

Design and Access Statement to accompany a Planning Application for change of use to residential at Fiscal House, 2 Havant Road, Emsworth.

1 Proposal

- 1.1** The property known as Fiscal House is currently in B1a employment use; the proposal is to change its use to residential. The original building on the site was first used as a Public House, the Sawyers Arms, in the early 19th Century. It is of solid brickwork construction and rendered with pitched, hipped and pantile covered rooves. The single storey rear extensions constructed more recently, in the 20th Century, are rendered and with flat rooves. Only the original part of the property has any architectural merit or historic interest, and it is on the western edge of the Emsworth Conservation Area. It is proposed to convert it to a house of 146 m² with necessary demolition of part of the more recent, adjoining and architecturally undistinguished single storey element to create some out-door amenity space (12:1089 L(2-)101). Some 100 m² of office space would remain which it is proposed should be used either as part of a business being managed by the future occupant(s) of the proposed house, or possibly a free-standing office business, and an existing store to the rear would be converted to a single garage for the use of the new house.
- 1.2** This application follows a pre-application enquiry submitted on the 8th October 2019 and the reply, ref GEN/19/00816, dated 27th November 2019.

2 Site history

- 2.1** The site is in the western corner of the Emsworth Conservation Area (CA) but only the house fronting the Havant Road is of any merit, or makes a significant contribution to the CA. It has been subject of a number of recent applications and an appeal, allowed, against the refusal of the LPA to remove a restrictive condition requiring that an 'A2' use should be retained regardless of GPDO provisions. When considering the appropriateness of a potential residential use of the site, the Inspector's comments at paragraph 7 are pertinent:

'Whilst the area includes a mix of commercial uses, there is a high proportion of residential dwellings in the area, including one which has a garden adjoining the parking area serving the appeal building.'

- 2.2** The LPA's own Conservation Officer had no objection to a change of use of the building between A2 and B1a and there can be no tenable argument that a residential use in a predominantly residential area could harm the CA. Indeed, the removal of commercial signage from a building of residential proportions would enhance the CA at that point and on the approach to the centre of Emsworth, that is travelling westwards along the A259 (Havant Road).

The pre-application advice provided a list of the policies to be used in assessing the application which will be analysed below.

3 Implications of recent national policy changes, in particular in response to the current pandemic.

- 3.1** In its analysis of relevant policy in response to the 'pre-app' the LPA emphasised the importance of employment policies in particular DM3. In 'normal' circumstances various proofs of marketing would be required to demonstrate that the employment use per se is no longer viable. However, since that letter was written and indeed the policies adopted, the country has experienced an unprecedented pandemic which has changed the potential use and value of the site, and hence the relevance of that policy.
- 3.2** Site value – the site was last valued in its current commercial use in 2017 and revalued in 2020 at a significantly lower value than that expected 3 years previously, clearly illustrating the drop in value of commercial rented property. While it may be too early to be definitive as to the precise cause of such a fall in value, it is reasonable to assume that it is as a result of rapidly changing work patterns including significant increases in the percentage of time many employees in these type of occupations spend working from home. It is also pertinent that the applicant has been advised that the property would not be eligible to re-mortgage at its previous value as a result of the fall in demand for commercial property and hence its significant drop in putative value. It will be appreciated that the exact figures are commercially sensitive, and it would not be appropriate to include them in a document intended for publication on a public website. However, should the case officer consider it necessary to obtain that information it can be provided in confidence. It is considered that that information itself is an adequate surrogate for the 'traditional' marketing approach in illustrating the unsuitability of the building for continued commercial use.
- 3.3** The principle of relevance in that context has been tested in the courts, in particular the decision on *Peel Investments North Ltd v Secretary of State* on 3 September 2020 which, in short, confirmed that the decision as to whether a policy is 'out of date' is not necessarily dependent on chronology but on issues of legal interpretation:

Para. 11(d) provides that, for decision-making on applications for planning permission, "the presumption in favour of sustainable development" means that (emphasis added):

"where there are no relevant development planning policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

.....and

Accordingly, policies are “out-of-date” for the purposes of para. 11d of the NPPF if they have been overtaken by things that have happened since the plan was adopted, either on the ground or through a change in national policy, or for some other reason.

- 3.4** The requirements to engage with the prescribed marketing process have clearly been overtaken by events since the plan was adopted which have also had the effect of significantly changing the operation of the market for commercial office premises.
- 3.5** It is also worth noting that there are a significant number of commercial properties available for rent in Emsworth itself and in easy reach in Havant town centre. Since the amendments to the Use Classes Order all would now fall within the broad E class and therefore be suitable to provide similar office premises, probably without express planning permission, should demand increase in the medium term – it is unlikely to do so in the short term.
- 3.6** In a decision on an appeal for a change of use from retail to housing in July 2020(ref APP/P1615/W/19/3241049) the Inspector said:

‘(Para 7). The LPA is critical that no marketing details of the premises have been submitted..... Moreover, since the application was made there has been a material change in circumstances following the COVID-19 pandemic. This has had a major impact upon the economy and retail activity, including a significant increase in on-line shopping.’

- 3.7** It is acknowledged that this appeal related to retail and not office premises, and they were already vacant, but as noted above all such premises now fall within the new class E of the Use Classes Order and therefore the broad principles may be applied to this application. In particular, the proposal would not affect the vitality of the town centre or significantly reduce employment opportunities. In other words, the ‘Covid’ emergency has significantly impacted the previously assumed ‘status quo’; demand for office premises has significantly reduced, and also older buildings, less amenable to conversion to modern working methods and work patterns, are likely to be less in demand.
- 3.8** Notwithstanding all the above analysis the LPA have required a marketing exercise to test the viability of the building for commercial use which has proved conclusively that there is no realistic demand for office space in this building. It was commenced in February 2021 by Keygrove. It has now been completed and copies of relevant press notices, internet advertising and a photograph of a ‘to let’ sign are attached. It has demonstrated that there is no commercial interest in the site, the only enquiry was made by a pizza delivery business which would not be likely to be acceptable and in any case the value offered was inadequate.

4. Policy analysis

The following will follow the same order as policies are listed in the letter GEN/19/00816:

4.1 CS9 – Housing;

The policy states that planning permission will be granted for proposals which contribute to meeting the projected demand for housing in the borough. While this proposal only contributes

one unit it is in a highly accessible location close to bus routes, walking distance from the train station and close to the amenities of the village centre. It is in a predominantly residential area and its residential use would enhance rather than detract from the residential character of the immediate area.

4.2 CS11 – Protecting and enhancing the environment and heritage of the borough.

Clause 4 of this policy is relevant to this proposal as it refers to historic heritage and built form. As has been noted the site is in the north west corner of the Emsworth CA and was used in the 19th century as a public house. The proposal to return it to a domestic use would be more in keeping with its proportions and the CA itself, than the current use, as it would entail the removal of the commercial signage currently displayed on the north elevation fronting the Havant Road. The removal of part of the existing more modern single storey office also fronting the Havant Road would similarly improve the appearance from the Havant Road.

4.3 CS12 – Chichester Harbour AoNB

The site is not adjacent to the harbour and therefore there are no relevant aesthetic considerations, but the current provisions regarding nitrate nutrients are pertinent. The form 'Updated European Site Avoidance and Mitigation Checklist' is attached to the application and indicates the applicant's agreement to providing the appropriate contribution to the Warblington mitigation site after the grant of permission.

4.4 CS15 – Flood and Erosion Risk

A flood risk assessment is attached including a 'mitigation' assessment. The slight reduction in the roof of the single storey element of the proposal marginally reduces potential runoff and the provision of an area of soft landscaping as the amenity space for the proposed house would also slightly reduce runoff. The applicant would accept and undertake to implement a condition requiring the provision and maintenance of rain-water collection or a 'water-butt', for the use of the new garden area. There can therefore be no increase in propensity to flood as a result of the proposed change of use and, as it is proposed to be a two storey house with all sleeping accommodation on the first floor, there is no risk to life as a result of the proposal.

4.5 CS16 – High Quality Design

The proposal would provide a beneficial use for a building which is situated in the CA and return it to a purpose more suited to its location and proportions. As indicated above the creation of a modest area of amenity space within its curtilage, and the removal of commercial signage, would also enhance the appearance of the approach into Emsworth at the point, and similarly contribute to a modest improvement in the character of the CA. In particular it meets the requirement -

'Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

Responds to, draws inspiration from and respects local context and: a) Identifies and responds positively to **existing features of natural, historic or local character within or close to the proposed development site;** (my emphasis)'

A separate Heritage Statement, required as the site is in a CA, is attached.

The response to the pre-application enquiry included the requirement that any potential overlooking into the private garden space for the house be eliminated by blocking up the windows overlooking from the proposed office and its toilet facilities. It is not unusual for toilets to be windowless provided that adequate automatic ventilation is provided when the room is occupied and the office has an alternative window overlooking Warblington Road so the submitted plan includes the required amendments to fenestration.

4.6 CS 17 – Concentration and Distribution of Development within the Urban Areas

It is self-evident that the proposal meets the requirement of that policy in that it contributes to development within the defined urban area of Emsworth.

4.7 CS 20 – Transport and Access Strategy

This policy is of particular relevance to major sites, but the broad principles requiring that development sites are located to reduce or minimise dependence on the private car apply. This site is located conveniently to public transport networks and the service provision in the village centre including dentist and GP surgeries ensuring that the benefits of a convenient edge of centre location are available.

Access to the site is from Warblington Road and visibility splays are shown on plan. No change from the existing is proposed but it is reasonable to assume that the reduction in daily 'business' traffic experienced when the premises were occupied and working at 'pre-covid' levels would be reduced by the change of use proposed.

4.8 CS 21 – Developer Contributions/Community Infrastructure Levy

It is acknowledged that the provision of an additional dwelling will marginally increase use of, and therefore pressure on, public infrastructure of both a physical and social nature and the appropriate draft document required by the SPD is attached.

4.9 DM 3 – Protection of Employment sites

This issue has been dealt with above where it is argued that the precise provisions of this policy are no longer relevant in current circumstances, and are unlikely to become relevant in the immediate future and therefore they should not be required in order to assess market conditions or determine this application.

4.10 DM 8 – Conservation, protectionof natural features

This site is currently wholly occupied by built form, hardstanding or a small tarmac courtyard shown on plan. The relevance of this policy is largely in relation to that addressed under CS12 Chichester Harbour and the related provision regarding nitrates – the applicant recognises the requirement to protect the character and vitality of the harbour and will make the necessary contribution.

4.11 DM 12- Mitigating the Impacts of Travel

As has been noted above it is reasonable to assume a reduction in traffic volumes as the change of use is implemented. However, it is also apparent that the occupants of a dwelling in this location would be well placed to use public transport and walk or cycle into the village centre.

4.12 DM 13 – Car and Cycle Parking on residential development

The parking SPD requires 2 spaces for a 3 bedroomed dwelling, a garage is included in the plan and one of the parking spaces shown will be allocated to the proposed house. There is also a requirement to provide 2 cycle spaces and that is provided in the allocated garden area. The proposal includes the retention of 100 m² of office space. The current parking standards require one space per 30 m² so that 4 spaces should be retained for office use.

5. Local plan allocations

Further consideration is required of the Havant Borough Local Plan (Allocations) 2014 as follows:

5.1 AL 1 – Policy AL 1 is based on the requirement enshrined in the National Planning Policy Framework (NPPF) that there is a presumption in favour of sustainable development unless there are significant adverse impacts of the development proposed.

In this case the foregoing analysis of relevant policies has demonstrated that the development does satisfy sustainability criteria and that the policy requiring extensive marketing is no longer relevant in the current circumstances of a global pandemic bearing adversely on a range of employment opportunities or, and perhaps more significantly, work patterns.

5.2 AL 2 – Urban area boundaries and gaps between settlements.

The change of use proposed is for a building which has been within the urban area of Emsworth village for more than a century – it has no impact on any area outside the settlement boundary.

5.3 DM 17 – Contaminated Land

There is no evidence that the land is or has been contaminated therefore there is no requirement for remediation.

5.4 DM 20 Historic Assets

While the building, the subject of this change of use application, is not listed it is in a CA and a separate Heritage Statement is included. Its return to a domestic use is in keeping with its scale and heritage and will enhance rather than detract from the CA. In its reply to the pre-application request the LPA stated that ‘the proposed change of use, subject to details is considered to preserve the setting of the CA’.

5.5 DM 24 – Recreational disturbance to SPAs

This proposal is for one dwelling within walking distance of, but not adjacent to, the Chichester Harbour. The proposed contents of a draft Unilateral Undertaking in respect of required contributions is attached.

5.6 DM 25 – Managing flood risk

A full FRA is attached which includes any necessary mitigation.

6. Supplementary planning documents

The response to the pre-app also requires examination of the relevant SPDs as follows:

6.1 The Borough's Design Guide

Policy DS16 of the SPD requires that any new development responds positively to the natural or historic environment, it is appropriate to reiterate that the proposal would retain a 19th Century building and restore its domestic frontage by the removal of commercial signage and also the visual amenity at the corner of Warblington Road and Havant Road, by removing the single storey office at that point in order to provide amenity space for the house, which would also enhance the appearance of the CA.

The broad principles of the Design Guide are therefore respected by the proposal.

Parking – this matter has been discussed in para 4.14 above.

Developer Contributions – similarly the relevant CIL form providing the necessary information to calculate liability is attached.

7. Havant Borough Local Plan 2036.

The Pre-submission document was considered by Cabinet in September 2020 and the relevant policies listed in the pre-app response are as follows:

- 7.1 E1** – which largely repeats the general principles of good design contributing to existing historic and traditional environments and establishes the standards which will be applied to new developments at both a large and smaller scale. The most relevant clause for this proposal is 'b' which requires that 'local character and distinctiveness have been taken into account'. Clearly by ensuring the retention of this building in the CA and improving its appearance that objective is achieved.
- 7.2 E12** – deals with energy saving measures and the achievement of 'low – carbon' design. The reuse of an older building reduces the opportunity for the inclusion of current energy saving measures however that 'reuse' itself would create a dwelling without the need for new building materials. The building would have a significant area of south facing roof which would be suitable for the inclusion of photovoltaic cells and water collection through the inclusion of a water butt in the new amenity space will specified in order to reduce potential consumption.
- 7.3 E22** – deals with the amenity issues arising from potential pollution. The return of this building to residential use will have no impact on the residential amenity of the area as the current use is, by the definition of the UCO, suitable within a residential area.
- 7.4 H1** – deals with the standards expected within new housing development, this proposal would provide a 3 bedroomed house of 146m² with all rooms meeting appropriate space standards, providing outdoor amenity space, as well as dedicated garage and parking allocations. The site is within the Emsworth area of search for the achievement of 55 dph. While the addition of one dwelling makes a limited contribution to the achievement of that goal it does reinforce the argument that a residential use of the site conforms to policy and is an appropriate use of the site.
- 7.5 C1** – deals with the protection of existing employment sites and clause 'b' is relevant in that it establishes the principle that the reuse of an employment site will be permitted where suitable alternative premises are available. Emsworth has a number of recently empty retail premises available all of which would now enjoy the flexibility provided by the recent changes to the UCO which place formerly A1 and 'high-street' office uses within the same category.

It is also relevant to underline the conclusions reached in Section which deals with the impacts of the current pandemic and the likely continuing impacts increasing the opportunity for business to reduce the size of offices, as a percentage of staff work at least for a percentage of their time at home, and bears on the interpretation of clause 'c' of that policy. In effect obviating either the need for, or the practicality of, engaging with prescribed marketing requirements which are now effectively out of date.

- 7.6 IN3** – specifies the requirements for transport provision, and parking standards for new development. The access to the proposed from Warblington Road uses the same access as the office premises have used for many years and a residential use of part of the total site is likely to reduce traffic movements particularly during office hours – although it has already been noted that in any event the current pandemic is reducing traffic movement. Parking for cars and cycles is included at the required standards.

It is noted that vehicle charging infrastructure is required for new development, while demand for such infrastructure is comparatively low currently, it is recognised that it is likely to increase and therefore appropriate ducting for the electrical infrastructure required will be laid to the proposed garage in order to ensure that if, or when, demand for this provision arises it will be easy to provide and not require more expensive retrofitting.

8. Summary

It has been established in the foregoing that the proposal is inherently sustainable, would contribute to an enhancement of the CA, does not offend employment policies and that the applicant expects to make the necessary contributions both to CIL and separately to the provision of mitigation space to deal with the issues arising from nitrate overload in the Solent.

The design and impact on the character is positive and there is no impact on the residential amenity of the adjacent property or any neighbouring houses. Adequate access arrangements are already in place servicing the site and all the requirements of the SPD relating to parking are provided.

Required contributions towards mitigating environmental impacts are acknowledged and draft terms for the necessary agreements included with this application. Similarly, the necessary mitigating design details in terms of reducing the carbon 'footprint' of the building when used for residential purposes are also included in the design.

The application is therefore worthy of support.

Edward Caush
ECA Architecture Limited
12:1089
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