

Site Address: 2 West Street, Emsworth, PO10 7DY

Proposal: Demolition of existing single storey additions to rear; alterations to existing building to provide second floor accommodation to rear; construction of 2No. 3-bedroom townhouses to rear with three storey link to existing building; car parking to rear.

Application No: APP/17/00067

Applicant: Mr Ward

Agent: Mr McDermott

Ward: Emsworth

Expiry Date: 29/03/2017

Case Officer: Lewis Oliver

1 Site Description

To the rear of the pub are a group of masonry and timber single storey extensions and outbuildings. Beyond this, the site is currently grassed and turns towards a rear court area to the rear of West Street and joins on to an alleyway which joins directly to West Street. Currently a hard standing area at the end of the garden provides a single parking space. The site is flat and there are no significant landscape features in the grounds to the rear. Vehicular access to the site is gained via the rear of the public house close to the southern boundary, whereby the rear gardens adjoin adjacent properties, which are accessed via an alley from West Street.

2 Planning History

APP/16/00681 - Proposed material schedule Velux product brochure Marley Eternit roofing product brochure Marley Eternit roofing fa?ade Freshfield brick sample Brick technical information, UNK,

3 Proposal

The existing rear roof profile is being altered by essentially placing a full width flat-roofed addition. In front of this a part two and part three storey extension is proposed, following demolition of single storey rear projections to form a pair of 2 bed town houses - (arranged on 3 levels, top level in the roofspace, lit by a single dormer window) - linked to the main existing building by a three storey element to provide a common stairwell to two flats, one each to the first and (altered) second floors of the former pub and located over two ground floor shop units (33.4m² and 32.6m² respectively). The link element roof would be predominantly flat. The positioning of the common stairwell link would leave a small, wholly enclosed yard space, available to one of the proposed town houses.

Each townhouse would have use of a small front garden. The pathway to one would also lead to the access/stairwell to the 2 flats mentioned above.

Three car parking spaces are shown beyond the garden spaces.

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)

Havant Borough Local Plan (Allocations) July 2014

DM20	(Historic Assets)
AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.
Conservation Area: Emsworth
Chichester Harbour AONB Design Guidance

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

Solid waste storage provisions not indicated on the plans

Fire Authority access to rear entrance to dwellings would not appear to comply with Approved document B5

Location of unit 2 rear window adjacent rear staircase access door will need special precautions encase of fire in Unit 2

New staircase surround should provide protection from fire from dwelling windows

Location of boiler flues not indicated

It is unclear if chimney of No.1 will be affected with regards to Approved Document J and raised height of new roof

Chichester Harbour Conservancy

Objects - The proposal is out of keeping with the character and setting of the Conservation Area

Conservation Officer

Objects - The development by virtue of its size, scale, massing, design and layout would have a significant adverse impact on the character and setting of the conservation area

Crime Prevention -Minor Apps

No response

Economic Development - Retail and Town Centres

No response

Development Engineer (Highways)

The Highway Authority have no adverse comment on the principle of this application but would point out to the Planning Authority that the car parking is below standard and from the public consultation response there seems to be some dispute over access to these spaces.

Landscape Team

No response

Southern Water

Please find attached a plan of the sewer records showing the approximate position of a public foul sewer in the access of the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

-No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works.

-No new soakaways should be located within 5 metres of a public sewer.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

'A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk'.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

a Adequate soakaway or infiltration system

b Water course

c Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development.

Waste Services Manager

No response

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: 33

Number of site notices: 1

Statutory advertisement: 10/02/2017

Number of representations received: 7

Comment	Officer Comment
Out of keeping and over development with the character and setting of the conservation area	Response considered in section 7.1 (ii)
My property was damaged during previous constructions and I am very concerned at the increased risk of physical damage to my property from construction traffic and the increased burden on the driveway and yard of which I am the land owner. I objected to the earlier application and I feel even more strongly that this proposed development is both unnecessary and unsuitable.	This is not a material planning consideration.
The size, scale, massing and design are out of keeping with the character and appearance of the area	Response considered in section 7.1 (ii)

The development would have an adverse impact on the amenities of neighbouring properties in terms of overbearing, overlooking and loss of sunlight/daylight	Response considered in section 7.1 (iii)
Concern over the sewerage and drainage services are already under pressure and the 19th century layout was not designed to deal with the amount of additional family living accommodation proposed. This does not seem to have been taken into account.	Southern Water do not object to this application and it is therefore considered that the development can be adequately drained.
Thirdly, access to the rear of the Town Brewery can only be achieved via the narrow driveway between The Corner House Shop and No 12 West Street. Access is already difficult because of permitted parking outside the Delicatessen and furthermore the extra traffic generated into West Street will increase the potential for collisions and flow problems in what is a already very busy area.	Response considered in section 7.1 (iv)

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 property and conservation area
- (iii) Impact upon residential amenity
- (iv) Highway/parking considerations
- (vi) Developer contributions
- (v) Drainage

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development management considerations. 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) are relevant. Policy CS9 also applies as new housing is proposed.

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

Whilst the rear of the site has little wider public visibility (and none from the harbour shoreline), as it is obscured from main public vantage points by the surrounding built form. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, decision makers are required to have special regard to the desirability of preserving or enhancing the character and appearance of the whole conservation area.

The proposal would ultimately remove the resemblance and character of the rear elevation of the building which is not just important within the townscape but also locally. The design would harm the architectural qualities of this building and is therefore not acceptable. It is considered that the particularly inappropriate full width, flat roof alteration is not sympathetic to the host building and picks up little detail or character of the area.

The scale of the development is also harmful and would not preserve or enhance the character of the conservation area. The footprint and size of the proposal would be large when viewed in the context of the original building making it seem excessively dominant and out of character with the host dwelling and the wider character of the conservation area.

It is essential especially on a building of this quality that the detail of the design is well considered and applied. In this case the extension and demolition required to undertake the scheme does not respect the character of the original building.

Good design should take opportunities to improve the character and quality of a Conservation Area. There are certain fundamental principles of balance and harmony expressed in the existing design of the building which make a strong positive contribution to its local distinctiveness and which the proposed development would disrupt. Some of the existing extensions and alterations to the rear of the application building are not in keeping with the character of the original building. However, the fact that inappropriate extensions and alterations have been erected / granted permission in the past does not justify a further degradation of the original property.

As such it is considered that by virtue of the size, scale, massing and design that the development would have a significant adverse impact on the character and setting of the existing building and that of the conservation area.

(iii) Impact upon residential amenity

With regard to residential amenity, there are two elements to consider, the first relates to the impact on adjoining properties.

Impact on surrounding residents

Concerns have been raised by a number of residents in relation to the impact on them from the development as set out above. The main impacts are considered to be to 1D and 1E School Lane, which is to the south of the application site. These properties are two storey properties with accommodation in the roof. 1E School Lane is set at a slight angle, to the application site set off by a distance of approx. 5m from the development to the boundary with this property, and approx 8m to the property itself (excluding rear conservatory). 1D School Lane is set 10m off from the development to the boundary with this property, and approx 12.5m to the property itself. The Havant Borough Design guide provides guidance in relation to

separation distances between properties requiring 28m between 2 and 4 storey buildings. This is not achieved for all the properties and the proposal would appear overbearing when viewed from 1D School Lane and 1E School Lane. The proposal also introduces additional windows facing 1D School Lane and 1E School Lane and this results in an unacceptable loss of privacy and overlooking into the private amenity areas of these properties.

In applying the light test within the Council's Design Guidance to these properties it is not considered that any impact on light would in itself be sufficient to warrant a refusal of permission.

Overall, it is considered that the proposed development would have an unacceptable impact on the amenities of adjoining residents as a result of overbearing impact, overlooking and loss of privacy.

Amenities of the development

It is considered that the proposals would be acceptable in terms of floorspace and communal external facilities subject to suitable planning conditions.

(iv) Highway and parking considerations

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 three parking spaces for the residential units which is one space per unit and cycle storage. This falls short of the requirements in the adopted residential parking standards however, given its sustainable location, the Council's Development Engineer has raised no objection to this application.

Concerns have been raised that the access route is on third party land and no agreement has been reached. If permission were to be granted a suitable Grampian style condition could be applied that the development would not be brought into use until access arrangements had been confirmed, as such it is not considered reasonable to refuse this application on this issue.

(vi) Developer contributions

The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the council on the 20th February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiner's Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £100 (plus indexation) per square metre on new floorspace (measured as gross internal area) in Emsworth.

It is considered that there is a CIL liability for this site. A credit can be given for the existing floorspace of the dwelling within the site and therefore only the additional floorspace is CIL liable. The agent has completed the CIL planning form and confirmed that the net additional gross internal floor space will be 212m and as such this will require a CIL payment of £26,973.21. The applicant has been advised of this sum accordingly.

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 £176 per dwelling (plus admin and monitoring fee) to the Solent Disturbance Mitigation Project. However as this application is being recommended for refusal no binding arrangements are in place to secure this payment, and therefore a reason for refusal is recommended on this basis.

(v) Drainage

It is considered that the site can be suitably drained and Southern Water have raised no objection to this application.

8 Conclusion

In conclusion, the proposed development is considered to be unacceptable as it is out of keeping with existing building due to its size, scale, bulk, massing and design which would have an adverse impact on the character and setting of the conservation area. Furthermore the development would be unneighbourly. The application is therefore recommended for refusal, including a reason regarding lack of a financial contribution towards the SRMP.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/17/00067

(A) for the following reasons

- 1 The proposed development would by reason of its height, mass, bulk and design have an unacceptable and intrusive impact on the existing building and on the character and setting of the Conservation Area. The development would therefore conflict with policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM20 of the Havant Borough Publication Local Plan (Allocations), Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.
- 2 The proposal by reason of its height, mass, bulk, design and siting would result in an overbearing impact in relation to the neighbouring properties of 1D and 1E School Lane. In addition the proposed windows would result in unacceptable over looking and loss of privacy to neighbouring residents. The proposal therefore conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.
- 3 The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreation Mitigation Partnership, is contrary to the Council's Policy on contributions towards measures of mitigation adopted by the Local Planning Authority which seeks to ensure that the provision is made from new development towards mitigating against increasing recreational pressure on the Solent SPA. It is therefore contrary to Policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012.