
Site Address:	12 Queen Street, Emsworth, PO10 7BL		
Proposal:	Change of use from shop (A1) to 1No. 3 bed dwelling with single storey rear extension and removal of existing outbuildings.		
Application No:	APP/18/00704	Expiry Date:	07/09/2018
Applicant:	Mr Doran		
Agent:	M Farrer	Case Officer:	Tina Pickup
	MF Designs Ltd		
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site relates to a three storey town house with ground floor retail unit and shop display window, located on the north-west side of Queen Street. The retail unit (formerly an antiques shop and therefore authorised as an A1 unit) has been vacant since 2016. Whilst apparently 3 storeys there is also a basement and room in the roof, making 5 floors of internal space. The building is Grade II Listed and falls within Emsworth Conservation Area and Chichester Harbour AONB. The Listing details state:

House above shop. Mid C19 front to older house. Brick walls, hipped tile roof. 3 storeys and attic, 1 above 2 windows. Flemish bond, brick dentil eaves, stone lintels. Sashes, Shopfront with cornice on brackets, arched lights to ½-glazed door.

Additionally the attached building at 10 Queen Street is also Listed, aswell as No 16 and all those opposite. The site lies within the Emsworth District centre, but beyond the Primary and Secondary Frontages. On this north-western side of the road the last retail/commercial unit is No 6 (wine merchants) and after that all units to the east are in residential use. Opposite No 7 is in retail use, otherwise the character of Queen Street is residential.

There are double yellow lines along the majority of Queen Street with some resident only or 45 minute parking bays immediately outside the site.

2 Planning History

27905 - alterations and rear extensions Permitted 27/02/1979
27095/1 - change of use to coffee/tea shop Permitted 8/07/1980

There is no other recent planning history, but 10 pre-application enquires were made between November 2016 and September 2017 about potential uses for the site and Listed Building enquires.

Also the current Listed Building application to accompany this planning application:

APP/18/00705 - Listed Building Consent for change of use from Shop (A1) to 1No. 3 bed dwelling with single storey rear extension following removal of existing outbuildings.

3 Proposal

Change of use from shop (A1) to 1No. 3 bed dwelling with single storey rear extension and removal of existing outbuildings.

During the course of determining this application amended plans have been received omitting the parapet on the shared boundary.

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)
CS21	(Developer Requirements)
CS4	()
DM13	(Car and Cycle Parking on Residential Development)
DM2	(Protection of Existing Community Facilities and Shops)

Havant Borough Local Plan (Allocations) July 2014

AL3	(Town, District and Local Centres)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Grade 2
Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

No objection.

Further to a site visit made 24.7.18 and having regard to the policy framework* below, as the reconfigured rear projection and the modest internal works would have no impact on the AONB landscape. Assuming the Conservation Officer is satisfied that the significance of this heritage asset would be preserved and integrity of the Listed Building maintained, there was clearly no impact to the cultural identity of the AONB either.

Whilst it is regrettable that (an isolated, not even defined secondary frontage) commercial use would be lost to the ground floor, the marketing report from September 2017 shows no interest has been generated to let this tiny retail space (with substandard headroom cellar) and its stepped entrance does not provide access for all. Investigations have been made in terms of relocating the stairwell to make a more usable and lettable retail space and separate dwelling, but I understanding this has not been accepted in terms of impact to the Listed Building. The Conservancy is pleased to see the shopfront and fascia retained as a memory of Emsworth's diverse cultural past.

As living accommodation associated with the shop already exists at the site, the Conservancy leaves it to the council to determine whether an ecological payment under the Solent Recreational Disturbance Project is warranted.

Conservation Officer

largely content with what is proposed - the extension appears to be of a size and design that will not harm the character of the building or conservation area. Whilst the new window is proposed in the original part of the building I have no objection to it. The test is whether it harms the significance of the building (i.e. preserve or enhance). Whilst there is a small area of historic fabric to be lost I do not believe the window will look out of place on the building. The sash proportions of the opening are acceptable subject to glazing treatment (needs to be conditioned). As such I believe the window would preserve the character of the building as its historic significance is not adversely affected.

In terms of conditions I would recommend the following:

- material samples
- window and door details
- guttering and downpipe details

Highways Engineer

No adverse comment

Historic England

On basis of the information available you do not need to notify or consult us on this application

National Amenity Societies - Historic Environment Advice

None received

Natural England Government Team

None received

Planning Policy

The site is in Emsworth District Centre as shown in Policies CS4 and AL3 (Town, District and Local Centres). These policies encourage appropriate town centre uses at ground-floor which support small and independent businesses
As specified in Paragraph 3.54 of the supporting text for Policy CS4:

"Policy CS4 seeks to encourage high quality mixed-use development in designated centres with offices or new homes located on upper floors above town centre uses with active ground floor frontages. The loss of ground floor town centre uses to residential development will be resisted" (emphasis added).

However, despite the above, it is acknowledged that the building is completely surrounded by residential development at ground floor level and that these dwellings are also in Emsworth District Centre; the unit covered by this application would be the last retail unit in this area and has been vacant since 2016. As such, it is acknowledged that town centre footfall will be lower, and the unit may well be better served as a dwellinghouse rather than a vacant unit.

Loss of Shop and Marketing:

Although the site is in Emsworth District Centre, is not designated as primary nor secondary retail frontage. As such, criteria 2) to 6) of Policy AL3 do not apply. Nevertheless, the loss of a shop within a designated centre will activate the requirements of Policy DM2

As stated paragraph 10.09 (page 124) of the Local Plan (Core Strategy):

"In the case of the loss of shops located outside the primary and secondary frontages.....a reduced marketing period of six months is therefore required"

And;

"If the premises are no longer required for retail purposes, priority will be given to alternative uses which contribute to the general vitality and viability of the area".

The enquiry log demonstrates that a variety of land class uses (including A1, A3, A5 and Sui Generis) were considered during the marketing period showing flexibility. Although the minimum marketing requirements were not met (emphasis added), the enquiry log is considered the key part of the evidence and demonstrates that the small retail floorspace, and inability to split the retail floorspace from the current living accommodation, was the main reason for unsuccessful follow-ups

Parking:

Nevertheless, it is important to note that the building already comprises a 3-bed residential unit with a shop front. The application is, therefore, to subsume the shop front into the existing residential unit with a rear extension

As set out in Section 3 (page 20) of the Parking SPD, it is appropriate that car parking requirements reflect the fact that some areas of the Borough, such as town and district centres, are more accessible by non-car means.

It is considered appropriate that no additional vehicle parking is provided as:

- 1) The application is to subsume the shop front into the existing 3-bed property;
- 2) There is permit parking available along Queen Street; and
- 3) The site is in the fifth (and close to the fourth) most accessible (by non-car means) part of Havant Borough.

Cycle Parking

The provision for cycle parking/storage can be found in Table 4D (page 13) of the Havant Borough Parking SPD (link above). The long-stay cycle requirement for a three-bed unit is 2 cycle spaces. The proposal will need to provide these to adhere to the requirements of Policy DM13 and the Parking SPD.

Recommendation:

Since Queen Street is, with the exception of this one unit, entirely residential in nature and an adequate Marketing Report has been submitted, no objection would arise in principle providing that:

4. Two cycle parking/storage spaces are provided; and
5. The design of the scheme adheres to the requirements of Policy CS16 and the Chichester Harbour AONB SPD.

Traffic Management

Only one resident permit would be issued to this premises.

The nearest long stay Pay and Display car park is sited 5 to 10 minutes walk away.

Waste Services Manager

No concerns

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: 6

Number of site notices: 1

Statutory advertisement: 20/07/2018

Number of representations received: 1

Comment	Officer Comment
<u>On original submission:</u>	
No 10 & 12 have small gardens separated by party wall 2.3m high closest to dwellings; no off road parking and each property allocated a single parking permit; <u>Loss of retail</u> - marketing report identifies impediments to successful letting eg poor condition & stepped access and these should be remedied before sacrificing A1 use. Non residential use should be robustly protected; <u>Parking</u> SPD should apply - conversion to 3 or 4 bed dwelling will place additional burden on roadside parking that is already in short supply; should be refused or s106 prohibiting occupants from obtaining resident parking permits <u>Design</u> - proposal offends both Policy CS16 & SPD; limited detail of external design & front elevation materials; <u>Overshadowing</u> - increase in half metre to boundary wall will reduce amount of natural light and significant overshadowing; boundary wall should be retained at existing height; <u>Residential amenity</u> - applicant could convert to larger dwelling without consent by using attic and cellar areas and if number of bedrooms increase then would impact on residential amenity and parking demands; could be used as HIMO or multi tenanted property - should be conditioned to single family 3 bed only; ie attic and cellar should not be bedrooms <u>Precedent</u> - if granted could make it difficult to refuse other applications which would further dilute commercial character of Emsworth Other requests - construction works only between 9am and 5pm Mon - Fri; no construction vehicles or equipment inc skips parked on Queen Street; no future extension exceed one storey in height;	Noted as a Listed Building alterations not necessarily appropriate - see considerations below property already a 3 bed unit so no additional bedrooms proposed to change parking - see considerations below see considerations below & no change to front elevation amended plans since reduced but due to orientation loss of light minimal - see considerations below all ancillary rooms to existing residential unit; would need planning permission for more than 6 residents; see considerations below each application dealt with on its own merits covered by Environmental Health legislation therefore see Informative's
<u>On Amended plans:</u>	

Grateful for removal of extended parapet but still concerned about overbearing effect; 450mm increase (20%) is still significant & should be refused or reduced further; repeat request re noise during construction	Noted - see considerations below Objector advised of Party Wall Act

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 loss of retail unit
- (ii) Impact upon the Listed Building and Conservation Area
- (iii) Impact upon residential amenity
- (iv) Parking
- (v) Contributions
- (vi) Other matters

(i) Principle of development and loss of retail unit

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. Since the site lies within a Conservation Area and affects a Listed Building, Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant to the determination of this application requiring special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest, as well as the desirability of preserving or enhancing the character or appearance of a conservation area.

The site lies within Emsworth District centre but not within any Secondary or Primary shopping area - therefore policy DM2 is the relevant policy that seeks to protect community facilities and shops. Criterion 1 of this policy requires an active marketing exercise for 6 months to demonstrate that the premises is no longer viable for, in this instance, an A1 unit.

This marketing exercise has been undertaken and submitted and demonstrates that between September 2017 and February 2018 enquires led to 15 viewings of the premises for a variety of uses but none came to fruition due to several barriers. These included physical factors such as the stepped entrance which are impossible to alter due to the Listed status of the site. Whilst the premises were not advertised in the local press or trade journals, all other criteria on para 10.06 were met (photos of the marketing boards are shown in the D&A statement). Overall the marketing exercise undertaken is considered sufficiently detailed and exhaustive to meet the requirements of Policy DM2 and shows that the site has not attracted any viable alternative A1 or commercial user. This is further endorsed by the fact that before the formal marketing process, between November 2016 and September 2017 the LPA received 10 pre-application enquires about potential uses for the site and Listed Building enquires.

The property has been vacant since November 2016 with no suitable alternative user being found and therefore it is now considered appropriate to allow the ground floor of the property to be subsumed into the existing 3 bed property and become a single family dwellinghouse ie a C3 unit. It has also been noted by the Conservation Officer that this building would probably have originally been a dwelling. Furthermore this is the last and easternmost retail unit on Queen Street and would suffer from reduced footfall and it

would be better to bring the site back into a supportive residential role than for it continue to lie vacant. Accordingly the principle of the loss of the ground floor retail unit and its use as a dwellinghouse is supported in principle.

(ii) Impact upon the Listed Building and Conservation Area

The impact of the proposals on the character and appearance of the Listed Building has been carefully assessed by the Councils Conservation Officer. The proposal involves the removal of the raised floor area within the shop display area and lowering the floor back to the original level (as evident in the cellar below) whilst retaining the shop front display unit. On the second floor some internal partitions/cupboards will be removed with the bathroom reconfigured. Additionally a new ground floor window is proposed within the east side elevation - this is proposed as a suitable proportioned sash window and would face an enclosed side path. The conservation officer has no objection to the scheme and considers that it would preserve the listed building in accordance with Section 66 and policies CS11 and DM20.

No works are proposed to the shopfront which would be retained in its existing form. Since the historic shopfront would be retained then the character and appearance of the Conservation Area would also be preserved.

(iii) Impact upon residential amenity

The proposal involves rebuilding the existing lean to style rear extension as a wider flat roofed extension, of the same depth. As originally proposed this included a parapet wall to the shared boundary with No 10 who has a courtyard style rear garden. However objection has been received to the added height to the party wall (about 0.7m as originally proposed) and the resultant impact on residential amenity. It is claimed that there would be a loss of light from the increased height - but due to the orientation it is considered that the actual loss of light or any overshadowing would be minimal and restricted to early morning. However the added height may result in a sense of enclosure and overbearing effect. Accordingly amended plans have been sought omitting the proposed parapet wall and therefore the increased height is limited to an increase of about 450mm (necessary to achieve level internal floors and ceilings). On this basis it is considered that the additional overbearing effect and impact would be marginal and not refusable.

The letter of objection also refers to loss of amenity resulting from potential intensification of use of the site as a C3 dwelling with potentially additional residents and HIMO situation etc. However regard must be had to the fact that the existing use includes a 3 bedroom flat and the proposed plans show a 3 bedroom family and the site could be used in the same manner as No 10. Any large HIMO use would require planning permission. It is considered that the change of use would not materially affect the amenity of neighbours and infact be a more compatible use than the former shop.

The proposed rear extension would be constructed of bricks to match the original, and being a Listed Building these would need to match exactly in coursing aswell - this can be conditioned.

Consequently, it is considered that the proposal will not appear overbearing or result in an unacceptable loss of light and would have limited and acceptable impact on the properties immediately adjacent to the application site, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(iv) Parking

The proposal does not meet the Parking SPD as there is no on site parking to serve the

proposed 3 bed dwelling. However the property currently provides 3 bed residential accommodation as well as the shop, so there is no change in bedrooms. The demand for parking would be unlikely to differ from the existing/previous occupation and future occupiers would be aware of the lack of parking. The site is also located within the town centre of Emsworth which is recognised as being an area of medium accessibility - public transport is an option. The site would be offered one parking permit only. Overall it is considered that it would be unreasonable to resist what is essentially the change of the ground floor shop area to a lounge, for lack of parking reasons.

Cycle parking provision is also not provided by way of a separate shed within the rear garden - being a small courtyard garden there would be limited room for such a secure cycle store. However there is a gated side alley where bikes could be left. Overall, whilst the proposal does not comply with the Parking SPD, given the circumstances above, it is considered acceptable to permit the change of use to a C3 dwelling with no parking.

(v) Contributions

As the proposed additional floorspace is less than 100sqm then the proposal is not CIL liable. It is also considered that a financial contribution towards the Definitive Solent Recreation Mitigation Strategy is not required. The Definitive Strategy is based on number of bedrooms and there is no net gain in number of bedrooms at the site.

(vi) Other matters

The objector continues to request that conditions be imposed on hours of construction to control noise and no skips etc on Queen Street. However Queen Street is beyond the red line and therefore cannot form part of any condition. Any noise associated with unreasonable construction is covered by Environmental health legislation and to avoid repetition planning conditions do not cover such matters for this householder scale of development. An Informative can be attached to the decision advising the applicants of reasonable expectations.

8 Conclusion

Overall the replacement of the existing lean to style rear extension with the proposed wider but same depth flat roofed extension is considered acceptable to both the character of the Listed Building and the neighbouring amenity. The marginal increase in height on the shared boundary of 450mm is not considered to have material harm to their outlook or sense of overbearing and enclosure to justify a reason for refusal. Therefore the development is recommended for permission.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00704

(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:

Design & Access Statement

Heritage Statement

Location & Block Plan Drg No: P_02

Proposed Plans & Elevations Drg No: P_01 Rev B

Typical Section Plan Drg No: P_03 Rev A

Reason: - To ensure provision of a satisfactory development.

- 3 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials, including bricks, roofing material and fascia/flushing to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.