

DELEGATED OFFICER REPORT

PROPOSAL	Variation of Conditions 2 & 3 of Planning application APP/22/00831 including changes to materials, changes and additions to fenestration and internal reconfiguration.
LOCATION:	12, Nile Street, Emsworth, PO10 7EE
REFERENCE NO:	APP/26/00294
APPLICANT:	Jeff Dobbie
APPLICATION TYPE:	Removal/variation of conditions
CONSULTATION EXPIRY DATE:	11/08/2026
APPLICATION EXPIRY DATE:	16/07/2026
WARD:	Emsworth
SUMMARY RECOMMENDATION:	Approve with conditions

1. Site Description

The application site is located in Nile Street, within the Emsworth Conservation Area, within Chichester Harbour National Landscape and close to the main town centre area. The site comprises a two-storey building which backs onto the South Street car park and with a front attached, pitched roof garage which fronts onto Nile Street. The building has been used as a workshop and garage.

2. Planning History

APP/22/00831 - Conversion of workshop into dwellinghouse with extension and alterations. PERM 26.01.2024

3. Proposal

Variation of Conditions 2 & 3 of Planning application APP/22/00831 including changes to materials, changes and additions to fenestration and internal reconfiguration.

4. Policy Considerations

In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the Planning Considerations section of the report.

National Planning Policy Framework 2026

DM3 - Determining development proposals

DM6 - Use of planning conditions and obligations

S3 - Presumption in favour of sustainable development

S4 - Principle of development within settlements

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Chichester Harbour Area of Outstanding Natural Beauty Joint SPD 2017

Havant Borough Local Plan (Core Strategy) March 2011

CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)

CS12 (Chichester Harbour Area of Outstanding Natural Beauty (AONB))

CS16 (High Quality Design)

CS21 (Developer Requirements)

CS9 (Housing)

DM10 (Pollution)

DM13 (Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_H1 (Design & Heritage)

ENP_D1 (General Design Policy)

ENP_D2 (Height, Mass & Materials)

ENP_D3 (Layout, Form & Density)

Listed Building Grade: Not applicable.

Conservation Area: Emsworth

5. Statutory and Non Statutory Consultations

Emsworth Residents Forum

No comment received

Conservation Officer

No objection subject to submission of material samples.

Case officer comment : These have since been submitted and reviewed by the Conservation Officer who is satisfied that these are acceptable.

Chichester Harbour Conservancy

No objection .

Reasoned Justification This application does not raise any significant issues relating to landscape or nature conservation..

Grainne Rason

No comment received

Reuben Mychaleckyi

No comment received

Charles Robert

No comment received

Environmental Health

The GBS Designs document entitled 'Heritage and Planning Statement' has been reviewed. Environmental Health (pollution) has no objection to the proposed variation of conditions. It is noted that condition 8 of APP/22/00831 requires post completion noise testing to ensure that the dwelling has sufficient sound insulation. It is therefore anticipated that the proposed glazing arrangement subject to this application shall provide adequate insulation.

Ecologist

Thank you for consulting me on this application.

I have no overriding concerns in relation to the proposed changes, provided that development proceeds in accordance with the recommendations within the previously submitted Bat Survey Report (AEWC, August 2023). Given the low suitability of the site for supporting bats and the relatively minor changes proposed, I am content that the previous recommendations remain valid.

Development shall proceed in accordance with the ecological impact avoidance measures as detailed in sections 6 and 7 of the Bat Survey Report (AEWC, August 2023) unless otherwise agreed in writing by the Local Planning Authority. Reason: to provide ecological protection in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

County Highways Team

Thank you for re-consulting the Highway Authority on the above planning application. The Highway Authority wishes to make the following comments. The applicant has provided drawing 12 NILE STREET 13 which contains swept path tracking for a vehicle accessing the site and confirms the dimensions of the parking area. Whilst the Highway Authority are content that the dimensions of the parking space are sufficient, the swept path tracking provided is not considered to be acceptable as it is not TG2 compliant. As requested in our previous response, any swept path tracking must accord with the guidance set out in Technical Guidance Note TG2, which can be found at the following link: [TG2 - Alignment Design](#). It should be noted that this will require the applicant to confirm vehicle dimensions, tracking speeds, as well as demonstrating access and egress.

Recommendations As such, the Highway Authority recommends a holding objection until further information has been provided which addresses the issues raised in this response.

Case Officer comment: This objection has since been removed as the principle of the parking arrangement has already been approved under APP/22/00831

6. **Publicity and Community Involvement**

This application was publicised in accordance with the Council's Local Code of Corporate Governance and the Statement of Community Involvement.

Publicity Type	Publicity Details	Start Date	End Date	Reasons
Site Notice		01/07/2026	23/07/2026	Is in conservation area
Press Advert		23/06/2026	17/07/2026	Is in conservation area

Neighbouring properties consulted (as defined by the Statement of Community Involvement)

Number consulted: 5

A few comments:

1. We are not privy to the exchanges that have taken place between the applicant's agent and planning officer apart from being advised they are helpful.
2. Please advise on the Variation of Conditions 2 & 3. What is the detail?
3. Please ensure both the thermal and noise abatement requirements are met through Building Control.
4. (Redacted)
5. There are no tracking drawings to the parking space. Is the space actually useable as shown?

Dear Sir/Madam

We are in receipt of the attached letter which refers to Variation of Conditions 2 & 3 to Planning Application APP/22/00831.

Unfortunately, the link provided to the Havant Borough Public Register page is invalid and we are unable to determine what the proposed variations are.

[Redacted], we have a genuine concern about what may be proposed. We would therefore consider the attached to be a void and invalid notice until further information is provided.

Please ensure this comment is noted on the register.

Regards,

[Redacted]

From: [Redacted]

Sent: 06 July 2026 20:40

To: Donophy, Selina <Selina.Donophy@Havant.gov.uk>

Subject: RE: 12 Nile Street, Emsworth. Application Number: APP/26/00294

CAUTION: This email came from outside of the council - only open links and attachments that you're expecting.

Dear Selina

Thank you for this.

Two points:

1. I object to the increase in size of the first floor opening on the southern elevation due to the ease to overlook the rear garden of No10 and the Juliet balcony will overhang the public car park. Presumably, some form of easement is required.
2. Has any vehicle tracking been undertaken to determine if a vehicle can access the proposed parking space?

Regards,

[Redacted]

Material planning considerations are addressed in Section 7.

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, the conservation area and the Chichester Harbour National Landscape
- (iii) Impact upon residential amenity
- (iv) Parking and highways
- (v) Ecology
- (vi) Flood risk
- (vii) Community Infrastructure Levy

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The site is also within the Chichester Harbour National Landscape and Conservation Area and further consideration is given to this below.

7.3 A previous consent has been granted at this site under APP/22/00831 whereby the workshop was granted planning permission to be converted into a 1 bedroom dwelling. This proposal seeks to alter that proposal by Variation of Condition 1 the approved plans condition and this comprises of changes to the internal layout as well as external alterations to the building.

(ii) Impact upon the character and appearance of the area the conservation area and the Chichester Harbour National Landscape

7.4 This proposal seeks to make the following changes to that approved under APP/22/00831:

7.5 Alterations to the proposed front extension facing Nile Street- this would now have a dropped eaves line to the east side and catslide style roof pitch which would overhang the parking space. The garage door would be replaced by a window and this front room which was previously proposed as a boat store, would not be a bedroom and bathroom. Three rooflights are proposed to the single storey roof slope also. Two rooflights are now proposed to the main roof at two storey level. These would serve the first floor living area.

7.6 To the rear elevation a Juliet balcony is now proposed – this would also serve the first floor living area and this would have outlooks over the South Street car park. An additional ground floor window is also proposed which would serve the rear lounge. Two rooflights are also proposed to the main roof at the rear at two storey level.

7.7 Internally, as noted above, the boat store would be reconfigured into a bedroom and bathroom, with a kitchen and lounge located towards the rear. The first floor would be a living space. Material changes are also proposed and these include brickwork to match existing, heritage plain clay roof tile, wooden conservation roof lights and heritage aluminium windows.

7.8 The proposed alterations are not dissimilar to that already approved at the property under APP/22/00831 and the assessment of the proposal under APP/22/00831 remain the same. No harm to the character of the area nor the host dwelling has been identified. Environmental Health have also been consulted and have requested that the previous condition relating to sound insulation be reapplied.

7.9 The site is located within the Emsworth Conservation Area and therefore Havant's Heritage Officer has been consulted in relation to this proposal. They have not objected to this proposal and have requested material samples which have been reviewed and agreed – these have been added to the approved plans.

7.10 The site is located within the Chichester Harbour National Landscape and therefore the Chichester Harbour Conservancy have been consulted. No objection has been raised from the CHC. The proposals are considered to have a limited and acceptable impact on the character and appearance of the national landscape.

7.11 Overall, the proposals would meet the test of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which 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. It is considered that the development would preserve the Conservation Area.

(iii) Impact upon residential amenity

7.12 To the east of the application site is No. 10 Nile Street which is accessed via Nile Street and has a living room window located close to the shared boundary. The proposed extension to the front would be reduced in height to this side and is not considered to have any increased impact than that previously approved under APP/22/00831. The rooflights would be set at high level and would not result in any overlooking. The Juliet balcony to the rear would be set off the shared boundary and this is not considered to result in any increased overlooking than a first floor window would offer, as previously approved. It is also deemed to offer views straight down towards the South Street car park rather than down into private amenity spaces. The impact of this is considered to be acceptable in amenity terms.

7.13 To the north of the application site are nos 15-11 Nile Street. Two first floor windows would serve the living area on the north elevation although it is noted that these windows are already in place within the existing building. The existing layout of the street, comprising of a narrow lane means that properties face one another within fairly close proximity and this is the set precedent. The boat store garage style door would be replaced by a ground floor window and it is noted that this would be sited within close proximity of the ground floor windows of these properties opposite, however noting the context of the street where all windows facing one another are in close proximity, and with this road being well used by pedestrians, the impact of this window is deemed to be acceptable within this specific context.

(iv) Parking and highways

7.14 The parking space fronting Nile Street would be retained as previously approved. Highways have been consulted and have requested tracking details. Tracking details were provided and approved by Highways under the previous application APP/22/00831 and this has been communicated to Highways who have noted this and removed any holding objection. It is noted that the parking space meets the parking size requirements as per the Havant Parking SPD. It is also noted that other vehicles are parked in a similar manner along Nile Street and that a vehicle could be parked in the existing boat store which would provide less visibility than an open parking space as proposed and previously approved.

(v) Ecology

7.15 Under the previous application a bat survey was required and undertaken in the Summer of 2023 and it was found that there was no harm identified. This condition has been included in the description for this Section 73 application as it was not confirmed whether a new bat survey would be required for this most recent proposal. Following discussion with Havant's Ecologist and with additional evidence provided by the applicant showing a lack of bat presence at the property, Havant's Ecologist has confirmed that the proposal would not impact bats and that the previous compliance condition should be reapplied.

(vi) Flood risk

7. The site is located within Flood Zone 1. No additional information is therefore required.

(vii) Community Infrastructure Levy

7. The applicant has provided the relevant CIL forms 1 and 2 for this application.

8 Conclusions

8.1 The proposed new dwellinghouse is considered to be acceptable. The development would not be harmful to the locality, Conservation Area / Chichester Harbour National Landscape or residential amenity. In highways and parking terms the proposal is acceptable, and matters raised by consultees can be appropriately addressed by conditions and/or informatives. Therefore, the proposal is considered to accord with the development plan when considered as a whole and the National Planning Policy Framework and would be appropriate to be recommended for approval.

9. RECOMMENDATION:

That the Interim Development Manager be authorised to Approve with conditions for application APP/26/00294

Conditions:

1 The development must be begun not later than 26/01/2027.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning 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:

BAT SURVEY REPORT 22-195 AUGUST 2023
06 REV D Amended proposed ground floor plan
07 REV D Amended proposed first floor plans
05 REV D Amended proposed plans (roof)
13 C Parking plan
22-195-BA BAT ASSESSMENT REPORT V2
08 REV D amended proposed elevations
Materials sample email uploaded on the 18.08.2026
Location plan uploaded on the 01.07.2026
Block plan uploaded on the 01.07.2026
Amended Heritage and Planning Statement uploaded on the 21.07.2026

Reason: To ensure provision of a satisfactory development.

3 Development shall proceed in accordance with the ecological impact avoidance measures as detailed in sections 6 and 7 of the Bat Survey Report (AEWC, August 2023) unless otherwise agreed in writing by the Local Planning Authority.

Reason: to provide ecological protection in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C, D and E, of Schedule 2, Part 1 of the Order shall be carried out without the prior written consent of the Local Planning Authority.

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

5 The car parking and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

6 The development hereby permitted shall not be occupied until:
(a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and
(b) All measures necessary to meet the approved water efficiency calculation have been installed.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application.

To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

7 At all times following occupation of the development hereby approved, all measures or water usage within the submitted nutrient budget shall be maintained in the development in perpetuity.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application.

To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations.

8 The sound insulation shall meet BS8223:2014 standards as recommended for indoor ambient noise levels for dwellings and a post completion statement shall be provided that demonstrates that the sound insulation meets the stated standard . These details shall be submitted and approved by the Local Planning Authority prior to occupation.

Reason: To ensure the residential amenity of the property is not impacted upon by any external noise level in accordance with policies DM10 and CS16 of the Havant Local Plan.

9 Prior to the commencement of development details of measures which will be undertaken to protect public sewers shall be submitted to the Local Planning Authority and agreed in writing in consultation with Southern Water. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect public infrastructure and avoid flood risk having due regard to Havant Borough Local Plan (Core Strategy) policies CS15, CS19 and DM10 and the National Planning Policy Framework.

Informatives:

In accordance with Policy DM3 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:

Offering a pre-application advice service, and

Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

Your application was acceptable as submitted and no further assistance was required.

2 The applicants attention is drawn to the letter from Southern Water dated 29th December 2023 in relation to sewer build over and protection requirements, this can be viewed on the Councils website at the following address:

https://planningpublicaccess.havant.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_254096

3 You are hereby requested to ensure that no works or ancillary operations associated with any demolition, excavation, clearance and construction works at the development, which are audible at the site boundary, shall take place on any Sunday or Bank / Public Holiday, nor on any other day except between the following times:
Monday to Friday: 08.00 - 18.00 and Saturday: 08:00 - 13.00.

This is in order to protect the occupants of nearby residential properties from noise and vibration nuisance.