

Planning Application Response of Planning Policy

Application No:	APP/22/00974
Site Address:	95 North Street Emsworth PO10 7PQ
Development:	Change of use from use class E (Drinking Establishment), with guest rooms and ancillary manager accommodation to use Class C3 Residential to provide 7No. self-contained units of supported living flats with internal and external alteration.
Case Officer:	Ms L Wells
Comments by:	Emma Chisnall
Date of Comments:	22nd December 2022

Policy Status

The [Local Plan \(Core Strategy\)](#) and the [Local Plan \(Allocations\)](#), together with the [Hampshire Minerals and Waste Plan](#), provide the development plan for the borough. [The Emsworth Neighbourhood Plan](#) also forms part of the development plan in this area.

The following policies within the Adopted Local Plan (ALP) are of particular relevance:

- CS9 | Housing
- CS16 | High Quality Design
- CS17 | Concentration and distribution of development within the urban areas
- CS21 | Developer Requirements
- DM2 – Protection of Existing Community Facilities and Shops
- DM5 | Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses
- DM7 | Elderly and Specialist Housing Provision
- DM10 | Pollution
- DM14 | Car and Cycle Parking on Development (excluding residential)
- AL1 | Presumption in favour of sustainable development
- AL2 | Urban Area Boundaries and Undeveloped Gaps between Settlements

The following policies within the Emsworth Neighbourhood Plan (ENP) are of particular relevance:

- L3 | Independent Living
- D1 | General Design Policy

It should be noted that the ENP policies mostly relate to new development and this proposal is for a conversion with the exterior unlikely to change in a significant way.

Principle of development

The site lies within the urban area as defined by policies CS17 and AL2 of the adopted local plan. As such, the principle of development is acceptable subject to other material considerations.

Following the latest changes to the use class order pubs and public houses are considered to be a sui generis use. The proposal seeks to convert the Railway Inn pub on North Street, Emsworth into 7 self-contained units of supported living flats with guest rooms and ancillary manager accommodation.

Given that public houses are considered to provide a community use policy DM2 of the adopted local plan (ALP) applies. This policy seeks to safeguard existing community uses. Specifically, policy DM2 indicates that a loss of a community facility will only be permitted where it has been demonstrated through an active marketing process that the premises or land are no longer viable. This should generally be covered by an active and realistic marketing process for a minimum of a 12-month period. The policy goes on to state that:

“In all cases the marketing process requires as a minimum:

- i) Confirmation by the marketing agent on headed company paper that the premises were appropriately and extensively marketed for the required length of time as set out by the council.*
- ii) Dated photographs of marketing board/s on the premises of an appropriate quality, size, scale, location and number during this time.*
- iii) An enquiry log, how it was followed up and why it was unsuccessful.*
- iv) A copy of all advertisements in the local press and trade journals (should be at least four weeks’ worth of advertisements, spread across a six month period).*
- v) Evidence of marketing via the internet.*

In regards to the above it is noted that marketing information has been submitted as part of the application. The marketing information is considered to provide and outline the information required above in order to determine that the land and use of the site are no longer viable. Therefore, it is considered that the above criteria of policy DM2 have been met and the principle of the change of use can be supported.

However, there would be benefit to the applicants clarifying the exact period that the property was reduced in price from and also expanding on how the original marketing price was reached. We would ask that this additional information is submitted.

The policy further states that a loss of a community facility will only be permitted where 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. It is considered that the feedback from the marketing exercise would demonstrate this and provide justification that the requirements of policy DM2 have been met.

Housing/5 Year Supply

The Council’s [Five Year Housing Land Supply Update \(November 2021\)](#) indicates that the Council has 3.9 years supply with a 20% buffer applied. This is below the five year supply threshold. The lack of five year supply triggers a presumption in favour of sustainable development, in line with paragraph 11d of the NPPF.

It does not follow that planning permission should automatically be permitted for development which would boost housing supply. However– permission should only be refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The Council adopted a [Housing Delivery Action Plan](#) in January 2021 which outlines the Council’s response to the lack of a five year housing land supply. It is noted that the proposed scheme is not in the five year supply in whole or part. However, the proposal would make a limited contribution to five year supply and should therefore be afforded weight accordingly.

Elderly and Specialist Housing Provision

Policy DM7 is of relevance to development specific to the requirements of the elderly, and requires the following criteria to be met:

- 1. It is demonstrated that appropriate levels of on-site amenity space are accessible for residents' use which provides a satisfactory outlook for all residents.*
- 2. A setting for the building is provided which is in keeping with the surrounding area.*
- 3. Sufficient space for servicing is provided.*
- 4. Services that may generate noise and disturbance (such as laundry rooms, kitchens and refuse storage) are located and designed to avoid undue disturbance to the amenities of neighbouring properties.*
- 5. The development would not result in a concentration of such uses in one of the five areas of the borough or an over-concentration within each of these areas.*

In particular, it is questionable whether criteria 1, 2 and 3 could be met given the constrained nature of the site. It will also be of relevance to consider whether any services would be likely to give rise to disturbance to neighbouring residents and this is addressed in detail below.

High Quality Design and Amenity Considerations

More generally, both the adopted local plan and neighbourhood plan require high quality design in all development under policies

- CS16 High Quality Design (Core Strategy)
- Policies D1 to D7 (Emsworth Neighbourhood Plan)

The design of the building is unlikely to change significantly. A rear dormer is proposed within the roof and the case officer should assess its suitability/ bulk and determine if any additional overlooking could occur as a result.

In addition to this a consultation with the Environmental Health team would be recommended in order to determine what additional pollution in terms of noise, smell and/or smoke would be generated as a result of the proposal.

The proposal would need to accord with the design check list included within the Emsworth Neighbourhood Plan but it is noted that a Design and Access Statement has not been submitted.

Parking

The change of use of the site would trigger a reassessment of the parking and cycling provision which is required. This would be required to accord with the Council's parking SPD for residents, staff and visitors.

Conclusion

In light of the marking information that has been submitted it is considered that the requirements of policy DM2 have been met and the principle of the change of use can be supported.

It would be requested that the additional information regarding the marketing be submitted. It is further noted that the amenity of the prospective occupiers will need to be considered having regard to the neighbouring uses in like with ALP Policies DM7 and DM10.