

- 3.1 The proposal is for a change of use from Class A2 to mixed Class A1/A3 uses. The unit would occupy part of No. 10-12 High Street which has been sub-divided internally to provide one larger and one smaller unit. The unit subject to this application would be the larger unit (276sqm) and includes the main entrance door adjacent to the Crown Hotel and two of the windows along the shop frontage. It also includes a rear access door via the rear service yard. Refuse storage for the unit would be located in the rear service yard.
- 3.2 The café would sell coffee and other hot and cold drinks, sandwiches, filled rolls, cakes, pastries, coffee beans, cafetieres, percolators, coffee cup and mugs and other related products. There would be a retail display unit and a food server / counter, together with 80 internal seats, food preparation area, toilets and a baby changing facility. The proposed opening hours are 0700-1800 daily.
- 3.3 There would be no cooking on site and all sandwiches and cakes would be prepared and packaged off site and would be delivered to the unit 1-2 times daily via a 7.5 tonne vehicle. New signage is proposed however, this is subject to consideration under a separate application for advertisement consent ref: APP/15/01398.

4 Policy Considerations

National Planning Policy Framework 2012

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS20	(Transport and Access Strategy)
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))
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

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

Listed Building Grade: Adjacent to Grade II listed Crown Hotel.
Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy:

No objections

Conservation Officer:

This application relates to the former Barclays Bank premises. It is a centrally located C20 building of very limited architectural interest. This proposal splits the unit equally into two with the change of use of the larger unit into a mixed use class A1/A3 coffee shop. The issue to be determined is as to whether such a use is appropriate in policy terms and as the building lies within a conservation area, its impact on the character and appearance of that area.

The previous use as a bank premises provided a rather bland frontage to the street.

Retail shops, cafes and similar uses by contrast provide a much more vibrant shopping frontage with active interaction with the street. Cafes and coffee shops are now an accepted part of shopping areas and their popularity tends to increase footfall. From a conservation area perspective the use of the premises as a coffee shop is therefore both appropriate and positive. By presenting a more active street frontage it should enhance the attractiveness of this important historic town. For these reasons I support the proposal.

Natural England:

No objections

Economic Development - Retail and Town Centres:

Concern that the proposal will dilute the offer in Emsworth putting small independent businesses in extreme financial difficulty or result in closure.

Development Engineer - Highways:

No objections

Traffic Management:

No objections

Environmental Health:

No objections. Should complaints of odour come to our attention, we would investigate under our legislative provisions.

Waste Services Manager:

Comments awaited - Members will be updated prior to the committee meeting.

Planning Policy:

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: One

Statutory advertisement: 01/01/2016

Number of representations received as at 22/01/16: 130 (111 against; 18 in favour; 1 no objection)

The representations received both for and against the application are summarised below:

Against:

- Proposal will harm the character and individuality of Emsworth
- It will be detrimental to other local business as there are too many coffee shops already
- It will be detrimental to the unique nature of the high street- all local independent traders
- Increase in litter as a result of 'takeaway cups'
- Setting a precedent for other large 'impersonal' chains taking over local high streets
- Costa do not pay as much tax as other local independent businesses
- Increase in opening hours and additional noise

- Not in keeping with the local culture
- Increase in parking in local residential roads - high parking charges in Emsworth
- Rates and rents are already extortionate - making it impossible for local independent traders
- Risk of empty units as a result of competition
- It will harm the community spirit of Emsworth
- Difficulty in accessing the bin store to the rear - increase of deliveries
- Increase in danger to pedestrians
- There is a Costa already in Havant
- Emsworth shops are losing customers to Havant
- The village is already well catered for
- There will be a loss of jobs
- Concerns over where the Costa bins are to be placed
- Is there going to be sound proofing to the flat above?
- Is there going to be an outside seating area blocking up the pavement?
- The signage is not in keeping.

For:

- Costa will regenerate the town centre and halt the decline
- Employment opportunities for local people
- Costa offers reasonable prices as opposed to some of the other local cafes
- Positive asset to the town
- Strengthen the town by attracting more footfall into the town centre.
- Costa is a positive, reputable and well established company
- Costa will bring variety into the town
- Longer opening hours would benefit the local community
- Utilising an empty unit will bring business into the area
- Costa would create healthy competition
- Emsworth already has a number of large chains
- It will encourage younger people into the town centre.
- There is a lack of baby changing facilities and disabled facilities - Costa will introduce these.
- Costa is a welcome change

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 of the change of use on the town centre
- (iii) Effect on the conservation area, Chichester Harbour AONB and adjacent listed building
- (iv) Impact upon local amenity
- (v) Highway / parking considerations

(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. In addition, this site is located within a designated town centre boundary and a primary shopping frontage. As such, Policy AL3 (Town, District and Local Centres) of the adopted Allocations Plan applies. The site is also located within the Emsworth Conservation Area and therefore Core Strategy Policy CS11 (Protecting and Enhancing the Special

Environment and Heritage of Havant Borough) is relevant. Core Strategy Policy DM2 which protects community facilities and local shops also applies as the proposal would result in the change of use of a bank, which can be considered a community facility. Finally, Core Strategy Policy DM5 (Control of A3, A4 and A5 uses) applies in terms of the need to consider the amenity impacts of such development. All these matters are considered in detail below.

(ii) Impact of the change of use on the town centre

- 7.3 The vacant premises was previously occupied by Barclays Bank, which falls under use class A2 as per the most recent Use Classes Order. A bank is considered to constitute a form of community facility as this provides a service to the local community. Policy DM2 of the Local Plan requires that where proposals involve the loss of community uses or shops, applicants should submit marketing evidence to justify that the premises is no longer commercially viable or suitable for another community use before planning permission can be considered.
- 7.4 However in the case of this application, as the proposed use for the premises is a cafe with an element of retail included, it is considered that this proposal would not result in the loss of a form of community use or a retail function. Leisure uses such as cafes are defined in the National Planning Policy Framework (NPPF) 2012 as main town centres uses - a cafe can therefore be argued to provide a facility for the community in much the same way as a bank can and as such, it would not be appropriate to require the provision of marketing information in this case. Therefore the proposal is considered to accord with Policy DM2 of the Local Plan and no marketing information is required.
- 7.5 A number of concerns have been raised with regard to the introduction of a branded coffee shop into the town centre, which is characterised by a higher proportion of independent businesses (including other coffee shops) than it is branded companies. The concerns here relate to the potential loss of business to the independents as a result of a loss of customers and therefore revenue and loss of employment. Also concerns have been raised regarding the impact of the brand on the character of the town centre and setting a precedent for other branded companies to locate there, thus diluting the independent businesses which some feel is a main attraction of Emsworth.
- 7.6 These concerns are acknowledged, however it is not within the remit of the planning system to restrict competition and exercise control over who can occupy a premises based on whether they are independent or branded. What must be considered as part of this application is a land use change from A2 to A1/A3, and not who the occupier of the premises would be as this may change in the future based on the viability of the business. Although the Council does encourage independent local businesses within its town, district and local centres, it could not justify a refusal of the application based on the applicant being a branded company and how this might impact on local businesses. Ultimately there is no tangible evidence to prove this would occur and if so, to what extent.
- 7.7 Policy AL3 advises that development proposals should; contribute to the vitality and viability of the town centre, promote and enhance the shopping areas, retain at least 50% of the units in an unbroken run of primary frontage in retail (A1) use, generate pedestrian activity within the shopping area by being open during the day to visiting members of the public and provide a shop front within the primary shopping area with a display window. Overall it is considered that the proposal would accord with the criteria of this policy. Whilst the concerns raised by those objecting to the scheme are noted, it is considered that the positive elements which the proposal would provide such as increased local employment opportunities, the re-use of a vacant building, an active shop front, a potential community meeting place and a potential to increase the number of visitors to the town centre and therefore increasing footfall in general, are considered to outweigh

the perceived negative aspects of the proposal. In addition to local planning policy, the National Planning Policy Framework (NPPF) 2012 strongly supports and encourages competitive town centre environments which provide customer choice and respond to market signals and whether businesses are expanding or contracting. The proposal is considered to comply with this advice.

(iii) Effect on the conservation area, Chichester Harbour AONB and adjacent listed building

- 7.7 When making a decision on an application where the site is located adjacent to a listed building or within the conservation area, the local planning authority must have special regard to the desirability of preserving the adjacent building or its setting or any features of special architectural or historic interest which it possesses; and the desirability of preserving or enhancing the character or appearance of the Conservation Area. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged. These obligations, found in sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, apply to all decisions concerning listed buildings and Conservation Areas. Protecting and enhancing the historic environment is also one of the core principles of the NPPF.
- 7.8 The consultation response from the Conservation Officer sets out that the introduction of cafes and coffee shops tend to increase footfall and have the opportunity to provide a more vibrant shopping frontage than the former bank use with more active interaction with the street. On this basis the impact of the new use considered to be a positive one for the character of the historic town centre Conservation Area.
- 7.9 In other respects, the proposed external changes to the building are minimal and there would be no alteration to the entrance area which is the closest part of the building to the adjacent listed Crown Hotel. Concerns have been raised that the proposed signage would be harmful to the character of the Conservation Area. The acceptability of the signage is subject to a separate application APP/15/01398, whereby the full impact will be considered. However, given the context of the town centre location, in principle the scope of the signage is considered to be appropriate and its muted black colour would be in keeping with the colour palette of the local vernacular. Overall it is considered that the proposal would not have a harmful impact on the character or visual amenity of the Conservation Area or the adjacent listed building and therefore complies with Policy CS11 of the Local Plan and the NPPF.

(iv) Impact upon local amenity

- 7.10 Policy DM5 advises on the control of Class A3, A4 and A5 food, drink and entertainment uses and this is relevant to this proposal for a mixed Class A3/A1 use. Representations received have raised concerns that the proposal would result in a litter problem from takeaway cups and that an external seating area would cause an obstruction on the pavement and that the hours of operation would result in noise and disturbance. The policy advises that planning permission will only be granted where the following criteria are met:
1. Measures are incorporated to mitigate the effect of the preparation of hot food.
 2. The installation of equipment in relation to hot food does not materially detract from the building.
 3. Adequate provision for the disposal, storage and collection of waste are in place
 4. There would be no adverse impact on parking and traffic movement that would be likely to create hazards
 5. The development would not cause unacceptable disturbance to the occupiers of nearby residential properties.
 6. Any marketing requirements are met.

- 7.11 Having regard to the details submitted as part of the application, the nature of the food proposed to be sold would not require any cooking facilities to be installed in the unit, other than the toasting of sandwiches on request. As such, the use would not give rise to any cooking odours and no extraction equipment or flue is required. There would be no external seating area and the provision of this could be controlled via a planning condition and therefore no obstruction of the pavement would occur. No additional air conditioning or heating plant equipment is required.
- 7.12 In terms of refuse, there would be two 1100L bins (one for general waste and one for recycling). These would be located in the rear service courtyard accessed from Spring Gardens. There would be approximately three collections per week by a company who already supply and service the town centre. There is no proposal for a bin outside of the shop front. The reason being goods are either consumed within the shop or taken away from the cafe, therefore negating the need for a bin outside the premises. There are other bins positioned around the town centre and these should satisfactorily provide for any refuse requirements as a result of takeaway cups.
- 7.13 The proposed hours of operation are 0700-1800 which are not considered to be prejudicial to amenity given the town centre location and as such, would not result in undue noise and disturbance to residential properties within the immediate vicinity.

(v) Highway / parking considerations

- 7.14 The proposal does not include any specified parking provision for visitors or staff. However, this is similar to the majority of other businesses within the town centre given its historic character. Within close proximity to the site is a large public car park on South Street and one slightly further afield to the north in Palmers Road. In addition to this there is also limited on street parking available. Being located within a town centre, the site is also sustainable in terms of being accessible via bus and train. Concern has been raised that traffic congestion may be caused from customers parking outside the premises to collect takeaway coffees. However, on street parking along the High Street is controlled by the use of yellow lines and allocated parking laybys. Therefore, any unauthorised parking of cars are at risk of a parking penalty.
- 7.15 Concern has also been raised that the large number of covers in the cafe would result in increased traffic to the town centre and put pressure on existing car parks. However, there is no evidence to suggest that the proposed use would result in more car-borne visitors than the previous bank use would have attracted and therefore a reason for refusal could not be justified on these grounds. Even if this were to occur, increased activity and footfall to the town centre would support its future viability and vitality. Both the Traffic Team and Highways Officer have been consulted and have not raised any objections to the proposal.
- 7.16 In terms of deliveries, a Delivery and Servicing Statement has been submitted confirming that these would occur 1-2 times daily, typically by a 7.5 tonne vehicle outside of normal opening hours from the High Street. If on occasions deliveries are made during opening hours, this would take place via the rear service yard and thus avoid disruption to town centre users in the main High Street. Deliveries take approximately 15-20minutes. The Highways Officer has been consulted and has not raised any objections with regards to deliveries.

8 Conclusion

- 8.1 It is acknowledged that a significant number of representations have been received to this application, largely driven by concerns over the intending occupier and the nature of the proposed use. The key issues in determining this application however relate to the impact

of the change of use of the premises to A1/A3 use in land use terms, and not who the specific occupier of that use will be. Overall it is considered that the proposal would result in a number of positive factors to the town centre and Conservation Area and complies with all the relevant local planning policies and national planning policy. Therefore the application is recommended for approval.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/15/01397 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 Compulsory Purchase Act 2004.

2 The premises shall only be open for trade or business between the hours of 0700 and 1800.

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.

3 There shall be no outside seating area unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of the amenity of the locality and having due regard to policies CS16 and CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

4 No external extraction or plant equipment shall be installed without the prior written approval of the Local Planning Authority.

Reason: In the interests of the amenity of the locality and having due regard to policies CS16 and CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

OS Plan Site Plan – 100022432 – received on 5/2/16

OS Block Plan – 100022432 – received on 5/2/16

Proposed floor plan - DN: A56015/02 Rev C

Proposed elevations - A56015/04 – received 5/2/16

Design and Access Statement - December 2015

Delivery and Servicing Statement – February 2016

Reason: - To ensure provision of a satisfactory development.

Appendices:

A - Site Plan

B - Block Plan

- C - Proposed floor plan
- D - Proposed elevations