

Recommendation: **GRANT PERMISSION**

Conversion of 1st and 2nd floors of A2 use building to form 3No. self contained 2 bedroom apartments. Conversion of ground floor unit to form a flexible use for A1 & A2 use. Erection of single storey rear extension and associated external works including

new windows openings.

On the ground floor street frontage, the existing windows would be replaced with full height versions and a new door would be inserted where the current bricked up ATM opening is situated. Bin storage and cycle parking store would be included for the residential properties at ground floor level in the rear section of the building.

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)
CS21	(Developer Requirements)
CS9	(Housing)
DM5	(Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses)

Havant Borough Local Plan (Allocations) July 2014

AL3	(Town, District and Local Centres)
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Listed Building Grade: Not applicable.
Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

Compliance with Approved Document H6 (solid waste storage) to be confirmed.

Fire Authority Access via communal hall and to each flat to comply with Approved Document B requirements

Ground floor under stairs cupboard to be 1hr fire rated with suitable door so as to protect escape route

Exit route (door / screen) to refuse & cycle should be fire rated so as to protect GF store exit door as within 1.8m of flat exit

Building Regulation application will be required

Officer Note - these shall be included as an informative.

Chichester Harbour Conservancy

Recommendation: No Objection, subject to:

a) That no external chimney fabric/material is altered or removed as the chimney's form part of the character of the area and intrinsically integral to the overall integrity of the building and its design character.

b) Contribution being made pursuant to recreational disturbance of birds in Special

Protection Areas.

Community Infrastructure, Planning Policy & Urban Design

CIL Liable.

Additionally, instructions should be passed by the Case Officer to the CI Team to issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, now based on the number of dwellings and their respective number of bedrooms. See <http://www.havant.gov.uk/unilateral-undertaking-solent-recreation-mitigation-strategy>

Conservation Officer

15 High Street, Emsworth is not listed but is located within the conservation area. It has elevations of red multibrick with a flat roof front projection at ground floor and a pitched tiled roof with a parapet wall.

The building was in use as a bank which has recently closed. It is now proposed as part of this application to put the building into a mixed use of A1/A2 use on the ground floor with residential units on the 1st and second floor.

Policy

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.

Assessment

The indication that the building will have either a retail or a financial/professional unit is welcomed as this will ensure the lively and varied character of the High Street is maintained. The conversion of the upper floors of the building into 3 dwellings also appears acceptable in principle and this will put the rest of the building into an appropriate use. Little extension is required to convert the building other than for a small rear extension in the courtyard. The lightweight design and size of this extension will ensure it sits comfortably on the host building and will not harm the character of the conservation area.

A number of new façade changes (ground floor windows and door) are also proposed to make the conversion scheme workable. These appear to have been designed in a sensitive and traditional manner and will not look out of place on this building.

As such the proposals will preserve the character of the area and generally improve the overall appearance of the building. The mixed use of the building will also ensure the building is put to an appropriate use and is not allowed to deteriorate any further.

Conditions:

- Materials samples
- Window details 1:20 elevation 1:5 sections

Highways Engineer, Development Engineer

This application should be determined by the Planning Authority using the Standard Highway Authority guidance

Historic England

Generic response provided.

National Amenity Societies - Historic Environment Advice

No response provided.

Natural England Government Team**NO OBJECTION**

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). Our advice is that this needs to be confirmed by the Council, as the competent authority, via an appropriate assessment to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats & Species Regulations 2017.

Please take into account policies relating to protected landscapes, protected species and SSSI's.

Waste Services Manager

No objections

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: 28

Number of site notices: 1no. notice

Statutory advertisement: 15/06/2018

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 appearance of the area including the conservation area
- (iii) Impact upon residential amenity
- (iv) Highways and parking considerations
- (v) Ecology

(vi) Other matters

(i) Principle of development

7.2 The site is located within an urban area where development is considered to be acceptable in principle subject to other development management considerations. In terms of the change of use of the ground floor, the site is located within a designated town centre and a primary shopping frontage. As such, Policy AL3 (Local, town and district centres) of the adopted Allocations Plan applies. The site is also located within the Emsworth Conservation Area and therefore Policies CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) and CS16 (High Quality Design) is relevant. Policy DM2 which protects community facilities and local shops applies, as does Policy DM5 (Control of A3, A4 and A5 uses). Policy CS9 also applies as new housing is proposed.

7.3 Whilst the current use is A2 use class, the proposal is for a flexible A1 / A2 use to open the unit up to other potential occupiers. This is considered to be consistent with Policy AL3 of the Allocations Plan, providing main town centre uses within a defined centre. The proposal to increase the window openings to full height versions will improve the shop frontage within the context of the streetscene, also improving the vitality and viability of the town centre.

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

7.4 The existing frontage of the building will remain largely unchanged, other than the enlarged windows and new door opening. Existing chimney stacks would be retained. The proposed rear extension would include an area of the rear courtyard, to form a through route to the rear part of the building. Overall the extensions and modifications are fairly minor.

7.5 The Council's Conservation Officer (CO) has been consulted and has advised that 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.

7.6 The CO also advises that the conversion of the upper floors of the building into 3no. units also appears acceptable in principle and this will put the rest of the building into and appropriate use. Overall the works would preserve the character of the conservation areas and generally improve the appearance of the building. The proposal therefore accords with Policy CS11 of the Local Plan and S72 of the Act. It is considered that the proposal would not adversely impact on the adjacent listed building at No. 13 High Street.

(iii) Impact upon residential amenity

7.7 No. 13 High Street, which lies adjacent to the application site to the north, has residential units at first floor level. One of these units at the rear of the building is accessed via an external staircase which leads to a balcony / garden area. This is directly adjacent to the north elevation of the rear projecting section of the application building. Currently this elevation has 4no windows which face towards the rear of No. 13 however, the closest window serves a stairwell area and the others are further along the building and serve bathrooms. Therefore historically there has been minimal overlooking.

7.8 The proposal includes the insertion of two new windows on this elevation which would look directly into the rear balcony garden area of the first floor flat at No. 13. Following officer concerns, amended plans have been submitted which now propose for these windows to be obscurely glazed up to 1.7m above finished floor level with only the top section of the windows being openable and with restricted openings. This would minimise the opportunity for overlooking and loss of privacy. The existing windows on this elevation would remain and would serve a living area however, these are not so close to the private amenity space of the flat within No. 13. On balance, it would also be difficult to a justify a refusal for these windows when they are already in situ.

7.9 With regard to the adjoining property to the south, No 17, no alterations are proposed to the elevation facing this building other than the substitution of a window for a door to serve an upper level area of flat roof. No adverse impacts on No.17 are anticipated as a result of the proposals.

7.10 To the rear (west) the projecting section of the application building faces a communal open space serving Frobisher Gardens and the vicinity. The west elevation currently features two windows which are proposed to be replaced as part of the proposals. No adverse impacts are anticipated to the properties to the west, or the open space, as a result of these works.

(iv) Parking and highway considerations

7.11 The previous use included three parking spaces however, these are located a short distance away in Frobisher Gardens, to the south of the site. These spaces would be retained for the residential units. Whilst the number of spaces fall short of the adopted parking standards (requirement would be 6no spaces), it is noted that the site is in a sustainable location in the town centre and as such can be easily reached by public transport. It is also close by to several public car parks and there is some on street parking nearby. The development includes secure cycle storage. On balance, given the benefits of the scheme, it is considered that the lack of parking is outweighed.

(v) Ecology

7.12 This statement clarifies the processes that the Council has undertaken, 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.

7.13 This assessment included a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy and the applicant confirmed a willingness to enter 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 and paid the relevant contribution.

(vi) Other matters

7.14 The proposed residential floorspace would be contained within the existing building footprint. The only extended part of the building relates to the commercial use. The building has been occupied for its lawful use for 6 continuous months of the 36 previous months. As such, a credit is applied for the existing floorspace and no CIL liability is required for this proposal.

8 Conclusion

The proposal would bring a currently redundant building back to life, whilst enhancing the vitality and viability of the High Street which forms part of the conservation area's character. It would also contribute to the Borough's housing requirements. The application is considered to be acceptable and is therefore recommended for approval.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00566 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:

Location and block plan - DN: 1067/2/001 Rev P2
Proposed GF plan - DN: 1067/2/15 Rev P1
Proposed FF and SF plan - DN: 1067/2/16 Rev P1
Proposed north and east elevations - DN: 1067/2/17 Rev P2
Proposed west and south elevations - DN: 1067/2/18 Rev P1
Proposed site plan - DN: 1067/2/19 Rev P1

Reason: - To ensure provision of a satisfactory development.

- 3 No development shall take place until plans and particulars specifying the following matters have been submitted to and approved in writing by the Local Planning Authority:

(i) The provision to be made within the site for contractors' vehicle parking during site clearance and construction of the development;

(ii) The provision to be made within the site for a material storage compound

during site clearance and construction of the development.

Thereafter, throughout such site clearance and implementation of the development, the approved parking provision and storage compound shall be kept available and used only as such.

Reason: To safeguard the amenities of the locality and/or in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 No new or replacement extract or plant equipment shall be installed without the prior written approval of the Local Planning Authority. Any such extract or plant equipment shall be subsequently installed and maintained in accordance with the approved details.

Reason: In the interests of the amenity of the locality and having due regard to policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 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 to be used externally on the building 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.

- 6 Prior to any above ground construction works, large scale (1:20) and section plans (1:50) of all new windows and doors shall be submitted to and approved in writing by the Local Planning authority. All work shall be carried out in accordance with such approval.

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

- 7 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the development hereby permitted the new bedroom windows in the first floor of the north elevation (as shown on approved drawings 1067/2/17 Rev P2 and 1067/2/16 Rev P1) shall be fitted with sash windows with a fixed bottom sash and limiter to top sash. Those windows shall also be fitted with textured glass to a height of no less than 1.7m above finished floor level, which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent). The windows shall be retained as such thereafter.

Reason: To accord with the terms of the application submitted, and in the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.