
Site Address: 20 High Street, Emsworth, PO10 7AW
Proposal: Change of use of rear room from kitchen to Dog Grooming Room.
Application No: APP/21/00013 Expiry Date: 25/08/2021
Applicant: Mrs S Wotherspoon
Mary Puppins Pet Pantry
Agent: Case Officer: Denise Sheath
Ward: Emsworth

Recommendation: **GRANT PERMISSION**

1 Site Description

20 High Street, Emsworth, is a three storey Grade II Listed Building within Emsworth Conservation Area. The property has a retail use on the ground floor with residential use on the floors above. It is located within the Town Centre of Emsworth which consists of shops at ground floor levels with uses of Retail, Cafes, Public Houses, Professional Businesses, Estate Agents etc with many having residential flats above the ground floors.

2 Planning History

90/51422/001 - Change of use from shop to restaurant (Class 3 use), WD,21/12/1990
90/51422/002 - Change of use from Class A1 retail to Class A3 (coffee lounge with retail patisserie), WD,21/12/1990

3 Proposal

Change of use of rear room from kitchen to Dog Grooming Room.

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)
CS17 (Concentration and Distribution of Development within the Urban Areas)
DM10 (Pollution)
DM14 (Car and Cycle Parking on Development (excluding residential))

Havant Borough Local Plan (Allocations) July 2014

Submission Version Havant Local Plan

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_H2 (Buildings of Local Historic Interest)
ENP_W3 (Change of Use Applications)
ENP_H1 (Design & Heritage)

Listed Building Grade: Not applicable.

Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

Suggested considerations: -

- schedule of materials to be as indicated on submitted application forms / agreed by LPA.

Scope of Assessment Consideration

The submission is a planning application for works that should be considered against the AONB Planning Principles, planning history record, architectural and landscape character and setting of the red-line site. In considering the implications and impact within or to the Area of Outstanding Natural Beauty protected national landscape, the exterior works and land use implications that affect the appearance and character of the surrounding setting are assessed.

Planning Approach

The statutory purpose of the Area of Outstanding Natural Beauty (AONB) is to conserve and enhance the area's natural beauty. The LPA should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (Section 85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty *also* applies to proposals *outside* the designated area but impacting on its natural beauty.

The submission site is located *within* the Chichester Harbour Area of Outstanding Natural Beauty (AONB). Proposals impacting on the AONB are subject to more stringent planning guidance to ensure that development respects and enhances the inherent qualities of such a sensitive location. The adopted guidance requires a clear demonstration that no harm is caused to the AONB.

Chichester Harbour Conservancy, administer and safeguard the Chichester Harbour Area of Outstanding Natural Beauty (AONB). The aim of conserving and enhancing the areas natural beauty requires the Conservancy to consider the proposal on its landscape character aspects. The landscape covers both built-up urban environments as well as rural countryside and coastal areas.

This comment and recommendation is made having regard to the applicable AONB Policy -

- Chichester Harbour AONB Landscape Character Assessment (CBA update 2019)
 - Chichester Harbour Management Plan (2019-2024)
 - Chichester Harbour AONB Planning Principles (Management Plan version April 2019)

 - Chichester Harbour AONB Joint Supplementary Planning Document SPD (2017 – LPA adopted)
 - National Planning Policy Framework (Revised 2018)
 - National Planning Practice Guidance (2014)
- and in particular the following relevant AONB Planning Principles –

- AONB **PP01**: Chichester Harbour as a Protected Area,
- AONB **PP03**: Replacement Dwellings and Domestic Householder Extensions
- AONB **PP09**: Dark Skies

Relevant Recent Planning History

There is no recent or relevant planning history available for this site on the LPA public access website.

Submitted Proposal and Supporting Documents

The red-line application site (location plan) indicates the whole commercial property forms the planning unit. The proposal site is the ground floor rear room area of the building. This is located on the rear side of the building alongside Spring Gardens where a personnel door is located.

The submitted proposal is for the Change of Use of the rear room to form a dog grooming area. The existing use is a store area and kitchen. The proposal states and clarifies that there would be no external physical alterations.

The submission makes no acknowledgement of the location context to the setting of the Area of Outstanding Natural Beauty (AONB) protected national landscape. The submission does not reference or confirm compliance with the AONB policies affecting the proposal, nor does it make an assessment of floor plan and silhouette changes that are an AONB consideration under PP03 and the Joint CH AONB SDP. The level of knowledge or understanding of the status of the AONB in the planning consideration and the implications for the submitted proposal is lacking. The submission includes a one-page Heritage Statement, a Covering letter, and a clarification note as supporting statements.

Planning Assessment

The consideration would require a full and detailed assessment of the potential, possible, and probable impact to the character and appearance of the site and the locality of the AONB protected landscape. The main AONB planning assessment issues to be considered for this site relate to –

1. Consideration against the relevant AONB Planning Principle guidance
2. Relevant and/or recent planning history implications for the proposal
3. The principle of the use and activity of the development to the AONB locality
4. The locational positioning and layout design impact of the site to the AONB
5. The proposed physical scale, structure bulk and perceived massing on the AONB landscape
6. The architectural design, structural character, visual appearance & finished treatment
7. The impact on the tranquillity of the area and on the environmental character of the AONB

8. The wildlife, biodiversity, ecology, and natural environmental effects of the AONB

9. Any measures to mitigate the impact of ecological and environmental disturbance

1-The AONB Planning Principles relevant to this proposal are not conflicted with. The works can be provided without significant or substantial harm to the local character of the surroundings or pattern of development and the spaces between buildings.

2-The planning history raises no specific issues to the current proposal.

3-The commercial planning use of the red-line site would be retained but changed to expand the services and trades on offer to customers by this submission. The principle of the proposed use and activity would not likely be a significant concern. There is a new, additional land use operational aspect sought for the site by the current proposal, but this is associated with the use of the rest of the commercial floorspace of the ground floor of the building.

4-The location of the proposal is within the settlement built-up area and within a backdrop and setting of other commercial and residential development to the town centre area. The locational positioning on the site to the NW corner of the building, at the rear but with pavement access off Spring Gardens. This would be clearly viewed from the public realm. Given the setting, the layout generates little harm to the site spatial open area and to the immediate surrounds. relates to the host building and is satisfactory to nearby buildings. The layout design on the site works within the planning unit without harm to the surrounds.

5-The scale of the development is modest to the rest of the commercial ground floor area. There are no physical works indicated.

6-The architectural design is unchanged. No information relating to the design and external finished appearance of the building has been provided, such a door details or signage requirements. It is unlikely given the locational setting that there would be any substantive impact on the wider AONB landscape.

7-The building is unlikely to have an impact on the tranquillity of the AONB wider area or harm the environmental character of this location within the AONB.

8-The proposal would be unlikely to result in any substantial increase in the demands for recreational activity in the locality or add to the associated disturbance of wildlife areas. Assuming that there is no wildlife uses of the area, the proposal would not therefore be viewed as harmful to the wildlife or biodiversity of the site.

9-Measures to mitigate the impact of ecological and environmental disturbance should not be necessary. Native wildlife improvements could be considered generally through the installation of bird and bat boxes at the site, and similar easy applied wildlife improvements.

Summary Conclusion

The adopted guidance requires a clear demonstration that no harm is caused to the AONB. The site is location within the built-up urban area environment in the AONB. The positioning of the proposal would have a localised impact on the character and appearance of the site and the immediate surrounds. The proposal would have a visual impact on the wider AONB protected national landscape character, but this is considered to be limited and small in scale. CHC has no objection to the submitted proposal.

Given the built-up urban landscape setting the proposal is considered not to be unduly prominent, intrusive, or be detrimental to the character or the appearance of the local Area of Outstanding Natural Beauty (AONB) in terms of landscape character.

The development proposal in the AONB would be unlikely to have any identifiable harmful impact on matters of ecology, biodiversity, or wildlife habitat, hibernation, foraging, mating, or spawning / nesting / rearing areas. The proposal is unlikely to have any significant impact or effect on the AONB in relation to wildlife conservation and protection. CHC has no objection in this regard.

CHC has no objection to the submitted proposal. The proposal is generally acceptable within the AONB and has a limited external impact to the wider AONB protected landscape.

Other Comment

The planning application will be considered by the LPA in terms of other aspects applicable to the planning merits of the proposal, such as any overlooking impact to neighbouring property and spaces, any perceived loss of privacy, any equated loss of light and cause of shadowing, noise generation and disturbance, traffic generation and on-site parking provision, and in terms of overall good building design and land-use neighbourliness.

Conservation Officer

Background

The application site is located in the High Street in the Emsworth Conservation Area. The building is Grade II listed and is in use as a dog grooming facility on the ground floor and a residential flat above.

Legislative and Policy Context

When assessing the proposal, the following legislation and policy context is taken in consideration.

Section 66 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 listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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.

The revised National Planning Policy Framework (NPPF) was published in February 2019 and revised in July 2021 and sets down the policies that the Council must take into account when determining planning applications.

‘The significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest’ and provides at paragraphs 8, 9 and 10 that in order for the Local Planning Authority to make decisions in line with legal requirements, the objectives of the development plan; and, the policy requirements of the NPPF, great importance is placed on understanding the nature, extent and level of the significance of the heritage asset.

The revised NPPF (February 2019) sets out in Chapter 16, the core principles relating to development affecting Heritage Assets that local planning authorities should consider in making planning decisions in the following paragraphs:

‘184. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

191. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

192. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Considering potential impacts

193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

With regards to local planning policy, the following are relevant:

Policy CS11 of the Core Strategy states that planning permission will be granted for development that:

Protects and where appropriate enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.

Policy CP16 (1a) of the Core Strategy states '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:

Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site'.

Policy DM20 of the Allocations Plan states that planning permission will be granted for development proposals that conserves and enhances the historic assets of Havant. It also states that application which affect, or have the potential to affect, heritage assets are expected to provide a Heritage Statement that:

1. Describe the significance of the asset and its setting, using appropriate expertise and where necessary original survey, at a level of detail proportionate to its significance and sufficient to understand the potential impact of the proposal.
2. Sets out the impact of the development on the heritage assets and mitigation that is proportionate to the impact and the significance of the heritage asset, including where possible positive opportunities to conserve and enjoy heritage assets.

Proposal: .

The proposal comprises the following:

Change of use of a rear kitchen to a dog grooming room.

Officer Response: .

The proposed change of use will not require any internal or external structural alterations and as such, the impact to the significance of the listed building and conservation area will be negligible.

Conclusion .

No objection.

Environmental Health Manager, Community Group

Thank you for consulting the Pollution Team on this application. In relation to noise/odour/light please accept this email as confirmation that we do not have any objections to make. However, we recommend that the proposed hours and times of use are conditioned.

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: 24

Number of site notices: 1

Statutory advertisement: 09/07/2021

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 appearance of the area
- (iii) Impact upon residential amenity
- (iv) Parking

(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 proposal is to use the existing Kitchen area to the rear of the existing Pet Supplies Shop as a Dog Grooming Business.

The proposed use would only take place within the unit, with customers visiting with their dogs, between the hours of 9am to 6pm, Mondays to Saturdays and 10am-4pm Sundays and not at all on recognised Bank Holidays.

Overall the proposal is deemed appropriate in context of the surrounding area and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

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

The premise at 20 High Street is a Grade II Listed Building within Emsworth Conservation Area and within an Area of Outstanding Natural Beauty. Criterion 4) of Policy CS11 would also apply in terms of protecting and enhancing the Borough's heritage assets. Given that no external changes are proposed in this application it is considered that the development would conserve the character and setting of the conservation area. It is noted the Heritage Team and Chichester Harbour Conservancy were consulted as part of this application and No Objections were raised for the proposed use.

(iii) Impact upon residential amenity

The proposed use is not considered to have a significant adverse impact on the amenities of neighbouring commercial or residential properties. The Environmental Health Team have raised no objection, subject to a condition for opening hours. The proposal is not considered to have a significant adverse impact on the amenities of neighbouring properties to justify a reason for refusal on this matter.

(iv) 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. There is limited waiting on-street parking available along High Street, Emsworth Town Centre car park is within 125 metres of the site. The use is therefore not considered likely to prejudice highway safety in the locality.

8 Conclusion

The proposed use of the existing kitchen area to a Dog Grooming area within the existing Pet Supplies Shop is considered an effective reuse of part of an A1 building, thereby adding the vitality of the Town Centre. The proposal is therefore considered to preserve the character and setting of the conservation area and Listed Building and would not 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/21/00013 subject to the following conditions

- 1 The works must be begun not later than the expiration of three years beginning with the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Building and Conservation Areas) 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:

Application Form - Received 19 January 2021
Covering Letter - Received 19 January 2021
Clarification of Proposal - Received 25 June 2021
Heritage Statement - Received 19 February 2021
Location Plan - Received 19 January
Proposed Block Plan - Received 19 February 2021
Existing Floor Plan - Received 28 June 2021
Proposed Floor Plan - Received 30 June 2021
Photographs - Received 25 June 2021

Reason: To ensure provision of a satisfactory development.

- 3 The external materials used shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable.

Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The use of the dog grooming service at the premises hereby permitted shall not open to the public before 0900 hours or remain so open after 1800 hours on Monday to Saturday and 1000 hours until 1600 on Sundays and not at all on recognised bank holidays.

Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The development hereby permitted shall be used for Dog grooming parlour (Sui Generis) and pet supplies shop (Class E) use only and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 2020, or any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

Reason: To restrict the use of the premises in the interests of highway safety and local amenity having regard to policies CS16 and CS17 of the Havant Borough Core Strategy 2011.