
Site Address:	55 High Street, Emsworth, PO10 7AN		
Proposal:	Change of use from dental surgery (Class D1) to dwellinghouse (Class C3).		
Application No:	APP/17/01044	Expiry Date:	17/11/2017
Applicant:	Mr Clark Park Mount Estates Limited		
Agent:	Mr Pike Pike Planning	Case Officer:	Lewis Oliver
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

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/17/01045 - Listed building application for conversion of existing dental surgery to a dwellinghouse. currently under consideration.

3 Proposal

The proposal is for the change of use from dental surgery (Class D1) to dwellinghouse (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)
CS14	(Efficient Use of Resources)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM2	(Protection of Existing Community Facilities and Shops)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

DM17	(Contaminated Land)
AL1	(Presumption in Favour of Sustainable Development)
DM18	(Protecting New Development from Pollution)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Grade 2
Conservation Area: Emsworth

Guiding Principle 3 of the Local Plan Housing Statement
Havant Borough Parking SPD (July 2016)
Chichester Harbour Area of Outstanding Natural Beauty SPD (July 2017)

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

We are concerned about the loss of a commercial use and active frontage to which this Grade II Listed building lends itself at ground floor level, given the large glazed shopfront and shared lobby entrance with the adjacent shop. The proposed residential use would include internal shutters (to give occupants some privacy) which would be highly visible from the outside and would affect the appearance of the building, detracting from its historic character. We would have no objection to a change of use of the upper floors but we do object to the proposed change of use of the ground floor for these reasons.

We would agree with the comments of Planning Policy that a change of use to retail (Class A1-A5) at ground floor level should be sought before further marketing to ascertain whether a more suitable commercial use could be found for the ground floor of the building, with a residential flat on the floors above.

As such, the Conservancy recommends refusal of this application.

Economic Development - Retail and Town Centres

No response

Highways Engineer, Development Engineer

The Highway Authority have no adverse comment to this application.

Planning Policy, PPUD

Principle of Development:

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 proposal is 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.

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.

The proposal is not supported by criterion 5) of Policy CS4 and criterion 1) of Policy AL3 as it would not retain an active ground floor frontage and does not provide a main town centre use.

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.

The policy acknowledges that residential development on upper floors can make an efficient use of town centre land while adding to the mix of dwellings types and tenures available in the borough. However, as stated in the quoted text above, the loss of ground floor frontages to residential use within the town, district and local centres will be resisted. As such, the proposal is not supported by Policies CS4 and AL3.

Loss of Community Facility and Marketing:

The lawful use of the property is Land Use Class D1 as a dental surgery. As stated in Paragraph 10.08 of the Local Plan (Core Strategy), community facilities fall under Land Use Class D1. As such, the loss of this use will need to comply with Policy DM2.

The requirements of Policy DM2 are replicated below:

Development proposing the change of use or loss of any premises or land currently or last used as community services and facilities, 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.

The property is currently vacant, in addition, the submitted Design and Access Statement refers to the larger dental practice situated in Emsworth High Street which is an easily accessible existing facility for the community. From this, it is considered that criterion 2) of Policy DM2 has been met. Nevertheless, both criteria of Policy DM2 need to be met in order to comply with the policy.

In order to meet criterion 1) of Policy DM2, a marketing exercise for a minimum of 12 months will need to be carried out; please see paragraph 10.06 of the Local Plan (Core

Strategy). As specified in paragraph 10.07:

The advice of the council should be sought prior to the commencement of any marketing campaign to ascertain the period and extent of marketing required and to discuss the extent of alternative uses that should be explored.

To our knowledge, the applicant did not engage with the Council prior to the commencement of the marketing exercise. The information at the top of page 2 of the Marketing Report states that the premises was advertised for a period of almost 12 months and not the required 12 month minimum.

The Marketing Report (as carried out by Flude Commercial) is considered robust and extensive, and meets the minimum requirements listed under paragraph 10.06 of the Local Plan (Core Strategy).

As stated in paragraph 10.07 of the Local Plan (Core Strategy), alternative uses should be explored when marketing a site. We note the To Let signs referring to Well Presented Shop/Office as well as the overlay of the leaflets stating that:

We understand that the premises benefit from a D1 use within the Use Classes Order 1987 (as amended). Other uses such as retail will be considered (STP)

The above demonstrates the applicant has considered alternative uses first before then considering a change of use to a residential unit. We also note the owner's flexible approach to rents and genuine effort to market the premises.

Nevertheless, the documents originally submitted with this application stated that:

We have three genuine enquiries who received the details and viewed the premises, but these failed to progress for various reasons as mentioned above such as layout, planning and location within Emsworth (Page 2 of the submitted Marketing Report). The Planning Policy Team requested further information in the form of an Enquiry Log on 6th October 2017 to ascertain greater details as to why the three enquiries (stated above) did not progress. We received the Enquiry Log on 24th October 2017 which outlined the feedback of four enquiries. Applicant 4 cited the need to move quickly due to lease expiry on an existing site as the reason for not progressing with the site.

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: 9

Number of site notices: 1

Statutory advertisement: 06/10/2017

Number of representations received: 1

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
- (iv) Impact on amenity of future occupants
- (v) Impact on highways/parking
- (vi) Developer contributions

(i) Principle of development

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 proposal is 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.

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.

The lawful use of the property is Land Use Class D1 as a dental surgery. As stated in Paragraph 10.08 of the Local Plan (Core Strategy), community facilities fall under Land Use Class D1. As such, the loss of this use will need to comply with Policy DM2.

The requirements of Policy DM2 are replicated below:

Development proposing the change of use or loss of any premises or land currently or last used as community services and facilities, 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.

The property is currently vacant, in addition, the submitted Design and Access Statement refers to the larger dental practice situated in Emsworth High Street which is an easily accessible existing facility for the community. From this, it is considered that criterion 2) of Policy DM2 has been met. Nevertheless, both criteria of Policy DM2 need to be met in order to comply with the policy.

In order to meet criterion 1) of Policy DM2, a marketing exercise for a minimum of 12 months will need to be carried out. The Marketing Report (as carried out by Flude Commercial) is considered robust and extensive, and meets the minimum requirements listed under paragraph 10.06 of the Local Plan (Core Strategy).

As stated in paragraph 10.07 of the Local Plan (Core Strategy), alternative uses should be explored when marketing a site. It is noted that the "To Let" signs referring to "Well Presented Shop/Office" as well as the overlay of the leaflets stating that:

"We understand that the premises benefit from a D1 use within the Use Classes Order 1987 (as amended). Other uses such as retail will be considered (STP)".

The above demonstrates the applicant has considered alternative uses first before

then considering a change of use to a residential unit. We also note the owners flexible approach to rents and genuine effort to market the premises.

The submitted documents included within the marketing statement, included an enquiry log of interest which had been received during the marketing period. This outlined that:

"We have three genuine enquires who received the details and viewed the premises, but these failed to progress for various reasons as mention above such as layout, lack of parking, planning and location within Emsworth" (Page 2 of the submitted Marketing Report).

Further information was requested with regard to the Enquiry Log to ascertain greater details as to why the three enquires (stated above) did not progress. The further information outlined that Applicant 4 cited the need to move quickly due to lease expiry on an existing site as the reason for not progressing with the site.

Whilst it is considered that there are some deficiencies in the marketing when assessed against policy DM2, on balance, it is accepted that substantive marketing has taken place over a long period and that prospective business uses would have been reached through this process. It is recognised that active marketing to potential community uses has not been demonstrated, however the size of the site and the buildings condition are likely to mitigate against such uses. It is therefore concluded that adequate marketing has been demonstrated.

In conclusion, the marketing carried out has demonstrated that the site is not attractive to business uses and an alternative community use has not been identified for the site. It is acknowledged that, given that it is a listed building, which does constrain the internal layout, which is set against the fact that modern office space needs to be flexible. The existing use is therefore considered to be of marginal viability to the surrounding area. On balance therefore it is concluded that the loss of the existing community facility can in this case be justified.

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

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/17/01045. 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.

(iii) Impact upon residential amenity

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

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 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

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.

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, 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.

The proposal would result in fewer car movements in terms of comparing a private residential dwelling to a former dental practice. As such the proposed development is not considered to have a significant adverse impact on the safety or free flow of the highway network.

(vi) Developer contributions

This development would increase the number of dwellings within the 5.6km zone identified as significant in potentially increasing recreational pressure on the Solent SPA. Natural England's advice in regard all new housing development within this zone is that it is likely to have a significant effect on the SPA. The measures of mitigation adopted by the LPA in April 2016 requires a payment of £181 per dwelling (plus admin and monitoring fee) to the Solent Disturbance Mitigation Project. The applicants have made the necessary planning obligation and returned the associated paperwork. As such the appropriate financial contribution has been secured.

8 Conclusion

It is recognised that the development would lead to the loss of a community facility and therefore marketing has been carried out and an assessment made of potential other users. Whilst a dental practice provides a community use, another dental practice lies in close proximity to the application site. Furthermore given that the building is listed, has no current parking provision, it is accepted that in this particular case that it is difficult to find other users. It is therefore not considered that a refusal of planning permission could be justified based on the loss of the community use.

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.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/17/01044

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:

Proposed elevation and floor plans - drawing number: 002 C

Reason: - To ensure provision of a satisfactory development.