The Planning Inspectorate

Appeal Decision

Hearing held on 21 September 2011
Site visit made on 21 September 2011

by Andrew Jeyes **BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 October 2011

Appeal Ref: APP/X1735/A/11/2153591
Emsworth Baptist Church, North Street, Emsworth, Hampshire PO10 7BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr B Shepherd of Emsworth Baptist Church against the decision of Havant Borough Council.
- The application Ref APP/10/00251, dated 7 June 2010, was refused by notice dated 24 February 2011.
- The development proposed is the demolition of single storey buildings and erection of a new single storey church building and associated hard and soft landscaping.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of single storey buildings and erection of a new single storey church building and associated hard and soft landscaping at Emsworth Baptist Church, North Street, Emsworth, Hampshire PO10 7BY in accordance with the terms of the application, Ref APP/10/00251, dated 7 June 2010, subject to the conditions specified in the attached schedule.

Procedural Matters

2. The reason of refusal referred to saved Policy D1 of the Havant Borough Wide Local Plan 1996-2011 [LP]. The Council adopted the Havant Borough Core Strategy [HBCS] in March 2011 and LP Policy D1 was superseded by HBCS Policy CS16. This policy has been used in the determination of this appeal.

3. At the Hearing, it was stated that following additional searches undertaken in preparing the S106 Obligation, the appellant was not the owner of the whole site as stated at application stage and on submission of the appeal. Notices have been placed in local newspapers and served on known owners and a Certificate C submitted to correct this position.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the setting of the site.

Reasoning

Character and Appearance

5. The site is located on the north-eastern corner of a roundabout on the A259 Havant Road, a major road that splits the North Street area of Emsworth from the town centre, which is part of Emsworth Conservation Area. The surrounding area

is in mixed use, with shops at ground floor along North Street. There is a variety of building styles, with two prominent Victorian buildings opposite the site across North Street, the Cottage Hospital, which has undergone considerable alterations, and the fire station. To the east of the site are a two-storey residential development and an open municipal car park, with large modern brick and metal clad industrial premises to the north along Palmer's Road leading to a gasometer. The A259 is a wide road with a roundabout junction and a pedestrian underpass connecting North Street to High Street. The buildings to High Street form a focus for entry to the main part of the town centre and conservation area.

6. The area to the north of the A259 has frontage development to North Street, especially prominent to the north of the junction with Palmer's Road. Outside of this, there is no overriding architectural form or character. The two Victorian buildings opposite the site have a more significant impact on the area, through their form, mass and height than buildings on the opposite, appeal, side of the road. The appeal site and the opposite Victorian buildings provide a more open aspect to the southern end of North Street, contrasting with the compact frontage development more typical of High Street and North Street beyond Palmer's Road.

7. The site is occupied by a church, church hall and a portacabin. A landscaped area lies between the church and the hall, with an open tarmac area, formerly a Council car park, between the hall and the A259. The Cottage Hospital has a walled open area adjacent to the A259. Planting, in the form of young trees, forms a relatively strong feature to all corners of the roundabout.

8. The proposal is to demolish the hall, to which the Council has no objection, and erect a new church building, with the existing church becoming a meeting hall. The building would be single storey but with double height internal space on its eastern side and a brick tower at its northern roadside edge. The proposed church would have seven sides and be of a contemporary design of brick with a limited number of glazed openings and a zinc roof. There would be a foyer with full height glazing facing onto North Street and an additional glazed area facing south over the A259 to High Street. A further entrance and glazing would open onto a landscaped courtyard that would be formed between the proposed and existing churches.

9. Any proposal for the appeal site would need to respect the opposite Victorian frontage and similarly link to other aspects of the built environment in this locality. This is reflected in the Emsworth Design Statement, prepared by a committee of local people and the Emsworth Residents Association, but attracting very limited weight as not adopted by the Council. This indicates that the North Street area has potential but faces a number of issues, including separation from the rest of the town centre. It notes the opportunity for change or redevelopment around the A259 junction with North Street to reduce the divisive effects that the A259 has on the town centre.

10. The proposal was considered by the local architect's panel[1], who provide specialist advice to the Council, at pre-application stage and changes were made to the proposal, prior to resubmission to the Panel. The Panel welcomed the proposal in principle and overall "*supported the proposals subject to careful consideration of external materials*". However, the Council viewed the design as not having sufficient quality for this site.

11. The proposed building would have an attractive design that would reflect the complexity of the site and its position, whilst providing for the varied requirements

[1] Portsmouth, Fareham, Gosport and Havant Design Review Panel.

for use of the internal space. The proposal avoids replication of any existing built style within the area, but reflects aspects of the local vernacular in its external expression. Whilst single storey, the zinc roof rising to the east would be of sufficient height to provide a positive input to the street scene that would be emphasised by the masonry tower at the north-western corner with its dichroic glazing and cruciform feature. The building would reflect the height of adjoining buildings, including the existing church.

12. The proposed design with its stepped masonry planes, when added to glazing and protruding brickwork details, would give rise to a building that would be in a measured coherent dialogue with its surroundings. Whilst there are large areas of wall, these would not give rise to a monolithic appearance because of their shape and detailing. It would have a flexible form able to fulfil the functional requirements of the church, whilst uniting the streetscape in a positive fashion. It would bring attractive built form closer to the junction and overall, would create a quality building that respects the locality and preserve the setting of the conservation area. The exact details of materials could be controlled by condition.

13. For these reasons, the proposal would not harm the character or appearance of the setting of the site and would meet the terms of Policies BE1, CC1 and CC6 of the South East Plan, HBCS Policy C16 and guidance in PPS1[2]. Overall, these polices, amongst other matters, aim for a high standard of design that identifies and responds to local character and produces a positive relationship between buildings, streets and spaces.

Planning Obligation

14. A planning obligation has been submitted, indicating a £13,340 transport contribution to the County Council, this figure being reduced from an initial requirement of over £100,000. HBCS Policies DM11 and DM12 seek to attain more sustainable travel and to mitigate the impacts of travel by various means, including gaining contributions for off-site interventions and infrastructure. Statutory tests are set out in the Community Infrastructure Levy Regulations 2010, reflecting advice in Circular 05/2005: *Planning Obligations*. The requirements for an obligation are that it must be necessary to make the development acceptable in planning terms, be related directly to the development and be fairly and reasonably related in scale and kind to the development. Circular 05/2005 indicates that standard charges and formulae should not be applied in blanket form regardless of actual impact.

15. The information submitted indicates that a standard charge of £230 per trip has been levied based on a maximum trip generation. There is no assessment of the state of local infrastructure able to serve this development indicating where deficiencies lie and how they would be catered for. The Council indicated at the Hearing that the contribution would be used towards a list of works for Emsworth held by the highway authority, so that it is not possible to relate the works the contribution would be spend on directly to the development or that a refusal of permission would arise if such a sum was not provided. The lack of an obligation at application stage was not part of the reasons for refusing the application. The Council submitted an extract from an obligation relating to another development around a kilometre from the site and suggested that the contribution could be spent on those parts of the specified schemes that were within 400 metres of the site.

[2] Planning Policy Statement 1: *Delivering Sustainable Development*

16. Based on the information submitted, the Council has not established a need for an obligation that makes it necessary for the development to be acceptable in planning terms and that is directly related to the development. The obligation does not therefore meet the tests set out in Regulation 122. Obligations should not be used to secure contributions to the achievement of wider planning objectives that are not necessary to allow a particular development to proceed. Nonetheless, an obligation has been submitted, but it lends no weight to matters to be taken into account in determining this appeal.

Conclusion

17. Whilst the planning obligation carries no weight in determining the appeal, it is concluded that the proposals would not harm the character and appearance of the locality and, taking account of this and considering all local representations and all other matters, the appeal is allowed.

Conditions

18. The conditions suggested have been considered in accordance with the advice in Circular 11/95: The Use of Conditions in Planning Permissions. Wording has been adjusted where necessary. The plans to which this decision relates are specified for the avoidance of doubt and in the interests of the proper planning of the area.

19. In the interests of ensuring a complementary appearance and setting, conditions regarding materials, building detail, levels and hard and soft landscaping, including means of enclosure, are required. To ensure highway safety, conditions relating to parking of construction vehicles, materials storage and vehicle cleaning are required. Conditions are necessary relating noise insulation of the building and any external plant, external lighting and construction working hours to ensure suitable living conditions for nearby residents.

20. It was agreed at the Hearing that there was no necessity for conditions to specify the use class of the proposal or to further control noise produced within the church, when a scheme of noise insulation has to be agreed with the Council. In addition, there is no over-riding requirement to require a contract for rebuilding prior to demolition as the site is not within a conservation area and the building is in active use. Nor is it necessary for a further Travel Plan to be submitted as the accepted Travel Plan assumed maximum capacity for use of the building and covers means for achieving modal transport shift.

Andrew Jeyes

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos 842-P1000; 842-P1001; 842-P1002B; 842-P1003B; 842-P1004B; 842-P2000B; 842-P2001B; 842-P2002 & 842-P2003.

3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted, including the erection on site of a sample panel of brickwork and mortar, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

4) No development shall take place until plans and particulars specifying the finished levels (above ordnance datum) of the ground floors of the proposed building and the surrounding ground levels in relation to existing ground levels have been submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.

5) No development shall take place until a scheme for insulating the building against internally generated noise has been submitted to and approved by the local planning authority. The building shall not be brought into use until all of the works forming part of the approved scheme have been implemented in accordance with the approved details.

6) No development shall take place until a detailed soft landscaping scheme for all open parts of the site not proposed to be hard surfaced has been submitted to and approved in writing by the local planning authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and include a timetable for the implementation of all such landscaping works. The implementation of the landscaping scheme shall be completed in full accordance with the approved details and timetable. Any tree or shrub planted or retained as part of the approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

7) No development shall take place until details and a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hard surfaced have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall not be brought into use until the implementation of all such hard surfacing has been completed in full accordance with the approved details.

8) No development or any related site clearance shall take place until a scheme for the parking of construction vehicles throughout the clearance and construction periods and of all other vehicles delivering and/or removing materials and other items to or from the site has been submitted to and approved in writing by the local planning authority. The agreed temporary parking arrangements shall be provided and used only as such during all site clearance and construction works related to the development hereby permitted.

9) No development or any related site clearance shall take place until a scheme for the storage of construction materials within the site has been submitted to and approved in writing by the local planning authority. All material storage on site shall be in accordance with the approved scheme.

10) No development or any related site clearance shall take place until a scheme to prevent deposition on nearby roads of mud and spoil from vehicles leaving the site during clearance and construction activities has been submitted to and approved in writing by the local planning authority. All measures forming part of the approved scheme shall be implemented during all site clearance and construction works related to the development hereby permitted.

11) No development shall take place until plans and particulars for all external lighting have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and no other external lighting shall be erected or placed on the site.

12) Demolition, clearance, excavation, road or construction works shall take place only between 08.00 and 18.00 hours on Mondays to Saturdays and not at all on Sundays or recognised public holidays.

13) No development shall take place until plans and particulars specifying the position, type, height, design and materials of all proposed screen walls, fences, hedges and other means of enclosure, together with a timetable for their provision, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and timetable. At all times thereafter, all of the screening provision shall be retained and maintained.

14) No development shall take place until plans and particulars specifying the details of the junction between the roof and walls, roof vents, glazing bars and boundary railings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

15) No development shall take place until details of the external appearance and acoustic performance of any externally visible or audible plant, machinery or structures required for ventilation or filtration purposes have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

APPEARANCES

FOR THE APPELLANT:

Amanda Sutton BA[Hons] BTP MRTPI	Neame Sutton Ltd, Chartered Town Planners
John Jenkins MA[Cantab]	Haverstock Associates, Architects
James Corcoran MA[Hons] MArch PGIC	Haverstock Associates, Architects
Rev Dane Baker MA BA[Hons]	Minister, Emsworth Baptist Church
Brian Shepherd	Emsworth Baptist Church
Patrick Laycock	Emsworth Baptist Church

FOR THE LOCAL PLANNING AUTHORITY:

Keith Oliver BA[Hons] MRTPI	Senior Planner, Havant Borough Council
Stephen Cantwell BSc MSc AIEMA MRTPI	Development Control Team Leader, Havant Borough Council
Peter Marshall BSc MCIT	Development Engineer, Havant Borough Council

DOCUMENTS

1 S106 Planning Obligation: submitted by the appellant.
2 Case report Pridmore & Ors [Ref CO2598/2004]: submitted by the Council.
3 Draft of Certificate C: submitted by the appellant.
4 Copies of Notices served on Saxon Wealde Homes Ltd and Baptist Union Corporation Ltd: submitted by the appellant.
5 Notice placed in Portsmouth Times on 21 September 2011: submitted by the appellant.
6 Copy of Notice to be placed in Chichester Observer on the 22 September 2011 and confirmation of receipt: submitted by the appellant.
7 Extract from a S106 Obligation relating to Hampshire Farm, Emsworth: submitted by the Council.
8 Policies DM11 and DM12 of the adopted Havant Borough Core Strategy: submitted by the Council.
9 Photographs and location of two houses in Emsworth with zinc roofs: submitted by the appellant.

DOCUMENTS SUBMITTED AFTER CLOSE OF THE HEARING

10 Completed S106 Planning Obligation: submitted by the appellant.
11 Certificate C: submitted by the appellant.
12 Copy of Notice served on Baptist Union Corporation Ltd: submitted by the appellant.
13 Copy of Notice served on Saxon Wealde Homes Ltd: submitted by the appellant.
14 Proofs of posting of Documents 12 and 13: submitted by the appellant.