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ECA/EAC/12:1089

4 April 2024

Havant Borough Council
Planning Services
Public Service Plaza
Civic Centre Road
HAVANT PO9 2AX

Dear Sirs

**Fiscal House 2 Havant Road Emsworth PO10 7JE
Change of Use from Single Storey Office, Store and Garage (B1a) to
Residential, alterations to APP/21/01120**

Further to your letter dated 3 January 2024 regarding the above, I enclose my Planning Application comprising my drawings amended in accordance with your response to my pre app. The specific issues that have been addressed are as follows: windows to the South Elevation (at First Floor). These are now shown as high level windows, although in my opinion there is no loss of privacy to 1 and 2 Bath Road. The boundary wall is 4 metres high and 9 metres in plan from the South gable. Eye level at First Floor is 4.30 metres which confirms that the occupants of the proposed house cannot overlook the gardens of 1 and 2 Bath Road.

On site bin and cycle storage is now shown on the drawings on the basis of 2 cycle spaces per unit. The parking arrangement has been revised since submitting the pre app and now shows 6 parking spaces.

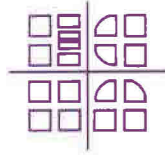
Flooding will be considered by my Consultant as an extension of the FRA with respect to Phases 1 and 2 and a copy will be submitted for your attention. A response on nitrate neutrality will also be submitted in due course.

Should you have any other queries on this matter would you contact me at this Office.

Yours faithfully

Edward Caush

Enc



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Ms L Wells
Planning Services
Havant Borough Council
Public Service Plaza
Civic Centre Road
HAVANT
PO9 2AX

4 April 2024

Dear Ms Wells

Planning Application for alterations, extensions and change of use to the single storey offices, store and garage from B1a to residential. Alterations to APP/21/01120 at Fiscal House to allow for pedestrian access and the reallocation of parking.

This application is for alterations, extensions and change of use to single storey offices, store and garage from B1a to residential. Alterations to APP/21/01120 at Fiscal House to allow for pedestrian access and the reallocation of parking to the rear of Fiscal House, 2 Havant Road, Emsworth, PO10 7JE and follows the withdrawal of application reference APP/22/01136.

Site Description

This application advice request relates to the site Fiscal House, 2 Havant Road, Emsworth, PO10 7JE and the associated hardstanding car park and single storey office building which is located just inside the boundary of the Emsworth Conservation Area and is situated opposite a Grade II listed building at No. 4 Havant Road. The most original part of the building on the site was a C19 former Public House (Fiscal House). It is a two-storey building which was in use as offices and is also positioned on the corner of Warblington Road and Bath Road.

The land extends away from the Havant Road to the rear and the entrance to the site is situated on Warblington Road. The single storey office building, store and garage are of no architectural merit and forms the boundary between the site to the east and Bath Road.

The majority of the site is laid to hardstanding and slopes up to the rear.

Planning History

The site has an extensive planning history having been used as a public house, dairy, taxi office, financial services and offices.

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The most recent and relevant planning history is application reference APP/22/01136 (Alterations, extensions and change of use to the single storey offices from B1a to residential. Alterations to APP/21/01120 at Fiscal House to allow for pedestrian access and the reallocation of parking. Erection of 1no. dwelling to the rear).

Application APP/22/01136 was withdrawn on 17th May 2023 following comments from the case officer on the 4th May 2023 advising:

'I have to advise that the application is not supported by Officers, on the grounds of the proposal's design, scale, the harm to a listed building, the adverse visual impact on the AONB and the Emsworth Conservation Area and flood risk.....If the application is not withdrawn, I must advise that it will be recommended for refusal'.

Subsequent to the withdrawal of application reference APP/22/01136, my clients have sought to address the concerns raised by the statutory consultees in response to the proposed development to devise a new scheme which is the subject of this Application.

The consultee comments on application reference APP/22/01136 were:

County Ecologist *'NPPF, Circular 06/2005 and Natural England Standing Advice on Protected Species, require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the LPA prior to determination, particularly in the case of protected species, which are a material planning consideration. This will enable the LPA to determine the application on the basis of full knowledge about the ecological impacts of the proposal and to ensure that any impacts can and will be mitigated and are acceptable.'*

Natural England No objection subject to securing appropriate mitigation.

HBC Conservation Officer Objection
'The listed building (No. 4 Havant Road) does not feature any fenestration on the rear elevation, its vernacular building form does still contribute and give context to this corner section of the street scene'.

'Overall, the LPA is not against contemporary design approaches, but each proposal is considered on their own individual merits, based on the characteristics of a particular site'.

'The main considerations from a built heritage perspective are the impact on the conservation area and the impact on the adjacent listed building – 4 Havant Road..... Regarding the conversion and extension of the existing single storey element, given that this is and will be located right on the boundary of Warblington Road and in very close proximity to the listed building, this will have a very noticeable impact on both. At present, the single storey element on the site is not of high-quality design and does not contribute positively to the street scene. However, it is only single storey in height and the visual impact of this does not dominate or detract from the adjacent listed building, which can be appreciated in longward views looking northwards along Warblington Road.

The proposal for a much larger building, incorporating a noticeably distinctive design, would be highly overbearing and visually dominating to the listed building and would detract from its simple, vernacular form, resulting in harm to its architectural and historic interest.....

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Notwithstanding the impact set out above, the design of the extended office space, is awkward, resulting in an unbalanced, incohesive building form with an overly bulky roof design and conflicting features, some of which draw no influence from the local vernacular....

The northern end of Warblington Road tapers down to be very narrow at the junction with Havant Road. Due to the proximity of both No's 2 and 4 Havant Road to the highway, a tunnel effect is created at this point, even with the side elevation of No. 2 being single storey as it is located so close to the highway (i.e., with no pavement). The increase in building height, coupled with the awkward design, would exacerbate this tunnelling effect to a very harmful level, causing an oppressive visual conflict at this corner junction.

With regards to the proposal for the three-storey single dwelling, this is also of a contemporary design. However, it is unique in its design approach and does not take inspiration from either Fiscal House or the office conversion other than utilising similar materials to this, or any surrounding buildings. The design is again incohesive with conflicting roof forms and window/ door apertures. It also considerably higher than the surrounding forms of development, which accentuates the awkward design. Due to its height, the building would be visible from various points within the conservation area, particularly from the northern part of Bath Road facing towards the United Reform Church.

Overall, the proposal would not meet the requirements of Sections 66 nor 72 of the T&CPA 1990 or the relevant policies of the adopted local plan..... Furthermore, the proposed application is considered to be insufficient in its assessment of the significance of the affected heritage assets and would result in less than substantial harm to both the listed building at No. 4 Havant Road and the Emsworth Conservation Area. Para 202 of the NPPF advised that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

Nutrient Officer

'I can confirm there is sufficient capacity in the Council's strategic mitigation scheme to accommodate the application proposals. The applicant should be advised that the Council's strategic mitigation scheme is to be charged at £3,300 per kilogram of nitrogen (as of 1/4/23) which increases annually at the start of the financial year in line with the Cost Price Index. In addition, it should be noted that there is limited capacity remaining in the Council's mitigation scheme at Warblington Farm.

There is alternative mitigation available from third party providers in order to avoid and mitigate the water quality impact arising out of the proposed development. The details of other schemes have been published on the Partnership for South Hampshire's website at:

<https://www.push.gov.uk/work/mitigation-schemes-available-to-developers/>

**Environmental
Health Team**

No observations to make in respect of noise.

Southern Water

No objections raised. Suggested informative.

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Chichester Harbour Conservancy	<i>'Objection. The proposed new dwellings would be excessively tall and bulky with overly striking and contemporary designs which would increase their visual impact on this prominent corner site on the edge of the AONB and Emsworth Mill Pond. The result would be a visually intrusive development, which would detract from the setting and the special character and qualities of the AONB and the Emsworth Conservation Area, contrary to Policies CS11, CS12 and CS16 of the Havant Core Strategy, and Policies 1 and 2 of the AONB Management Plan.'</i>
Hampshire County Council Transport	No objection. Suggested conditions.
Portsmouth Water	No objection. No conditions.
Environment Agency	No objection subject to condition.
Community Infrastructure	The development is CIL liable. The development may also be liable for the Solent Recreation Mitigation Strategy Unilateral Undertaking and The Nutrient Neutrality Unilateral Undertaking.
Building Control	The development will require building consent.
Landscape Architect	<i>'Objection.</i> <i>The proposed development sits within a conservation area and the proposed modern architectural style is not in keeping with the existing built form and as such would be detrimental to the character of the area.</i> <i>HBC's townscape, landscape and seascape character assessment built form and development strategy states; Conversion of existing vernacular buildings should be carefully controlled to prevent loss of local character as such the proposed design is contrary to this assessment.</i> <i>The proposed roof pitch and building material specification for the façade is not deemed acceptable and is deemed to be detrimental to the landscape character of the area.</i> <i>In order to comply with planning policy CS16 the proposed units must respond to and draw inspiration from and respect the local context. The proposed design must adhere to policy 1 (A) Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site; and 1 (B) Use the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors.'</i>
Planning Policy	<i>'Principle of Development:</i> <i>The site lies within the built-up area as defined by Policies CS17 and AL2 of the Adopted Local Plan. As such, there is a presumption in favour of sustainable development, subject to other material considerations. Given the building's last use for office purposes, ALP Policies CS2 and DM3 apply. These policies seek to safeguard existing employment sites that are fit for purpose from development</i>

proposals for non-employment uses. Specifically, Policy DM3 indicates that development of employment sites will only be permitted where it is demonstrated the land or premises are not fit for purpose and are financially unviable. This should generally be covered by an active and realistic marketing process for a minimum of a 12-month period. "The change of use or development of land or premises currently or last used for B use class employment purposes to non-B use class employment will only be permitted where..... it has been demonstrated that the land or premises are not fit for purpose and financially unviable for B use class purposes. Where it is clearly demonstrated that the site is no longer suitable for B use class employment, other types of economic development should be considered in the first instance. These uses will be expected to provide employment opportunities of similar quality and quantity as those which previously existed. Only if another type of economic development cannot be found which provides similar quality and quantity of employment opportunity, will other uses then be considered".

Under the previous planning application APP/22/01120 the applicant submitted detailed marketing information over a 12-month period which was considered to meet with the above requirements and policy DM3. No current/repeated information has been submitted with the latest application however, due to the agent and applicant being the same as the previous submission and the previous permission still being live it is considered that the past information submitted is still sufficient for the principle to be supported.

Flood Risk

A key constraint for development on this site is flood risk as it is affected by future flood risk as identified by the Environment Agency and is in flood zones 2 and 3. A sequential test is not required as the proposal is for a change of use but might be for the new proposed dwelling. The Environment Agency will be able to advise further on the acceptability of the proposal and whether any conditions should be imposed as part of any subsequent permission for the new dwelling.

Design and Heritage

Both the adopted and emerging local plan require high quality design in all development under policies • CS16 High Quality Design (Core Strategy) • E1 High Quality Design (HBLP) The site lies within the Conservation Area and as such a consultation with the Heritage team would be recommended.

Noise and Amenity Considerations

It is noted that the site would neighbour an office building to the south west and a church to the south east. Residential properties are to the south. As such there would be the potential for prospective occupiers to be subject to noise and over-looking. ALP Policy DM10 is therefore of relevance in terms of whether there would be likely to be a significant negative effect on the amenity of the future occupiers. The Council's Environmental Health Team should be consulted accordingly.

It is noted the proposed amenity space itself is modest in size. Sufficient private and/or communal outdoor amenity space should be provided and should be of a sufficient size and quality for the use by occupants. The Borough Design Guide also expects new dwellings to achieve a minimum 10m garden depth and for the space to be private. The surrounding development could also create shadowing and limit the amount of sunlight reaching the outdoor space and dwelling itself. This is likely to be compounded further by potential additional trees within the private garden area.

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Parking

The proposals would need to ensure that appropriate parking provision is provided in accordance with Policy DM13 and the Council's Parking SPD.

Conclusion

The principle of the change of use from office to residential has already been established and supported under APP/21/1120. Flood risk and the amenity of the prospective occupiers will need to be considered having regard to the neighbouring uses in line with ALP Policy DM10. Amenity space is required to be provided in the interests of ensuring the health and wellbeing of its occupants.'

Planning Policies

National Planning Policy Framework (NPPF) – July 2021

The NPPF sets out the Government's current planning policies for England. Paragraph 7 sets out the purpose of the planning system as being the contribution to achieving sustainable development. The objective of sustainable development is to meet the needs of the present, without compromising the ability of future generations to meet their needs. In achieving sustainable development there are three, interdependent objectives: economic; social; and environmental. Whilst these objectives should be used to guide development towards sustainable solutions, local circumstances should be considered to reflect the character, need and opportunities of each area.

At the heart of the NPPF is the presumption in favour of sustainable development, where Paragraph 11 advises that in reaching decisions, a presumption in favour of sustainable development should apply. For decision-taking, this means that development proposals should be approved without delay, if they are in accordance with an up to-date development plan. Where there are no relevant development plan policies, or they are out of date, permission should be granted unless:

- 1) The application of policies in the NPPF that protect areas or assets of importance provide clear reason for refusing development.
- 2) The adverse impacts of granting permission would significantly or demonstrably outweigh the benefits when assessed against the NPPF as a whole.

Section 4 of the NPPF advises authorities to approach decisions on applications, in a positive and creative way and that applications for sustainable development should be approved where possible. This section also highlights the importance of early engagement, suggesting that it has the potential to improve the efficiency of the planning process for both applicant and Council and result in a better outcome for the community (Paragraph 39).

Havant Borough Core Strategy (2011)

The Havant Borough Core Strategy was adopted in 2011 and is the current plan for the Borough. The Core Strategy (2011) establishes the framework of detailed policies and proposals for the control, development and use of land, with which planning decisions will be assessed in Havant Borough.

The policies relevant to the determination of the application are summarised in the table below.

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CS19 Effective Provision of Infrastructure	Development will be permitted where it makes the most effective use of existing infrastructure opportunities.
CS2 Employment	Existing employment sites will be safeguarded unless not fit for purpose.
DM10 Pollution	Development that may cause pollution will only be permitted where relevant health and safety and environmental quality criteria can be met.
DM8 Conservation, Protection and Enhancement of Existing Natural Features	Development will be permitted where it protects and enhances local habitats and landscape distinctiveness, as well as addresses, amongst other criteria: • Protects features of nature conservation such as, trees and hedgerows. • Incorporates existing features into the overall design and ensuring their continued survival. Provides new landscape works that integrate with the local environment, using local materials and plant species and making provision for the future maintenance of new landscape works associated with the development.
DM13 Car and Cycle Parking on Residential Development	Residential development will only be permitted where car parking and cycle storage is in accordance with the Residential Car Parking and Cycle Provision Supplementary Planning Document (SPD). The SPD (2016, partially updated 2019) sets out a requirement for: • 1 Bed unit – Minimum 1 space • 2 Bed unit – Minimum 2 spaces • 3 Bed unit – Minimum 2 spaces • 4+ Bed unit – Minimum 3 spaces
DM12 Mitigating the Impacts of Travel	New development will be required to mitigate their travel impact including the environmental impacts of travel and impacts on amenity, health and climate change.
DM3 Protection of Existing Employment and Tourism Sites	The change of use or development of land currently or last used for B use class employment purposes to non-B use class employment will be permitted where it has been demonstrated that the land or premises are not fit for purpose.

The Havant Borough Local Plan (Allocations) was adopted in 2014:

DM17 (Contaminated Land)	Development will be permitted on or near contaminated land where an appropriate risk investigation has been carried out and mitigation sought.
DM20 (Historic Assets)	Planning permission will be granted for development that conserves and enhances the historic assets of Havant Borough.

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DM25 (Managing Flood Risk in Emsworth)	Planning permission will be granted for developments within the Emsworth Urban Area Boundary that can demonstrate how post development runoff has been reduced.
AL1 (Presumption in Favour of Sustainable Development)	The Council will take a positive approach to development proposals that reflect the presumption in favour of sustainable development contained in the NPPF
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)	The policy defines the urban areas where development will be permitted.

The Emsworth Neighbourhood Plan was made in September 2021:

Policy M1 Cycle Storage Provision	All new residential development should make provision for secure cycle storage as follows: • 1- and 2-bedroom dwellings – 1 space • 3- and 4-bedroom dwellings – 2 spaces
Policy D1 General Design Policy	All new residential developments should include high quality design and landscape treatments. Proposals should demonstrate proper context analysis and compliance with design policies through the submitted Design and Access Statement (inc. reference to the Design Checklist).
Policy D2 Height, Mass and Materials	The height and massing of buildings should reflect the local character and provide a palette of material that corresponds with the local area.
Policy D3 Layout, Density and Form	Development proposals should reflect the character and grain of historic parts of the Plan area. Proposals that do not optimise the density of sites will not be supported.
Policy D4 Design of Public Spaces and External Areas	Landscape treatments and public realm should be designed to a high standard.
Policy D5 Integration & Strong Connections	All new development to relate to its context with convenient connections to facilities in adjacent areas. Create welcoming and inclusive communities.
Policy D6 Resource Efficiency	Promote sustainability and reduce carbon footprint through good design and technologies.
Policy D7 Mitigate Light Pollution	Minimise light pollution, particularly on the waterfront and edge of settlement locations.
Policy H1 Design and Heritage	Any new development or alteration to an existing structure that affects or has the potential to affect a heritage asset (whether designated or undesignated) will be required in its design, scale and materials to conserve or enhance the significance of the heritage asset, the wider historic character of Emsworth, and to have regard to the design guidance within this neighbourhood plan.

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Supplementary Planning Documents and Guidance

In addition to the policy context set out in the section above, the Council has prepared a series of SPDs, those of relevance include:

Borough Design Guide SPD (2011)

Housing SPD (2011)

Car Parking and Cycle Provision SPD (2016, updated 2019)

Developer Contributions Guide (2020)

Chichester Harbour AONB joint SPD 2017

Proposed Development

The proposed development on the site has been revised to take account of the consultee comments on the withdrawn application APP/22/01136. The following section addresses how the proposals have been revised.

Principle of Development

Withdrawn application APP/22/01136 confirmed the principle of residential development on the site was acceptable. The Planning Policy response stated:

'The site lies within the built-up area as defined by Policies CS17 and AL2 of the Adopted Local Plan. As such, there is a presumption in favour of sustainable development, subject to other material considerations. Given the building's last use for office purposes, ALP Policies CS2 and DM3 apply. These policies seek to safeguard existing employment sites that are fit for purpose from development proposals for non-employment uses. Specifically, Policy DM3 indicates that development of employment sites will only be permitted where it is demonstrated the land or premises are not fit for purpose and are financially unviable. This should generally be covered by an active and realistic marketing process for a minimum of a 12-month period. "The change of use or development of land or premises currently or last used for B use class employment purposes to non-B use class employment will only be permitted where..... it has been demonstrated that the land or premises are not fit for purpose and financially unviable for B use class purposes. Where it is clearly demonstrated that the site is no longer suitable for B use class employment, other types of economic development should be considered in the first instance. These uses will be expected to provide employment opportunities of similar quality and quantity as those which previously existed. Only if another type of economic development cannot be found which provides similar quality and quantity of employment opportunity, will other uses then be considered".

*Under the previous planning application APP/22/01120 the applicant submitted detailed marketing information over a 12 month period which was considered to meet with the above requirements and policy DM3. No current/repeated information has been submitted with the latest application however, due to the agent and applicant being the same as the previous submission and the previous permission still being live it is considered that the past information submitted is still sufficient for the **principle to be supported.***

Impact on Neighbouring Properties

No objections were raised in withdrawn application APP/22/01136 from statutory consultees or the case officer regarding the impact of the proposed development on any of the neighbouring properties. A neighbour objection was received to the three-storey dwelling on the grounds of overlooking to the rear of properties along Bath Road and loss of light to the rear garden of a property in Bath Road which backs onto the proposed development. The objector goes on to note the three-storey dwelling would have a significant and detrimental impact on the current views from various positions around the Mill Pond. The objector raises concern over highways and parking and flood risk.

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facing towards the United Reform Church.' This dwelling has now been excluded from the Application.

Chichester Harbour Conservancy commented:

'The proposals are considered to be excessively high and the designs overly unusual and striking which would increase their visual impact. The result would be a visually intrusive development which would detract from the setting and the special qualities of the AONB and the Emsworth Conservation Area'

The Landscape Team commented:

'The proposed modern architectural style is not in keeping with the existing built form and as such would be detrimental to the character of the area.'

Conversion of existing vernacular buildings should be carefully controlled to prevent loss of local character as such the proposed design is contrary to this assessment.

The proposed roof pitch and building material specification for the façade is not deemed acceptable and is deemed to be detrimental to the landscape character of the area.

In order to comply with planning policy CS16 the proposed units must respond to and draw inspiration from and respect the local context. The proposed design must adhere to policy 1 (A) Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site; and 1 (B) Use the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors.'

The revised design retains a three-storey height as it was considered the contemporary design of the proposed building drew attention to the height, but that the height could be justified as it did not have an overbearing or over shadowing impact on the neighbouring properties. The height of the proposed three-storey building is also only 712mm above the Church ridge line and would be lower than Nos 1 and 3 Warblington Road being 13.11m above ordnance datum (new build) and 13.26m above ordnance datum (Nos 1 and 3 Warblington Road).

In order to provide a visual representation of the proposed development when viewed from the most sensitive location of the Mill Pond which is within the AONB and Emsworth Conservation Area, we have provided a street scene of the proposed development from as viewed from the Mill Pond. The design of the three-storey dwelling has been substantially altered and now takes a more traditional form in terms of the materials proposed and takes its inspiration from the building occupied by the Co-op in the town centre which is within the Conservation Area and of a more modern era but with a more traditional design.

The materials proposed for the three-storey building are a slate roof, facing brick and Michelmarsh multi red with contrasting brick heads and stone cills and timber sliding sash windows painted white. There will also be the use of render at ground floor level. All these materials can be seen within the immediate surroundings. The proposed development is considered to have a more cohesive design in terms of roof form and window and door apertures.

Flood Risk

With reference to application APP/22/01136, the case officer was minded to refuse the application on flood risk grounds, however, this objection was unsubstantiated as the statutory body in regard

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enable the LPA to determine the application on the basis of full knowledge about the ecological impacts of the proposal and to ensure that any impacts can and will be mitigated, and are acceptable.

The proposed alterations/removal of the existing pitched roofs have already been approved under the previous permission on the site and remains extant. The roof affected by the proposed development is flat and incapable of use by bats and roosting birds. It is therefore the case that an ecological survey of the site is not required. The majority of the remainder of the site not covered by buildings is covered by hard standing and therefore of no ecological or biodiversity interest.

The case officer for application APP/22/01136 advised that she would reconsult with the ecologist prior to requesting additional information. The results of the re-consultation are awaited.

Conclusion

The application request for a revised scheme subsequent to application APP/22/01136 has been informed with reference to the statutory and neighbour comments on application APP/22/01136. The revised scheme is more simplistic and traditional in design and materials taking its cues specifically from 4 Havant Road and the wider aspects of the conservation area.

We trust you have all the information you require to assess the proposals, however, should you require any further information, please do not hesitate to contact me.

Yours sincerely

A large black rectangular redaction box covering the signature area.

Edward Caush