

Recommendation: **GRANT PERMISSION**

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
CS4	(Town, District and Local Centres)
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM5	(Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses)

Havant Borough Local Plan (Allocations) July 2014

DM17	(Contaminated Land)
AL3	(Town, District and Local Centres)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control

Maybe a sewer within 3ms, applicant should contact Southern Water to this regard.
Bin provision not shown.

Comment - *Informative to be included, with regard to bin provision the commercial use remains unchanged.*

Economic Development

Fully support the proposal

Environmental Health Manager

I have read the information provided by the applicant and find the information suitable. However, this needs to be put in context with the surrounding area and ensuring that the ventilation system and other equipment will not materially affect the nearby residential properties in terms of noise and odour from the proposed use.

The odour (from the information provided) should be minimised by the implementation of the proposed mitigation measures. However, the applicant needs to provide an noise assessment survey in line with BS4142-2014. the mitigation measures should ensure that once operating, the system should not impact on the current background noise levels and therefore no adverse observable level are achieved.

Environmental Health Manager (Soil Contamination): It is likely that the buildings were originally in residential property, but current commercial use means that previous commercial activity (cottage industry, or more formal) cannot be ruled out. I would recommend that a condition be included on the decision notice requiring details of investigation of soil contamination.

Comment – *Conditions to be included.*

Development Engineer

No Adverse Comments.

Crime Prevention

None Received.

Conservation Officer

I understand a similar sized rear addition has already been permitted. The primary

difference is therefore the replacement of the building. From what I was able to see the building appears to date from the early part of the C19. It is slightly curious as the main body of the building is constructed in Flemish Garden Wall bond (as to be expected) but the front façade in stretcher bond indicating the building has been refaced. The reason for this is unclear and there is a degree of conflict with the fenestration which stylistically is indicative of a pre-1860 date (no sash horns). One can only speculate but I assume the wall was rebuilt, possibly for structural reasons, with the earlier windows re-incorporated

Further comments following receipt of amended plans

The response is a little disappointing since it is quite lean on detail given the information I provided. However the principal components are satisfactory and hence I feel planning permission can be granted. I advise the imposition of conditions covering:

Sample Materials.

No development shall commence on site until details, including labelled samples (manufacturer, type and where it is to be used) of all external materials (including finishes), have been submitted to, and approved in writing by the local planning authority.

Reason: To ensure the materials and finishes to be used are appropriate, for this prominently sited building.

Windows & Shopfront

Notwithstanding the approved plans, the development hereby permitted shall not be commenced until the following details have been submitted to, and approved in writing by the local planning authority. The details to comprise:-

- a) 1:20 elevation and plan; 1:5 section and full size glazing bar detail of the proposed windows. The details to include the position of the window within the opening (depth of reveal), method of fixing the glazing (putty or beading) and finish.
- b) 1:20 elevation, 1:5 sections of the proposed shopfront (including fascia) together with finishes.

All work shall be carried out in full accordance with such approval and be retained thereafter.

Reason: To ensure appropriate detailing for this key component of the design which has a strong presence in the local townscape.

INFORMATIVE The replacement of the existing building is supported on the basis of a high quality design for the replacement building. The quality of the materials and shopfront design, on which preliminary guidance has been provided, needs to reflect this. Dependent on the form and nature of the proposed signage, separate advertisement consent may be required.

Also consider requiring details/finish of the external flue. Where essential try to get matt black finish or terracotta if read against brickwork, rather than shiny stainless steel.

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: 11

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 50 objections. Including an objection from Emsworth's Residents Association

Summary:

Loss of historical distinctive building with local importance close to the entrance with St James Church and will create further divide between north and south Emsworth. Demolition will not accord with policies of Local Development Framework

Building should be considered for listing

Façade of the building should be maintained

New building should relate to No.40 and should be white in colour, have a similar gutter height, roof should be same pitch, colour and style. Door should have an internal porch.

Mock Georgian design is out of context with the local vernacular of properties of modest appearance. Centrally place chimney is at odds with the surrounding development and style of porch is incorrect

The roof ridge should not be extended to the extent proposed

No requirement for a further takeaway.

No requirement for a further curry restaurant.

Increase in scale of business will cause traffic congestion.

Detrimental impact from noise and smell pollution for local residents.

Concerns as to where smoking area will be located

Will people be able to walk into the premises off the street

Access and use of rear garden of property by customers, children and dogs will lead to additional noise. This area has previously only been accessed by staff.

The new ventilation and air-conditioning could lead to additional noise if not properly maintained. This has been an issue in the past.

First floor window within north elevation will overlook into NO.40/42 which has a similar placed window

The siting of the front elevation does not respect the existing building line

Provision will need to be made for connection to services

The application does not state if the mature elder tree will be retained. *This tree is not subject to a TPO and has insufficient amenity value to the public realm to be subject of a TPO*

The public should be better notified of such schemes. *The application was published in full accordance with the Borough's adopted publicity procedures*

A lot more information is required with regard to detailing and finishes. *This should form a condition of any planning approval.*

North Emsworth is a gateway to the AONB

Officer Comment:

Given that the A3 use of the property is already in existence, the number of restaurants in the vicinity is not a material consideration in this case. The scheme proposes a restaurant not a takeaway. The type of restaurant is not a material planning consideration.

The other issues raised are discussed in Section 7.

7 Planning Considerations

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 the development
- (ii) Loss of potential heritage asset
- (iii) Impact on the application site and locality
- (iv) Impact on neighbouring amenities

(i) Principle of the development

- 7.1 The site lies within the urban area where development is normally considered acceptable, subject to Development Management criteria. Furthermore, the premises are currently vacant commercial premises and the proposal would contribute towards the site back into commercial use within a Secondary Frontage in Emsworth District Centre.

(ii) Loss of potential heritage asset

- 7.2 An assessment of the existing building was carried out by the Conservation Consultant, following the local public interest precipitated by its potential demolition. The building appears to date from late 18th/ early 19th century. The building is considered likely to hold some local value by virtue of it being illustrative of this section of the town's development.
- 7.3 A site inspection has been carried out, albeit limited to external public views. The property sits in a street of an architectural character predominantly dating from the late 18th/ early 19th Century. The building is of modest scale and the front wall appears to have been rebuilt at some stage.
- 7.4 The Conservation Consultant does not however consider that the building would merit statutory listing, which is designed to conserve the best buildings of their type nationally. Significant alterations have been made and, in the opinion of the

Conservation Consultant, the building would fail the required national tests. Whilst it is open to any party to press the case for national listing through Historic England, the current position is that whilst the potential loss of the building does appear to have generated local concern, this is not sufficient to warrant its addition to the local list as a non-designated heritage asset.

- 7.5 Notwithstanding all of the above, it should also be noted that permitted development rights exist which would in any case allow the demolition of a non-listed building - such as 36-38 North Street – with Local Planning Authority control limited solely to the method of demolition and any proposed restoration (which would not necessarily require redevelopment) of the site. Therefore, given that the demolition and removal of the existing building could lawfully already occur under a prior notification process, the principle of the building's loss is established through permitted development legislation. Taking these matters into account, it is considered that the loss of the existing building would not justify resisting the redevelopment of the site in principle.

(iii) Impact on the application site and locality

- 7.6 The proposed building will hold a prominent position within the North Street street scene, and the design of the replacement building has been significantly revised since its first submission to take account of the Conservation Consultant's initial comments and now presents a replacement building that is well balanced and incorporates an appropriate shop front; indicative of its proposed use and the mixed residential/commercial nature of the immediate vicinity. A range of poor quality outbuildings and an unsightly flue have already been demolished in anticipation of accommodating the previously permitted proposals for the extension of the existing building. A reasonable degree of external space would be retained in the context of functional commercial premises where most activity is carried out indoors. The westward two storey projection associated with the redevelopment of the site would be located to the rear of the building and therefore not visible in the street scene. However, there would be a clear view of the upper part of the proposal from the churchyard to the rear, where there is public access.
- 7.7 The line of commercial properties on this side of North Street has a variety of rear additions, of varying scale and quality. The proposal would be the most prominent of these additions within this view. The extended ridge line to the rear of the dwelling is 2.5m beyond that previously approved but the proposed full hip would reduce its bulk. The proposed ridge line to the front of the building running east west is slightly lower than the existing ridge, thus the replacement building is no higher than the surrounding existing development.
- 7.8 The building is not listed and the site is not located in a Conservation Area. The air conditioning units and ventilation flue associated with the proposed development are also a requirement for this type of premises. Taken together it is considered that the proposals would not result in a detrimental impact on the character and appearance of the application site or locality, provided that suitable materials are used in their construction. Any permission should therefore include the conditions and informative as recommended by the Conservation Consultant.

(iv) Impact on neighbouring amenities

- 7.9 The proposals have the potential to impact on the amenities of number 40/42 North Street, to the north of the site. The amount of potential shadowing and overbearing effect on this property is considered to be acceptable given the layout of the adjacent

site. Furthermore, any impact is not greatly increased from the previously permitted extensions to the site (ref APP/15/00032). However, there is a window now proposed within the western side elevation at first floor level that was not proposed within the previous consent. Whilst it is noted that there is already a degree of overlooking from a loft room window of the existing building into a window within the side elevation of No.40/42, the now proposed first floor window would afford a view at closer proximity and it is for this reason that a condition to require this secondary window to be obscurely glazed is considered to be justified and appropriate (it is noted as serving a WC only).

- 7.9 Given the existing unfettered use of the premises for Class A3 purposes, it would be difficult to justify refusal of the application, or limitations on its approval, for reasons relating to noise and smoke nuisance emanating from use of external areas of the site - these being matters which in any event are subject to separate controls under Environmental Health legislation.
- 7.10 The proposal does not allow for the provision of any on-site parking. However, this would be a continuation of the existing situation and the site is in an easily accessible District Centre location.

8 Conclusion

- 8.1 The development will result in the loss of a building of some limited historic interest which has garnered public attention - however, the intrinsic quality of the building and the availability of permitted development rights together mean that the loss of the building per se could not form a sustainable reason to resist the proposal. The proposed replacement building would be acceptable in principle, and would relate satisfactorily to the character and appearance of the application site and locality, the amenities of occupiers of neighbouring properties and the public highway network. The planning application should therefore be approved.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/15/00829 subject to the following conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.
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 Compulsary Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Plan and Layout Plan drwg.no CFA/FULL/02 received 27 July 2015
Proposed Elevations and Floor Plans drwg.no CFA/FULL/01 rev D received 30 October 2015

Reason: - To ensure provision of a satisfactory development.

- 3 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.
Reason: In the interests of the amenities of the locality and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 Notwithstanding the submitted plans and the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to commencement of the use hereby permitted the window in the first floor on the western elevation facing west shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and shall be retained as such thereafter.
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 Notwithstanding the approved plans, the development hereby permitted shall not be commenced until the following details have been submitted to, and approved in writing by the Local Planning Authority . The details to comprise:-
a) 1:20 elevation and plan; 1:5 section and full size glazing bar detail of the proposed windows. The details to include the position of the window within the opening (depth of reveal), method of fixing the glazing (putty or beading) and finish.
b) 1:20 elevation, 1:5 sections of the proposed shopfront (including fascia) together with finishes.
All work shall be carried out in full accordance with such approval and be retained thereafter.
Reason: To ensure appropriate detailing for this key component of the design which has a strong presence in the local townscape and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 6 Notwithstanding the details shown on the approved plans, before the use hereby permitted first takes place, a scheme showing details of the means of extraction and filtration of cooking odours including details of the appearance of any external flue, manufacturer's operating instructions and a programme of equipment servicing/maintenance shall be submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented in full before the use hereby permitted first takes place and shall remain operational thereafter.
Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 7 A scheme shall be agreed in writing with the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the

extraction system. The agreed measures shall be put in place before use of the development hereby permitted commences, and shall remain in place at all times thereafter.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 8 No development shall take place until an investigation and risk assessment (in addition to any assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place. The submitted report shall include:
- i) a survey of the extent, scale and nature of contamination
 - ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before the building hereby approved is first occupied.

Reason: Having due regard to policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011, and DM17 of the Havant Borough Local Plan (Allocations) 2014; there is a low probability of the presence of contamination at the site that could, if present, pose a significant risk to occupants / employees at the site, or the occupants of immediately adjacent properties.