii) Impact upon residential amenity

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The site lies within the urban area as defined by Policies CS17 and AL2 which seek to concentrate new development within the five urban areas of the borough. The proposals for the first and second floors are for the change of use from a dental surgery to a dwellinghouse; redevelopment of brownfield land is supported by Guiding Principle 3 of the Local Plan Housing Statement.

7.3 The site falls within Emsworth District Centre as defined by Policies CS4 and AL3. However, the site is not within a primary or secondary frontage. It is worth noting however, that the site is in close proximity to the primary shopping area along the High Street. Policies CS4 and AL3 encourage appropriate town centre development proposals which support small and independent businesses; moreover, Policy CS4 seeks to promote the vitality and viability of the identified local centre.

7.4 A recent planning permission granted approval for the change of use of the ground floor unit from Class D to residential use (Class C3). The principle of the loss of the D1 use has therefore already been accepted. However, this application seeks to retain a commercial use on the ground floor, that being a Class A2 use for a office / studio with a shop frontage. This is a preferred form of development given the site's location in the town centre and contributing to the vitality and viability of the area.

(ii) Impact upon the character and setting of the conservation area and AONB

7.5 The proposed external changes to the building are minimal, with the shop front being retained and shutters being located behind. The internal alterations and impact on the building are considered in detail under the listed building application APP/18/01075. As such given this the proposed development is considered to conserve the character and setting of the Emsworth Conservation Area and the Chichester Harbour Area of Outstanding Natural Beauty.

7.6 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 based on the amended plans submitted, on balance the proposal does preserve the character and appearance of the area.

(iii) Impact upon residential amenity

- 7.7 Given that there are limited external changes it is not considered that the development would have a significant adverse impact on the amenities of neighbouring properties with regard to noise or general disturbance. The existing building does have an existing terrace at first floor level, this terrace is enclosed by the brick walls of the neighbouring properties, so it would not result in significant overlooking into neighbouring properties.

(iv) Impact on amenity of future occupants

- 7.8 The proposal includes the existing terrace, which is noted above. It is noted that the guidelines set out in the Design Guide SPD normally require a garden depth of 10m. However it is considered that as the dwelling is a maisonette style within the town centre, where the majority of properties have limited amenity areas, that this level of amenity space would be sufficient to provide for the day to day needs of the future occupants, in terms of both amenity space for enjoying an outside area, and for matters such as drying clothes amongst other day to day activities. Overall it is considered that the impact on the development is acceptable in terms of the amenities of future residents of a dwelling this size.

(v) Impact on highways/parking

- 7.9 The existing building currently benefits from no parking, which is not an unusual situation given its town centre location and subsequently this application proposes no parking. The Havant Borough Residential Parking and Cycle Provision SPD identifies areas around Emsworth Town Centre to be a highly accessible location where reduced or even zero standards of vehicle parking provision can be considered in order to maximise the use of land and discourage use of the private motor vehicle.
- 7.10 Furthermore, paragraph 3.06 of the Standards recognises that on brownfield sites outside of town centres, it may be possible to reduce the number of car parking spaces where the development is within a reasonable distance of good public transport links. It is therefore considered that given the highly sustainable location of the development that this proposal, with zero parking for both the ground floor Class A2 use and the residential use, is considered to be consistent with the aims of the SPD. Furthermore the future occupiers can use the public car parks within the town centre or on street parking, where applicable.

(vi) Ecology considerations

- 7.11 This statement clarifies the processes that the Council, as a competent authority under the Conservation of Habitats and Species Regulations 2017, to fulfil its duties as a competent authority under those regulations. The Council has conducted a Habitats Regulations Assessment (HRA) of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, this includes an Appropriate Assessment under Regulation 63. This is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on Chichester and Langstone Harbours Special Protection Area due to the increase in recreation as a result of the development. The planning application was then subject to an Appropriate Assessment under Regulation 63.

7.12 This assessment included a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy and the applicant has confirmed entry into a legal agreement to secure the mitigation package. 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 entered into the legal agreement to secure the mitigation package.

(vii) Other matters

7.13 Whilst new residential floor space is being

8 **Conclusion**

The proposal would retain an active commercial unit on the ground floor which would contribute to the vitality and viability of the conservation area and town centre. The proposal is considered to conserve the character and setting of the conservation area, AONB. In addition the development is not considered to have a significant adverse impact on the amenities of neighbouring properties or on highway safety. It is therefore recommended for approval.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/01074 subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Design, access and heritage statement

Site location and block plan - DN: 1804-CC-XX-XX-DR-1-1000

Proposed floor plans and elevations - DN: 1804-CC-XX-XX-DR-1-1001

Reason: - To ensure provision of a satisfactory development.