
Site Address: 25 South Street, Emsworth, PO10 7EG
Proposal: Change of use from Off Licence (use class A1) to Restaurant (use class A3) 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.
Application No: APP/13/00454 Expiry Date: 09/09/2013 20:13:33
Applicant: Mr Chamley Team: Team 2
 Grace Holdings limited
Agent: Mr Olafsson Case Officer: Rachael McMurray
 Martin Ralph Architects
Ward: Emsworth

Recommendation: **GRANT PERMISSION**

1 Site Description

The site is located in South Street in the Emsworth Conservation Area. It comprises a detached, two-storey building which is designated as Grade II listed. The ground floor of the building was last used as a retail unit and includes an attractive, glazed shop frontage. The first floor was used as residential accommodation. At the rear of the building there is a large storage barn and other associated outbuildings. As well as the South Street frontage, the site can be accessed from the rear via the South Street public car park.

South Street is located in Emsworth town centre which is characterised by commercial units with residential accommodation at first floor level. Along South Street there are a number of shops, pubs and restaurants as well as the Sailing Club at the end of the street.

2 Planning History

None relevant

3 Proposal

The proposal is for a change of use of the building from a retail unit (A1) to a restaurant (A3). As well as a change of use, the proposal would include; internal alterations, glazing revisions to the entrance door adjacent to the main shop frontage, 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.

4 Policy Considerations

National Policies
NPPF

Core Strategies 2011 forming part of the HBLDF

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)

Listed Building Grade: Not applicable.

Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Conservation Officer:

When the application was originally submitted, the applicant was not aware that the building was listed. The original proposal therefore included several elements which would have harmed the historic integrity of the listed building. As such, amended plans were submitted on 19/7/13. The Conservation Officer was re-consulted and provided the following response:

The revised plans seek to address the concerns raised with the originally submitted application. However, further clarification / information is required on the following:

1. A plan is required to show the section of the timber framed rear wall as existing, showing the framing.
2. A plan showing a section as proposed showing where the opening will be placed. This needs to be agreed at this stage to ensure the framing is adequately protected.
3. The flue will benefit from further screening to mitigate against its impact. I would suggest that a parapet wall is built around the flat area of roofing to the rear. This will by no means fully screen the flue but will offer enough to distract the eye from views to the rear.
4. The timber beam in the glazed rear wall needs to be just timber so its reflects the origins of the building. It currently appears to be mostly encased in steel which to my mind may not be wholly necessary as the steel rods should offer enough structurally. If it is confirmed that the appearance of the timber beam will be reflected outside, then this would be acceptable.

If these parts are resolved there is a lot to be commended with this scheme as it will hopefully re-vitalise this currently unused historic building.

A further revised plan was submitted on 31/7/13. The Conservation Officer had the following further comments:

Having looked at the information I can confirm that I am now satisfied with all the details submitted and would recommend that approval is given.

Estates Team:

According to our deeds The Bluebell PH has the benefit of a right of way from South Street to the existing gate on the side boundary of the pub. Our files do not indicate that there is any existing right of way granted to the rear of 25 South Street.

I note that the plans of the proposed restaurant do not show any rear access from the courtyard on to HBC's car park, so it would appear that rear access is not currently

required. If in the future, the restaurant requires access to the rear of 25 South Street, they would need to seek agreement with HBC before taking access.

The new brick wall at the rear should follow the existing building line, not encroach onto HBC land and any Council land affected should be reinstated to our satisfaction. If temporary access to our land is required for the refurbishment (of the building including deliveries of materials) construction works to the wall then HBC's consent would be required prior to access being taken.

English Heritage:

No comments received.

Chichester Harbour Conservancy:

No objections

Natural England:

No objections

National Amenity Society - Ancient Monuments Society:

We do not object in principle to alterations being made to this Grade II-listed property, but we do strongly object to the replacement of the historic shopfront with plate glass. The list description dates the shopfront to the late 19th century:

House and shop. C18 with early and late C19 front. Stucco front walls, brick elsewhere; slate roof at the front and tile to the rear. 2 storeys, 4 upper windows. Quoins, high plinth. Sashes. Shop-front of early C20, with cornice on brackets

The removal of this handsome feature would cause substantial harm to the significance of the building and is not justified. We recommend that the applicant revise their proposals to allow for its retention.

Officer Note:

The applicant submitted amended plans which now retain the existing shopfront.

Environmental Health:

The proposed conversion from an off licence to a restaurant would involve the 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.

I would therefore suggest that the applicant provides details of these, or there is a pre-development condition requiring details to be submitted along the lines of:

1. Details, including acoustic performance and proposed acoustic attenuation, of all types of fixed plant, machinery and equipment associated with air moving plant, compressors, generators or plant or equipment of a like kind installed within the site, shall be submitted to and approved by the Borough Planning Authority before installation.

N.B. All plant machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise therefrom does not, at any time, increase the background noise levels as measured according to British Standard 4142: 1997 at any adjoining

or nearby residential property.

BS4142 Requirement

Noise resulting from the use of any/all 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.

Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area.

Due to the proximity of the site to residential properties, and that extensive renovation is likely to be required, I would also ask for a condition relating to working hours:

2. Construction, demolition or clearance work of any sort within the area covered by the application shall only take place between the hours of 0800-1800 on Monday to Fridays and 0900-1300 on Saturdays. No work at all shall take place on Sundays and Bank or Statutory Holidays. Unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: To protect the occupants of nearby residential properties from noise disturbance.

3. Informative:

The business will need to register as a food business with Havant Borough Council's Environmental Health Team and I would suggest that the applicant contacts them for advice on kitchen design.

Based on the revised plans received on 19/7/13, Environmental Health were further consulted and provided the following response:

Essentially the revised plans show the location of the kitchen flue, pointing west towards residential properties on the other side of the car park (within 50m). My comments mainly relate to the applicant providing details of any ventilation/plant equipment in order to minimise noise and odour problems. The revised plans do not show any of those details, however I'm happy for those to be a condition as per my previous response should you be minded to grant approval.

My only concern on seeing the revised plans is that the flue discharges at a relatively low level out towards the car park. Although nearby residential properties are unlikely to be affected by odour, nonetheless the flue discharges out over the car park and there are two public houses either side. I would therefore also ask for a condition in relation to odour control from the flue, along the lines of:

1. The equipment installed must include an odour neutraliser plant, which must, as long as the use continues, be operated in such a manner as will effectively suppress the emission of fumes or smell. Details of the equipment must be submitted to, and approved by, the Local Planning Authority and the equipment must be installed and in full working order to the satisfaction of the Local Planning Authority prior to the commencement of the use.

Development Engineer:

This is acceptable in principle and will not attract a highway contribution.

However I have concerns that the existing yard (which is going to be converted to

courtyard dinning) is used for servicing the premises and I need to know how the proposal will be serviced. If servicing is still to be from HBC car park we need to ensure is that covered by existing legal agreements if not the red line may have to include part of the car park in order to provide a route to the adopted highway.

Officer Note: The applicant has confirmed that the premises will be serviced from the front however, an informative can be placed on the planning approval to advise of the Highways Officers comments.

Parking Team:

No objections. Within the red line there are currently some recycling bins and paper bins that may need relocating if this area is to be used.

Planning Policy:

The site is located in Emsworth District Centre as defined by Local Plan (Core Strategy) policy CS4 and saved Local Plan policy TC1. The town centre boundaries and frontages were revised in the Draft Local Plan (Allocations), but the site's designation within the district centre did not change. Both the existing and proposed uses are defined as town centre uses in the NPPF that will contribute to the district centre's vitality and viability.

County Ecologist:

No objections

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: 8

Number of site notices: 1

Statutory advertisement: 31/05/2013

Number of representations received: 2

Two objections were received against the application. A summary of the points raised is provided below:

- i. There are already 14 restaurants / takeaways in Emsworth, plus 4 pubs. The site could be put to a better use.
- ii. The car park close to the site gets very busy at lunchtime.

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) Loss of an A1 retail unit
- (iii) Effect on the conservation area
- (iii) Effect on nearby residential properties

(i) Principle of development

- 7.2 The site is located within an urban area where development is considered to be acceptable in principle subject to other development management considerations. This site is also in a town centre location so saved Policy TC1 (Hierarchy of Town centres) applies. It is also located within a designated conservation area and therefore Policy CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) applies.

(ii) Loss of an A1 retail unit

- 7.3 As the proposal would result in the loss of a local shop, Policy DM2 of the Local Plan would apply. This policy requires that where a development proposal results in the loss of a local shop that evidence of a marketing exercise is submitted to show that the use is no longer viable. Normally, this proposal would have required six months worth of evidence however, Planning Policy advised at pre-application stage that as the proposed use would be a restaurant, this would provide just as much a community function as a shop unit. Therefore marketing evidence would not need to be provided in this case. Furthermore, as the restaurant would contribute to the vitality and viability of this town centre location and provide an active frontage and attract footfall, the proposal would comply with Saved Policy TC1 (Hierarchy of Town Centres) of the Local Plan.

(iii) Effect on conservation area

- 7.4 The full impact of the proposal on the character of the listed building will be considered under Planning Application APP/13/00686 which runs concurrently with this application. However, no major alterations to the shopfront are proposed and therefore the visual impact on South Street would be minimal. In terms of the impact on the character of the conservation area by means of the use of the building, it is considered that it would have a beneficial impact by ensuring the vitality and viability of this part of South Street, which is characterised by independent restaurants and shops, would be retained and enhanced.

(iv) Effect on nearby residential properties

- 7.5 To the west of the site lies the South Street car park with properties in Bridgefoot Path beyond this some 13m in distance. Other nearby residential properties include those at first floor level on South Street and properties beyond these.
- 7.6 Potential impacts could arise from activity relating to the use including additional trips made by customers to and from the site, deliveries, noise and smell emissions associated with cooking processes. Policy DM5 of the Local Plan seeks to control the impacts of Class A3 uses (as well as others) and advises that planning permission will only be granted whereby the following criteria is met:
1. Measures are incorporated, where a proposal includes the preparation of hot food, to mitigate the effect on nearby properties.
 2. The measures proposed in respect of criterion 1 are such that the installation does not materially detract from the appearance of the building itself and the wider locality.
 3. The measures proposed in respect of criterion 1 are suitable for the range and

nature of hot food to be prepared on the premises.

4. The development includes adequate provision for the disposal, storage and collection of refuse, including litter bins for use by customers.

5. The development would not cause unacceptable disturbance to the occupiers of nearby residential properties at times when activity in the immediate vicinity would otherwise be at a relatively quiet level.

6. The development would not cause unacceptable disturbance to the occupiers of nearby residential properties at times when activity in the immediate vicinity would otherwise be at a relatively quiet level.

7. In the case of changes of use, any marketing requirements are met.

7.7 The Environmental Health Officer (EHO) has been consulted on the proposal. They have advised that the application does not include details of the 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. However, they have advised that these details could be provided via a planning condition, the wording of which is suggested in the EHO's comments in Section 5.

7.8 With regards to the location of the proposed flue on the single storey rear section of the building, the EHO has advised that they have a concern that the flue would discharge at a relatively low level out towards the car park. Although nearby residential properties are unlikely to be affected by odour, the flue would discharge out over the car park and there are two public houses either side. They have therefore suggested another condition which requests that an odour neutraliser plant should be installed and operated effectively.

7.9 With the use of appropriate conditions, it is considered that the requirements of Policy DM5 could be satisfactorily met in terms of the impact arising from potential noise and smell on neighbouring properties. In terms of the visual impact, the flue would be located at the rear of the building facing onto the car park. A parapet wall would be built up in front of the flue to minimise the visual impact and it would be painted black to appear less industrial. Overall, it is considered that it would not have an adverse impact on the visual amenity of the immediate locality.

7.10 In terms of additional activity arising from the use of the building as a restaurant, it is considered that as the site is in a busy town centre location which already includes pubs and restaurants, the proposal would not create a type of activity which is out of character with the area. The site being in a town centre location, is sustainable in terms of public transport and there is a large public car park nearby which although busier during the day, would also be available for customers during evening hours.

8 Conclusion

It is considered that the proposed change of use would bring a vacant unit back into use, which would contribute to the local economy and vitality and viability of a town centre location. With the inclusion of appropriate conditions, the use would be unlikely to impact on neighbouring residential properties and the proposed changes to the use and the physical fabric of the building would not have an adverse impact on the character of the conservation area.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/13/00454 subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of the approval of the last of the reserved matters to be approved.
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 HHavant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 3 Prior to occupation of the premises, details of the intended hours of operation for all days of the week and bank holidays should be provided and agreed in writing by the Local Planning Authority. Thereafter only such agreed hours of operation shall be adhered to at all times.
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 Details, including acoustic performance and proposed acoustic attenuation, of all types of fixed plant, machinery and equipment associated with air moving plant, compressors, generators or plant or equipment of a like kind installed within the site, shall be submitted to and approved by the Local Planning Authority before installation.

N.B. All plant machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise therefrom does not, at any time, increase the background noise levels as measured according to British Standard 4142: 1997 at any adjoining or nearby residential property.

BS4142 Requirement

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Reason: In the interests of protecting the local residents from unreasonable noise levels 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 Construction, demolition or clearance work of any sort within the area covered by the application shall only take place between the hours of 0800-1800 on Monday to Fridays and 0900-1300 on Saturdays. No work at all shall take place on Sundays and Bank or Statutory Holidays. Unless in association with an emergency or with the prior written approval of the Local Planning Authority.

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

- 6 The equipment installed must include an odour neutraliser plant, which must, as long as the use continues, be operated in such a manner as will effectively suppress the emission of fumes or smell. Details of the equipment must be submitted to, and approved by, the Local Planning Authority and the equipment must be installed and in full working order to the satisfaction of the Local Planning Authority prior to the commencement of the use.

Reason: in the interests of the amenities of the locality and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 7 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.