
Site Address: 14 Queen Street, Emsworth, PO10 7BL
Proposal: Change of use from shop (class A1) to 3 bedroom domestic dwelling (class C3) with single storey rear extension, removal of existing outbuildings and new rooflights to rear elevation roof and removal of Fig tree, within Conservation Area of Emsworth.
Application No: APP/14/00535
Applicant: Mr Maddock
Agent: Mr Farrer
Ward: Emsworth

Expiry Date: 23/07/2014
Team: Team 2
Case Officer: Heather Lealan

MF Designs Ltd

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 No.18 Queen Street forms part of a mixed frontage and lies within the Emsworth Conservation Area along the top northern side of the road. The site lies outside of the designated Primary and Secondary Shopping Frontages but within the District Centre Boundary.
- 1.2 It is sited between a row of nationally listed buildings and is listed to be of local interest. The property is estimated to be approx. circa 1850's and is formed of a mid terraced property with attached rear outbuildings. It is brick built with natural slate roof and white painted fenestration. The site has no allocated parking and a mature fig tree is situated within the site, adjacent to the rear boundary wall.
- 1.3 The property has a use class A1 and is currently vacant from February of this year.

2 Planning History

No relevant planning history on Acolaid

3 Proposal

Change of use from shop (class A1) to 3 bedroom domestic dwelling (class C3) with single storey rear extension, removal of existing outbuildings and new rooflights to rear elevation roof and removal of Fig tree, within Conservation Area of Emsworth.

4 Policy Considerations

National Policies

The National Planning Policy Framework, March 2012

Core Strategies 2011 forming part of the HBLDF

- CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16 (High Quality Design)
CS21 (Developer Requirements)
DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Allocations (emerging) 2014 forming part of HBLDF
AL3 Town, District and Local Centres
Policy DM24 Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development

Listed Building Grade: Not applicable.
Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Arboriculturalist

The fig tree is not worth of a TPO and therefore no objection is raised in regard to it's removal.

Economic Development

The fabric shop has moved round the corner in a more prominent trading position and larger premises.

I have no problem with this property going back to residential as its in a very secondary position as far as trading is concerned

Development Engineer

There is no highway objection, the extension does not increase the number of bedrooms so there would be non requirement for additional parking/cycle parking.

Waste Services Manager

No comments

Environmental Health Manager

No adverse comments

Conservation Officer

No changes are proposed to the street elevation, which itself contains a shop front in an otherwise more domestic architectural treatment. Change of use to residential would not in my view have any significant impact on the prevailing character of the conservation area. The work to the rear is modest in nature and will not have any material impact outside the confines of the site due to surrounding screening by buildings. No objection.

Crime Prevention

No comments

Chichester Harbour Conservancy

No comments

Natural England

It appears that this development would increase the number of dwellings within the 5.6km zone. No information appears to have been put forward by the applicant to assess or guard against there being a significant effect on the SPA(s). Thus our advice at this stage is that it is likely to have a significant effect on the SPA(s).

If your authority accepts this advice, then other than in the exceptional circumstances prescribed by the Habitats Regulations, it is obliged before granting permission to either:

- undertake an Appropriate Assessment and ascertain that there will not be an

adverse effect on the integrity on the aforementioned designated sites;
- put in place measures which remove the likelihood of significant effect.

Comment - The measures with the LPA have put in place with the agreement of NE are for each new dwelling to provide a contribution to the Solent Disturbance Mitigation Project of £172. This agreement has been sought from the applicant prior to a positive determination of the application and it has been signed and returned with the cheque.

Landscape Team

No major impact on public realm and little opportunity for tree planting though the gardens locally do form a green link.

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: 7

Number of site notices: One

Statutory advertisement: 13/06/2014

Number of representations received: 1 in general support and 1 in objection to rear extension, complainant requested a visit from the conservation officer and this was undertaken on 11/07/14. See section 7 for further details

Summary:

(a) The change of use to residential dwelling is welcomed so long as an internal wall separating application site from neighbouring dwelling is further insulation.
This is a building control not a planning matter

(b) A new connection to sewerage system is made direct from No14 as the existing pipe on the neighbouring property becomes frequently blocked.
The is either a private matter or a matter for building control, It is not a valid planning material consideration.

(c) Are the outhouses listed and concerned that the removal may cause damage to adjacent listed dwelling
*The western wall of the outhouses may be listed, please see considerations below.
The onus is on the applicant to undertake works within the party wall and building control legislation*

(d) Loss of Daylight

(e) Problems caused by additional parking

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:

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- (i) Principle of development
- (ii) Effect on residential amenity
- (iii) Effect on the character and appearance of existing building, conservation area and adjacent listed building
- (iv) Adequacy of parking
- (v) Loss of conservation area tree
- (vi) Planning Obligations

(i) Principle of development

7.2 It is considered that this proposal is acceptable in principle, having regard to the specific circumstances of this case. The loss of the A1 unit occurred in February of this year. New changes to Permitted Development legislation provide for the allowed change of A1 to C3 in some circumstances. If the unit is within a key shopping area, then it must be demonstrated that the loss would not impact the viability of the area. As the unit is not within a primary or secondary shopping frontage and is in fact located in an area of the district centre dominated by residential properties; it is not considered that the loss of this A1 unit would impact Emsworth District Centre's viability. However, the change in PD legislation excludes properties located within Article 1(5) land and, as this dwelling is within Emsworth Conservation Area, it would be excluded from the PD legislation for this reason. To this regard, having consulted the Conservation Officer, it is not considered that the change of use would have any negative impact on the prevailing character of the conservation area. Therefore, it is concluded that this application can be supported in principle subject to the consideration of the development control criteria below.

(ii) Effect on residential amenity

7.3 It is considered that the change of use to C3 from A1 will not negatively impact the amenities of the occupiers of the surrounding residential properties and it accords with the prevailing character of the area.

7.4 In consideration of the proposed single storey rear extension, it is noted that this does not extend further beyond the rear elevation of the existing outbuilding located towards the western boundary and it will adjoin and extend no further to the eastern section than the neighbouring rear extension to dwelling to the east. As such, it is not considered that the proposed rear extension will cause either a loss of light or overbearing impact on the amenities of the occupiers of the dwellings adjacent to the site. The new roof lights proposed to the western roof slope will predominately overlook the side wall of the adjoining neighbour to the east and it is not considered that this degree of overlooking would be detrimental.

(iii) Effect on the character and appearance of existing building, conservation area and adjacent listed building

7.5 There are no external changes proposed to the front elevation and as such it is not considered that the change of use will be detrimental to the visual amenities of the area. The extension to the rear is well designed and will replace a number of

outbuildings. Details of materials should be conditioned given the building's location within the Conservation Area, being a locally listed building and proximity to the adjoining listed dwelling. The proposed rooflights will not be readily visible from the public realm given the extra storey of the adjoining dwelling to the east above the application site dwelling.

- 7.6 It is considered that the wall which currently forms the boundary between the site address and the listed building to the west should be retained and incorporated into the design of the rear extension. The agent to the application has confirmed that this is the applicants intention. It is suggested that a condition to this regard should be attached to any planning permission.

(vi) Adequacy of parking

- 7.7 It is considered that the lack of parking within the site boundary is not unusual in this location. Furthermore, the proximity of the site to the local shops, amenities and public transport ensure that this is a sustainable site.

(v) Loss of conservation area tree

- 7.8 It is not considered that this tree is worthy of a TPO and so the loss of the conservation tree cannot be prevented.

(vi) Planning Obligations

- 7.9 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 Examiners 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 in pounds (£) per square metre on new residential floorspace (measured as gross internal area).
- 7.10 The Additional Information Requirement Form submitted with the application confirms that the additional net internal floorspace to be used as residential is 12 sqm. It is considered that not all the floorspace is liable for CIL; because the application involves change of use to residential where floorspace has been in use for 6 months of the previous 12 months on the day planning permission may be granted. The agent has confirmed in writing that this is correct and has completed an Assumption of Liability Form. The CIL Charging Schedule states that new residential development in Emsworth is £100 per sqm. The CIL charge is therefore approximately £1,200.
- 7.11 The proposal would result in a new dwelling and in accordance with the adopted Havant Borough Council Local Plan (Core Strategy) Policies CS11 and CS21 together with Havant Borough Local Plan(Allocations) 2013 policy DM24 provision should be made for the mitigation of the development impact on the Special Protection Area (SPA). Given the scale of the proposal, the Council (in consultation with Natural England) is prepared to accept a financial contribution toward the cost of mitigation of the developments impact on the SPA. The contribution amount for mitigating the developments impacts on the SPA is £172, calculated from a fixed fee of £172 per additional dwelling. The form has been completed by the applicant and a cheque was received by the council on 16 July 2014.

8 Conclusion

- 8.1 It is considered that a residential use is acceptable in this locality in terms of the impact on residential amenity, the conservation area, historical asset and commercial provision of the Emsworth District Centre. To this regard it is recommended that the application be permitted subject to planning conditions. It is considered that there is a liability under the Community Infrastructure Levy from the development as there is an increase in floor space and the required Solent Disturbance Mitigation Project obligation has been paid.
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9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/00535 subject to the following conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Construction of the building(s) hereby permitted shall not commence until samples and details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority. Thereafter only such approved materials and finishes shall be used in carrying out the development.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11.4, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

Design and Access Statement received 22 May 2014
Location Plan, Block Plan and Proposed Sections Drg No: P_11 received 22 May 2014
Existing Elevations and Floor Plans Drg No: 100 received 22 May 2014
Proposed Elevations and Floor Plans P_10 received 22 May 2014

Reason: - To ensure provision of a satisfactory development.
- 4 The existing wall forming part of the shared boundary with the listed building to the west of the site shall be retained with only the top section modified as shown on the permitted plans. Before any work is undertaken in pursuance of this permission to demolish the existing outbuilding the applicant shall take such steps to carry out such works, as shall during the progress of the works hereby permitted, to secure the safety and stability of the wall which is to be retained. Such steps and works shall where necessary include measures to

strengthen the wall.

Reason: In the interests of the preservation of that part of the building which is to be retained and having due regard to policy CS11.4 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.