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Site Address: 1-3 North Street Arcade, Havant, PO9 1PX  
Proposal: Change of use of existing Class A1 and A2 units to a Class A3 restaurant; extensions to existing Units 2 and 3 and use of area under part of canopy above for outside seating; rear extension to Unit 3 with extraction and ventilation equipment above and on first floor roof; alterations to shopfronts and entrance doors.  
Application No: APP/14/01036                      Expiry Date: 05/01/2015  
Applicant: Mr Perrin                      Team: Team 1  
                    Grastar Restaurants Ltd  
Agent: Mr Shawn Lambert                      Case Officer: Sally Smith  
                    PWP Architects Ltd  
Ward: St Faiths

Recommendation: **GRANT PERMISSION**

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## **1 Site Description**

The site is located on the northern side of North Street Arcade with a large frontage to North Street and a return to Prince George Street. It involves 3 units. The front large unit was previously used for Class A1 use - for bridal and evening gowns. To the rear unit 2 was in A2 use and unit 3 in A1 use. Units 2 and 3 are much smaller in floorspace. They are all currently vacant but some work has commenced in respect of the refurbishment associated with this application. There is also a first floor element above units 2 and 3 to the rear. Above the frontage area are flats in the upper two storeys. The flats also extend over the entrance to the Arcade. This application also includes part of the open Arcade adjacent to the unit. On the south side of the Arcade, fronting North Street is Domino's pizza - takeaway and delivery.

The area is of mixed use and character. On the north side of Prince George Street are ground floor retail units with residential above and to the rear of the Arcade is 8 Prince George Street which contains 4 no flats. This is adjacent to a rear access to the Arcade. To the east/rear of Prince George Street is the rear of a residential road, Manor Close. There is also a residential flat above 40 North Street which has windows facing onto the rear elevation of Unit 2.

## **2 Planning History**

No specific applications on the units of relevance but:

GEN/14/00772 provided the following advice in respect of an enquiry that led to this application:

The principle would be supported; main considerations would be the impact on nearby residential amenity (extraction equipment and hours of opening in particular), impact on the highway from outside seating and visual impact of the changes.

For 12 - 13 North Street Arcade:

APP/14/00557

Variation of condition 3 of 98/52768/001 to allow the premises to trade for delivery sales only until 0100 hours on Fridays and Saturdays from the front of the premises only. Permit.

### 3 **Proposal**

The proposal is to change the use of all 3 units to a Class A3 restaurant with toilets in the first floor element. The proposal also includes a small extension to the single storey element on the Prince George Street frontage together with the inclusion above of a cold room condenser; ventilation plant is also proposed for above the first floor roof at the rear and its enclosure with louvered screening; the extension of units 2 and 3 into the Arcade and the enclosure of a third of the width of the Arcade with planters to provide areas for seating and eating. (This area of the Arcade is private; not highway) The shopfront is also to be upgraded with a new panelled stall riser and the pedestrian access doors to Prince George street are to be amended.

### 4 **Policy Considerations**

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

|      |                                                                     |
|------|---------------------------------------------------------------------|
| CS16 | (High Quality Design)                                               |
| CS4  | ( )                                                                 |
| DM10 | (Pollution)                                                         |
| DM2  | (Protection of Existing Community Facilities and Shops)             |
| DM5  | (Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses) |

Havant Borough Local Plan (Allocations) July 2014

|      |                                                           |
|------|-----------------------------------------------------------|
| DM21 | (Shopfronts, Signs, Security Shutters and Advertisements) |
| AL3  | (Town, District and Local Centres)                        |

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

### 5 **Statutory and Non Statutory Consultations**

Conservation Officer - : Outside but immediately adjacent to St Faiths Conservation Area. The changes could have a material impact on the conservation area. A restaurant with outside seating has potential to add to the vibrancy of the local area and therefore in principle is supported. New shopfront provides enhancement but concern over the extent of the sitting out area and the manner of its enclosure. A more modest sitting out area with a lower planter would be supported. It is important to maintain the general openness of the arcade. (**note:** Plans amended to provide a lower planter).

The air handling equipment is of concern with substantial ducting for air intake and out take. The ducting proposed would be hideous. This element is currently unacceptable. (**Note:** Plans amended to provide ducting of a more horizontal nature on the roof and which will be screened by louvered screening.)

Development Engineer - Highways: No response received

Economic Development - Retail and Town Centres: Raise no objections

Environmental Health Manager, Community Group: Concerned that proposal may negatively affect the surrounding area; no information available on acoustics of

equipment or smell suppression. The downward cowl may cause extraction to be trapped and then rise. Concern that there is not adequate information. Further discussion then held and as applicant does not have detailed proposals yet agreed with EH that conditions could be imposed. The external plant should be able to accommodate the required measures or if changes needed they should not be too significant with respect to physical change.

Crime Prevention -Minor Apps: No response received

County Archaeologist: Raise no concerns

## **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: 29

Number of site notices: One

Statutory advertisement: Not applicable.

Number of representations received: None

## **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 and impact on the town centre
- (ii) Impact upon the streetscene
- (iv) Impact upon residential amenity

### **(i) Principle of development and Impact on the Town Centre**

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. Under the policies of the Adopted Allocations Plan the policy of particular relevance with respect to the change of use of the premises from the A1 and A2 use is policy AL3 re Town, District and Local Centres. Proposals which contribute to vitality and viability are to be welcomed. The premises have been vacant since December 2013 and therefore to bring it back into a use that will bring in activity is to be supported. The policy has also altered the extent of the defined shopping frontages and these premises are no longer in either a primary or secondary frontage and the proposal is therefore acceptable in principle. Under the provisions of Core Strategy policy DM2 marketing evidence is required in such circumstances for a 6 month period. This requirement has been met as marketing commenced on 18th Nov 2013 ; which resulted in 5 viewings and whilst

3 were retail applicants non wished to proceed . The other interest was from A3 and A5 users. It is therefore considered that the principle of the change of use is acceptable and will benefit the town economy.

(ii) Impact upon the streetscene

The changes proposed for the frontage will provide a visual enhancement and with the amendment of the means of enclosure to the outside sitting area to a low level planter it is considered that the appearance and impact on North Street will be acceptable. The small area of permanent extension into the Arcade is also considered acceptable and should not impact on the trading area of the Arcade. The small extension to the single storey element on Prince George Street will not result in a significant change and the repositioning of the plant to the roof would be visually acceptable and will not be directly seen from ground level in Prince George Street. Th enclosure of the plant will also mitigate more distance views. Being positioned on a modern building and screened it is considered the impact on the views out of the Conservation Area will not be unacceptably harmed. It is therefore considered that the requirements of DM5, CS16 and CS 11.4 will be met following the amendments that have been made to the application.

(iii) Impact upon residential amenity

There are a number of aspects that have implications for residential amenity:

Visual impact: The changes to the shopfront areas, extensions to units 2 and 3, the outside seating area within the Arcade should have no impact on residential amenity. The introduction of the roof ducting will be visible to adjacent residents but will be screened to mitigate the impact. In order to allow town centre hot food uses to function outside plant is required and cannot be totally screened from town centre residents.

Noise and Odour: The applicants wish to have the comfort of a planning decision before moving forward to develop the extraction/intake plant together with odour mitigation and the production of the necessary consultant documents. The roof plant is considered acceptable and it is highly likely that it can accommodate the required noise and odour mitigation. Conditions are therefore proposed with respect to the required mitigation measures. It is also intended to provide a note on the decision to advise that if the plant approved needs modification that there is potential for the need of a fresh planning application for this aspect. Such provisions should ensure that the development will accord with the requirements of DM5 and DM10 with respect to the impact of noise and odour from the required processes.

Hours of opening: Policy DM5 advises that A3,A4 and A5 uses should not cause unacceptable disturbance to the occupiers of nearby residential property at times when the activity in the immediate vicinity would otherwise be at a relatively quiet level. This is reinforced by policy DM10 which seeks to protect occupiers of properties from pollution. There is an established night economy with pubs and restaurants generally being open to 2300 for the public. Domino's Pizza has the ability to be open to 0100 for deliveries only from the front of the premises. The applicant had proposed opening hours of 0600 to 0100 but it is considered that this is both too early and too late with respect to potential impact on residents at unsocial hours. Opening hours of 0800 to 2300 are therefore imposed by condition.

It is therefore considered that the impact on residential amenity has been adequately addressed by the proposal and/or the conditions

## 8 Conclusion

The proposed restaurant will bring an important large frontage unit back into operation and provide both vitality and economic regeneration to this part of North Street. Restaurant development causes issues of external plant and the resulting impact from noise and smell from the operation and the activity from the hours of opening. It is considered important that the applicant is provided with surety that the principle is acceptable but the conditions imposed will enable the use to be controlled in the interests of residential/environmental amenity. This approach has been agreed in discussion with the Team Leader.

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## 9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/01036 subject to the following conditions

- 1     The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.  
**Reason:** To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2     No externally visible or audible plant, machinery or structures required for ventilation or filtration purposes shall be installed at the premises until and unless details of the acoustic performance of the same have been submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To safeguard the amenities of the locality and/or occupiers of neighbouring property and having due regard to policies CS11.4, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 3     No development hereby permitted shall commence until a detailed scheme for filtration and extraction of fumes generated (by cooking processes) at the premises has been submitted to and approved in writing by the Local Planning Authority. The use hereby permitted shall not commence until the implementation of such approved filtration and extraction scheme has been completed in full accordance with all detailed components of such scheme. At all times thereafter, all elements of that scheme shall be maintained in a wholly efficient and effective working order.  
**Reason:** To safeguard the amenities of the locality and/or 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.
- 4     The premises shall only be open to the public between the hours of 0800 and 2300 and cleaning up shall not take place after 2400 hours.  
**Reason:** To protect the amenities of nearby residential properties and having due regard to policies DM5 and DM10 of the Havant Borough Local Plan (Core

Strategy) 2011 and the National Planning Policy Framework 2012.

- 5 The use hereby permitted shall not commence unless and until screening has been provided to the proposed roof top plant and equipment (as shown indicatively on drawing number 1302 Rev D) in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved screening shall thereafter be retained and maintained.

**Reason:** In the interests of the character and appearance of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy framework 2012.

- 6 The development hereby permitted shall be carried out in accordance with the following approved plans and documents

Design and Access Statement

Supporting Statement for developing the existing Under-croft

PWP Ventilation and Extraction Statement

Block Plan KAD 19 A SK2

Existing Floor Plans KAD 01 A SK1

Floor plans General Arrangement 5193 1200 D

Floor Plans Fire Strategy 5193 1201 D

Floor Finishes 5193 1202 A

Roof Plan 5193 1206 A

Elevations Sheet 1 5193 1300 C

Elevations Sheet 2 5193 1301 D

Elevations Sheet 3 5193 1302 D

Marketing Information in emails from Luke Mort, Holloway Illiffe and Mitchell of 9 February 2015 and 18 February 2015

**Reason:** - To ensure provision of a satisfactory development.