
Site Address: 25 South Street, Emsworth, PO10 7EG
Proposal: Change of use from A1 to mixed use A3 and C1. External alterations including new chimney and flue terminal to rear. Demolition of rear store and replacement with single storey rear extension with first floor terrace with screen wall above.
Application No: APP/14/01165
Applicant: Mr N Ralls
Agent: Mr M Critchley
Martin Critchley Consultants
Ltd
Ward: Emsworth

Expiry Date: 13/01/2015
Team: Team 2
Case Officer: Stephen Cantwell

Recommendation: **GRANT PERMISSION**

1 Site Description

The application relates to a a detached, two-storey listed building with attic space above first floor level. It comprises two principal parts, the main frontage building and a rear attached 'barn', the latter is single storey but has a tall roof, to the south of the barn is large and a much later (probably C20th) timber shed attached to the rear of the building and opening in to it.

The ground floor of the premises was previously a shop and is currently undergoing renovation and conversion to A3 restaurant use, following planning permissions and Listed Building Consent granted in September 2013. to the rear is a small enclosed yard. The first floor was previously used as residential accommodation. The main access is via the existing shop-front facing South Street. The site is also accessed from the rear via the South Street public car park.

The site is part of Emsworth town centre and Conservation Area, which is characterised by a mixture of commercial units with residential accommodation at first floor level and other dwellings. Immediately to the south is a pub, separated by a narrow passageway with small enclosed yard to the rear and first floor rear windows to the residential space above. To the north is a terraced house which is notable for being of much later origin (mid C20th) than surrounding buildings; it also has an enclosed yard and outbuilding to the rear.

2 Planning History

APP/13/00454 Change of use from class A1 to class A3 r restaurant including; new glazed entrance door on front elevation, demolition of poor quality timber clad store at rear and construction of new kitchen and replacement store and new glazed screen to be installed into the existing rear brick gable wall.

Approved - Sept 2013

APP/13/00686 Listed Building Consent for alterations to internal walls, new entrance door on front elevation, demolition of poor quality timber clad stores at back and construction of new kitchen and replacement store, new glazed screen to be inserted into the existing rear brick gable wall and modifications of first floor accommodation to form 2No. bedrooms, en-suite and toilet facilities for the restaurant.

3 Proposal

This is an alternative to the permission of change of use to Class A3 (food and drink) use granted in 2013. The differences include:

External:

- Amended window configuration at ground floor, south elevation (elimination of one approved and reduction in size of one existing)
- Insertion of first floor external door on rear elevation
- Creation of roof terrace on reconstructed rear single storey part of building
- External side wall (1.9m high) above single storey roof along edge of proposed roof terrace
- Rear railing to roof terrace (1.2m high) along rear edge of roof
- New chimney in central roof valley, to contain kitchen vent
- Revised glazing design to gable end of renovated barn building
- Slightly wider external fire-escape gate in replacement rear boundary wall (to public car park beyond)
- Bin store position swapped to opposite side of external southern passage.
- Two rooflights to the barn area

Internal:

Ground floor

- Revised internal restaurant servery bar punching-through smaller area of internal wall
- Revised (narrower) internally door between barn and existing shop area
- Revised design for existing inglenook fireplace
- Secondary internal servery bar, relocation of customer toilet and internal store

First floor

- Relocation of 2nd 'letting' bedroom and internal partitions
- Use of formerly approved 2nd 'letting' bedroom as a customer lounge, accessing roof terrace

In summary, the proposal does not affect the previously approved principle of this use nor the layout external courtyards (one of which is shown as a smoking area). The main changes are the introduction of new external roof-terrace and external wall/railing, the proposed chimney and amended gate and ground floor windows, and the external bin store. The internal changes are largely listed building considerations although accessibility is also considered below.

4 Policy Considerations

National Planning Policy Framework

NPPF 2012

In particular sections 2 - Town Centres, 7 - Good design, 8 - Healthy Communities 11 Natural Environment & 12 Historic Environment.

Havant Borough Local Plan (Core Strategy) March 2011

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

CS16 (High Quality Design)

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

DM20	(Historic Assets)
DM21	(Shopfronts, Signs, Security Shutters and Advertisements)
AL3	(Town, District and Local Centres)

Listed Building Grade: Grade ii

Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Conservation Officer

The property is listed as 18th century with late 19th century front but internally it appears to be earlier than suggested in the listing with large amounts of timber framing still evident. The principle of a restaurant was previously consented.

Having reviewed the amended details that have been submitted it appears my concerns have been addressed:

- The previously incongruous flue is now located in a new chimney stack which in-keeping
- The rooflights and arrangement of the rear elevation are appropriate
- Rainwater goods additional plans submitted) are acceptable.

In conclusion the amended proposal would not harm the historical significance of this listed building whilst putting the building to a use that will hopefully secure its long term future and viability.

Recommended conditions

1) The works to the sitting room fireplace shall be limited to the removal of the surface finishes and clearly modern (brick) infill only. At least 14 days notice of the intention to carry out this work shall be provided to the Local Planning Authority to provide an opportunity to view it in progress. Following this phase of work a repair specification related to accompanying drawings, informed by what has been revealed, shall be prepared and submitted to the Local Planning Authority for approval. All work shall be carried out in full accordance with such approval.

Reason - To ensure the extent of and form of the work is appropriate and informed by what is revealed.

2) Materials to be submitted prior to development

3) Compliance with other details e.g rainwater goods

Chichester Harbour Conservancy; No objection but recommends samples of materials to ensure not intrusive into Harbour.

Natural England: No objection. Recommend care regarding landscape and protected species.

County Ecologist: Recommends further information.

Environmental Health Manager;

The proposal involves installation of a kitchen extract/ventilation system, and other plant/refrigeration equipment, all of which has the potential to cause noise and odour problems to nearby residential properties. There are however no details of these systems, or any measures to mitigate noise/odour problems included in the application. Recommend conditions requiring

1. Details of air moving plant and equipment
2. Noise levels of any/all plant, machinery or equipment not to exceed 5dB(A) background level

Also recommends that hours of construction are limited 0800-1800 on Monday to Fridays and 0900-1300 on Saturdays and not Sundays and Bank or Statutory Holidays and an informative to watch for any evidence of previous contamination during groundworks and to work with the Council's Environmental Health office, if found.

Informative relating to registration of the food business Environmental Health Team and advice re kitchen design.

Development Engineer - Highways:
No Objection

HBC Estates Officer: Objection to rear pedestrian access into parking area; has not been approached by applicant for this.

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: 10

Number of site notices: Two

Statutory advertisement: 28/11/2014

Number of representations received: 16

Summary:

Ten objectors:

Some support for the use (although one objection due to five other food/drink

establishments), but objections to the smoking terrace out of keeping and will harm neighbouring amenities, extra noise and light and will look into neighbouring bedroom window and across to dwellings in Bridgefoot path. Safety should be questioned, including fire risk and falling from balcony. Smoking should be discouraged. Refuse storage on patio of neighbour public house is unacceptable, (noise and odour) provision should be made in the rear courtyard, not as proposed. Access has never been to the rear, but only since the courtyard wall was demolished by weather; potential loss of parking revenue to the Council and trade in the town. The external doorway would be to the adjoining yard, but in future the owner may sell this. There is inadequate means of escape. Additional traffic. Division of the barn area will harm its character and cause over-crowding. Concern for wheelchair users / people with disabilities due to width of internal and external accesses, external step and inadequate WC.

Six supporters

Proposal will enhance South Street and Emsworth centre, smoking butts would avoid cigarette butts on pavement, Two of the letters: as regular visitors to Emsworth it provides exciting scheme, support smoking terrace.

Emsworth Residents Association: concerned about noise and light emitted from first floor and noise generally, can restrictions be imposed regarding closing time?

Havant Area Disability Group: Concern for wheelchair users / people with disabilities due to width of internal and external accesses, external step and inadequate WC.

Comment

It is noted that the amended plans clarify that there is no first floor proposed within the barn, this is left void. The safety of patrons using the roof terrace is a matter but it is noted that the rail and wall are designed to prevent people falling. The highway officer has no objection to the proposal, the additional floorspace (the terrace) is to a large extent an added facility for patrons who would already be dining within the buildings approved previously.

Remaining points are considered below.

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
- (iii) Effect on the listed building and conservation area
- (iii) Effect on nearby residential properties
- (iv) Other matters

- (i) Principle of development

7.2 The site is in the urban area where development is acceptable in principle. The change of use has already been consented under permission APP/13/00454 and the increased floorspace since then is limited to the roof terrace. Policies since the grant of permission in 2013 are largely unchanged; the introduction of policy AL3 for town

centres, encourages a range of use and does not specify the proportion of various uses in this part of the town centre and the requirements of policy DM2 were met previously as part of the extant permission.

(ii) Effect on listed building and conservation area

- 7.4 The conservation officer is satisfied with the current proposals, this follows amendment of the submitted plans to include the new chimney (in place of the indicative metal flue of the original approval) and raising the height of the external terrace wall. These details use materials and detailing which is either present on the building or sympathetic to it. The new external materials are the external railings (black painted steel with oak handrail) and two rooflights, which will be 'conservation' type. Details of materials for the chimney and repair to the rear boundary wall will be submitted for approval. the amended gable end to the barn includes timber divisions which are considered to be sympathetic for this prominent aspect. The proposed roof terrace has undergone significant amendment to simplify its appearance and use a narrow range of materials, brick and render to match. No external lighting is indicated but a condition can be used to ensure that any used without is approved. The proposal, which removes and replaces some dilapidated additions to the building is considered to conserve and enhance its appearance and by re-invigorating it, it is a benefit to the conservation area.

(iii) Effect on the nearby residential amenity

- 7.5 The external terrace adjoins the boundary with the Bluebell PH immediately to the south (separated by a private passage serving the two sites). It is noted that a bedroom window at the rear of the PH is close to this boundary, looking down onto it's own pub courtyard/smoking area and public car park beyond. The amended plan has increased the height of the screen wall up to eaves level to contain the activities here, and limit the impact on the neighbour, and is considered acceptable. The plans indicate that the ground level courtyard would also be available for smokers; however, this yard is not a new element in the current application, it is also next to the area at the rear of the PH, used for similar purposes. As such it is not considered that this would be unacceptable here.
- 7.6 Beyond the South Street car park immediately to the west are dwellings Bridgefoot Path, with rear boundaries approximately 15m away and rear to rear distance between buildings being well in excess of 30m. The proposed terrace will be visible, but given the distance, the town centre location and public car park here, it is not considered that this is overriding issue, mindful of other benefits of the overall scheme. The proposed hours of use are up to 23.00hrs each night and 23.45hrs on Saturdays. In this central location and that other licensing regimes apply, it is not considered that lesser hours should be sought by planning condition. Lighting would be controlled by condition, both in consideration of the listed building and neighbouring amenities.

(iv) Other matters

- 7.7 The proposal would reconfigure elements of the internal layout shown on the previous plans. Much of this is in order to limit the impact on the listed building fabric, especially the timber frame (e.g doorways and servery). One consequence of the internal re-planning is the relocation of the customer wc, which appears to reduce accessibility for people with disabilities. Whilst this would not be a point on which planning permission could be refused, it has been referred to the Building Control officers so that the point is raised through the Building Regulations process. An informative can

also be attached to any planning permission.

- 7.8 The Environmental Health officer has raised no objection and given the proposed chimney, as asked for some additional acoustic/mounting information to prevent the internal vent vibrating within the brickwork casing; also the provision for maintenance, for instance an access port for maintenance, which could be located discreetly. To minimise risk of noise escape from the roof-void of the barn, he recommends that the rooflights be unopenable. Registration of the food business and kitchen design would also be covered by an informative, as previously, further informatives would be included regarding ground contamination, if found, during groundworks and hours of construction works.
- 7.9 In terms of refuse storage, the location of bins in the private passageway is similar to the approved plans but located against the wall of no 25 rather than the wall of the Bluebell PH. The rear yard areas and shed provide alternative space if needed. Some of the works authorised by the 2013 permission have been undertaken. The additional terrace and chimney would be built outside the roof; an informative for the new permission can refer to guidance and requirements in terms of wildlife and bats. Access across the Council owned car park was shown on the approved plans of 2013 with an outward opening door. It is now shown slightly wider and with inward opening doors. An informative can be used to remind the applicant of the need to obtain any relevant consent from the Council's Estates/Car parks offices.

8 Conclusion

The changes to the approved scheme are largely minor and the two most significant, the chimney and roof terrace, have been designed to harmonise with the listed building/conservation area. A suitable timed condition to require some additional noise/mounting information is needed to minimise risk of vibration and rattling, also to show maintenance is reasonable. The control of lighting, if used on the terrace, is also reasonable to allow any risk of light pollution, if significant, to be considered further. The maximum noise level for plant, as contained in the previous permission would be re-used here and an informative referring highlighting this, wildlife and access to the public car park.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/01165, 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 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order or Use Classes Order, the use hereby permitted shall be restricted to a cafe or restaurant (Class A3) and there shall be no sale of takeaway hot food from the premises without the prior agreement in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to consider the acceptability of alternative use and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 3 The premises the subject of this permission, if used for the purposes of cafe or restaurant (Class A3), shall not open to the public before 08.30 hours or remain so open after 23.00 hours on Mondays to Fridays and on Sundays or after 23.45 hours on Saturdays.

Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 4 i) Unless otherwise approved in writing by the Local Planning Authority, the fixed plant, machinery and equipment associated with air moving, filtering odour neutraliser plant, including the acoustic specifications, shall be installed prior to the commencement of the use hereby approved and maintained in good working order at all times in order to effectively suppress the emission of fumes or smell in accordance with the details submitted with the current application and application APP/14/001009 (which refers to the Soler & Palau industrial fan - Model TCBBx2/4-450 and the Attenuator SIL-CZO (450mm diameter) and Jason Filtration activated carbon filter Model DC 242122/8-7C). Details of any other external plant or compressors to be installed within the site, shall first be submitted to and approved by the Local Planning Authority before installation.

ii) Prior to the construction of the new chimney, details shall be submitted to and approved in writing by the Local Planning Authority relating to the extractor flue within it as follows:

- a) Details of noise attenuation and anti-vibration mountings and,
- b) Arrangements and access for maintenance, (such as an access port)

iii) Noise resulting from the use of any plant, machinery or equipment shall not exceed a level of 5dB(A) below the existing background level (or 10dB(A) below if there is a particular tonal quality) when measured according to British Standard BS4142-1997 at any adjoining or nearby residential property.

Reason: In the interests of protecting the local residents from unreasonable noise levels or air pollution which would be detrimental to the residential character of the area and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 5 Prior to the installation of any external lighting to the roof terrace hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority. There shall be no external lighting of the roof terrace other than as thereby approved.

Reason: To safeguard the amenities of the locality, the Emsworth Conservation Area having due regard to policies CS16, DM8, CS11 and DM20 of the Havant Borough Local Plan - Core Strategy 2011 and Allocations Plan 2014 and the National Planning Policy Framework 2012.

- 6 Unless otherwise approved in writing by the Local Planning Authority the external materials to be used in the development hereby approved shall be as stated in the current application, including the submitted document: 'Heritage Statement & Schedule of Repair' and the agent's letter of 25th September 2014, (which refers to the colour of external rendering).

Notwithstanding this information, a sample of bricks and tiles to be used for the construction of the chimney, boundary wall and roof shall be submitted to and approved by the Local Planning Authority prior to the commencement of those particular construction works. Thereafter only such approved materials and finishes shall be used in carrying out the development.

Reason: To ensure the appearance of the development is satisfactory and appropriate to the listed building and conservation area having due regard to policies CS11.4 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 7 The rooflights in the barn area hereby approved shall be kept permanently closed.

Reason: In the interests of the amenities of the occupiers of nearby properties, to minimise the risk of noise escape 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 The side wall to the roof terrace shall be fully completed in accordance with the approved plans before the terrace is first used. It shall be permanently maintained in good repair thereafter.

Reason: In the interests of the amenities of the occupiers of nearby properties, to minimise the risk of noise or nuisance and in the appearance of the listed building and conservation area 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.

- 9 The works to the sitting room fireplace shall be limited to the removal of the surface finishes and clearly modern (brick) infill only. At least 14 days notice of the intention to carry out this work shall be provided to the Local Planning Authority to provide an opportunity to view it in progress. Following this phase of work a repair specification related to accompanying drawings, informed by what has been revealed, shall be prepared and submitted to the Local Planning Authority for approval. All work shall be carried out in full accordance with such approval.

Reason: To ensure the extent of and form of the work is appropriate and informed by what is revealed. In accordance with policies DM8, CS11 and DM20 of the Havant Borough Local Plan - Core Strategy 2011 and Allocations Plan 2014 and the National Planning Policy Framework 2012.

- 10 The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing block and location plans - DN: 12A_050 001- Rev D
Existing floor plans - DN: 12A_050 003 - Rev C
Existing elevations - DN: 12A_050 004 - Rev D
Proposed floor plans - DN: 12A_050 005 - Rev E
Proposed elevations - DN: 12A_050 006 - Rev D - Sheet 1 of 2
Proposed elevations - DN: 12A_050 007 - Rev E - Sheet 2 of 2
Key Issues -DN: 12A_050 010 - Rev A
Key Issues -DN: 12A_050 011 - Rev A
Key Issues -DN: 12A_050 012 - Rev A
Design & Access statement (received 15/7/13)
Structural Statement - letter dated 12/7/13

Reason: - To ensure provision of a satisfactory development.