
Site Address:	44 High Street, Emsworth, PO10 7AW		
Proposal:	Retention of enclosed seating area and outbuilding for office use.		
Application No:	APP/18/00721	Expiry Date:	02/10/2018
Applicant:	Mr & Mrs Wright Driftwood Cafe		
Agent:	Mr Helyer Helyer Davies Architects	Case Officer:	Tina Pickup
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 This application site relates to Driftwood Cafe (an A3 use) which occupies the ground floor of 44 High Street, Emsworth. It is located on the north-eastern side of the road, within the defined Emsworth District centre but beyond any primary or secondary shopping area. The site is also situated within the Emsworth Conservation Area, with many Grade II Listed Buildings located within the immediate locality, and within the Chichester Harbour AONB. The site includes the rear garden and has a rear vehicular access taken off Pelham Terrace via a private garage court. To the south-east the site is surrounded by predominantly residential properties/curtillages.
- 1.2 The building is fitted out with typical table and chairs as a cafe and the rear garden is also well used by customers with additional table and chairs within the paved garden. The garden is enclosed with traditional high brick walls. Originally there were 2 small timber sheds at the north-eastern end of the garden, used for ancillary storage and office space. This was then replaced in March 2018 with a contemporary outbuilding for additional seating, and a new shed for office purposes, without planning permission. This application seeks retrospective permission for these structures and their associated use.
- 1.3 The site is level but it is noticeable that the gardens of the properties in Queen Street that abut the south-eastern boundary, are at a different level. From within the garden of 8 Queen Street the boundary wall measures 1.25m high from their ground level, and the outbuilding measures 2m ie it rises 0.75m above the wall.

2 Planning History

90/55604 - Change of use of ground floor from retail shop to cafe/coffee lounge and erection of covered way to rear. Refused 22/01/1991
Allowed on Appeal May 1991

3 Proposal

Retention of enclosed seating area and outbuilding for office use.

The enclosed seating area comprises a contemporary style building that measures 6m wide x 4.5m deep by 2.5m high. It is timber clad on 3 sides with the front being fully glazed sliding doors; the roof is constructed of a louvre system. It is used for additional customer seating.

The outbuilding comprises a timber shed with shallow pitch roof - it measures 2.4m x 3m with ridge of 2.5m. It is used for office purposes.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS16	(High Quality Design)
CS4	()
DM10	(Pollution)
DM5	(Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses)

Havant Borough Local Plan (Allocations) July 2014

DM20	(Historic Assets)
AL1	(Presumption in Favour of Sustainable Development)
AL3	(Town, District and Local Centres)

The Pre-Submission Havant Borough Local Plan 2036 was approved by the Council in January 2019 and currently has limited weight in decision making, but does indicate the direction of travel.

Also of relevance is The Emsworth Neighbourhood Plan which has reached an advanced stage of preparation and was submitted to the Local Planning Authority in April 2019. As such it can currently be afforded limited weight in decision making.

Listed Building Grade: Not applicable.
Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

No Objection - suggest following stipulations are applied:

- the structures shall be maintained as per the schedule of materials to be as indicated on submitted application forms
- the enclosed seating area structure shall only be used during normal operating hours of the host café use of the site
- the enclosed seating area structure shall not be installed with electric / artificial lighting that would extend its use beyond normal day light hours (to limit impact given the design on dark skies policies)

Conservation Officer

No Objection

44 High Street Emsworth is a terraced building of three storeys that is located within the Emsworth Conservation Area. The building is currently being used as a café to the ground floor.

The proposals seek permission for the retention of an outbuilding which is being used for extra customer seating. It is also proposed to retain a timber shed which is currently being used as an office space for the café.

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 states that, with respect to any buildings or land within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposed single storey outbuilding is of a simple yet modern design that is constructed of steel with timber cladding to three elevations and a large sliding glass door which looks out over the garden. The roof is of a louvred construction which can be opened or closed depending on weather conditions. The small shed/office is constructed of timber and has a felt roof and no foundation.

Both buildings are not visible from any public vantage points with the conservation area. They are also of a design and size that ensures they sit comfortably within the plot. As such I believe the proposals preserve the character of the conservation area.

No conditions

Environmental Health Manager

These comments relate to noise only.

I note the café currently benefits from A3 use, and there are no hours/day of use restrictions.

Our view is that use of the new structure has the potential to have an adverse effect on nearby residential neighbours. The structure is located nearer to neighbours than the existing premises. The slated/louvred roof will allow noise to escape from the premises. As background sound levels drop into the evening, the noise from patrons etc., may cause more disturbance to nearby neighbours. For this reason we advise the following conditions be attached should permission be granted,

- 1) Restrict use of the building to between 09:00 – 18:00 hours Monday to Sunday.
- 2) No amplified music to be played inside the structure at any time.

Informative:

In accordance with the Licensing Act 2003, I note that the Premises Licence for the café does not cover the external area. I therefore recommend the applicant contact the Council's Licensing Team to discuss.

Natural England

No comments - standing advice for impacts on protected species

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: 22

Number of site notices: 1

Statutory advertisement: 17/08/2018

Number of representations received: 2

Comment	Officer Comment
Object to the erection of the outside dwelling in the rear car park of Driftwood cafe. Please note the seating area building and separate office has been erected in the owners car park, behind number 8, not their garden space. Number 6 Queen Street is unaffected by this application. The entire length of the proposed erection and additional office lies behind number 8 Queen Street. We have supported and applauded local business in every way but this is a step too far. The drawings created by a local Architect in support of this application are inaccurate and indicate that scant regard has been given to care in design with neighbours in mind. It has an opening top, flat slatted roof, abuts it's neighbours wall and dominates its neighbours landscape. The drawings show it affects numbers 6 & 8. It does not. The buildings cover the entire length of number 8 only. The Architect would have been welcome to take images and inspect from Number 8's garden. The applicants did not contact us or talk to us or even try to inform us before erecting it in the first place. Neither did they apply for planning permission prior to erection, even though it is in the Town's conservation area. We are at a loss to understand why? <u>Noise</u> Noise has increased and if plans go ahead will increase further. Where before the outdoor seating area was erected, it was just people, and a few	Not a dwelling; seating area replaces 2 former sheds in approximate same position; office shed is additional and on former parking area Noted amended plans correct this error Intensification of use from indoor seating

occasional dogs in the garden on warm and dry days; it is now 7 days a week, all day long; and far closer to our garden and property. Originally, the Cafe closed on a Sunday and opening hours increased after we moved in. We did not object to Sunday opening. The roof is a slatted opening roof and on warm days, the noise could be deafening. Already, Driftwood is advertising wine evening activities from 6pm till late during food fortnight in 2018. Therefore it can be assumed that they plan to utilise the space for further late activities? Possibly private functions with wine, gin and music? Wedding receptions, Mother and baby meetings and groups etc.?	noted - see section 7
	No hours conditions on site
Applicants not considered their residential neighbours now, so have to assume, nor would they in the future? Not considered the affect this outdoor seating area would have upon their neighbours enjoyment of their own outside spaces and quite possibly their neighbours inside spaces too;	Noted - see section 7
<u>Height and Outlook.</u> Before and after image of our outlook provided. We saw Bamboo trees in the distance and sky before, now we see the side of a flat roofed building. The building towers above and covers 3/4 of the length of our 4 foot high wall. The building is over 2 foot above our wall in height and abuts it. The gap left is a max of 10cm between our wall and it, allowing for no access for maintenance at all. It is in a conservation area; therefore covered by legal and suggested guidelines, which need to taken into account. The very small shed it replaced in part can be seen in the image described as before. The shed was small and to the left of the area. Along with outside seating area, an office shed has been erected.	Noted
<u>Light</u> Sky replaced with a solid block means that light has been lost, quite considerably, especially as our home is	Noted - see section 7
	Conservation Area relevant - see section 7
	Noted - see section 7

lower down than our garden. The raised garden is in line with many others and not an unusual feature. Agree with the submissions made by Emsworth Residents Association We want some reassurance and outline plan from them for the future please before proceeding please. If this is allowed, what else will they expect to be able to do without considering their close neighbours?	Communication between neighbours encouraged but not controllable
<u>Emsworth Residents' Association</u> objects: 1. the development has been made without planning permission. 2. the seating structure has been erected right against the boundary wall of the owner's property at 8 Queen Street, the rear wall of their small garden, and projects above the wall by about two feet. This affects their enjoyment of their garden. Before, they could enjoy uninterrupted views over the wall of the skyline. Such uninterrupted views had prompted the Emsworth Design Statement to record what was, and is, considered part of the quality and character of Emsworth, particularly the skyline (p3). Also the EDS refers to Design Considerations (p13), with the 'sky brought right down into the town by open spaces and relatively low building heights'. Both the café and the resident's properties are within the Emsworth Conservation Area, and within the AONB designation of the Chichester Harbour Conservancy. Havant Borough Council has adopted supplementary planning guidance in the form of Chichester Harbour CHAONB SPD, which is a material planning consideration, in particular - 15.1 Careful thought should be given to	Noted - this is a retrospective application See section 7 The Emsworth Design Statement was adopted in 2008 and hence has some weight. The views referred to relate mainly to the landscape setting of the town and the skyline refers to the relatively low building height of mainly 2 and 3 stories with the sky brought down to the millponds. This private rear garden outlook scenario is not directly relevant Noted

the siting and scale of ancillary buildings so as to avoid impact on neighbouring properties and dominance over the dwelling. The setting should not be intrusive in the landscape or in public views from the land or water	Noted - this not a public view
Also, in the Draft Havant Local Plan 2036, Chichester Harbour Area of Outstanding Natural Beauty,	
Policy E11 Development in the CHAONB will only be permitted where it:	Now draft policy E5 - but relates to wider landscape impacts and area, not private rear gardens;
b). Is appropriate to the economic, social and environmental wellbeing of the area or is desirable for the understanding of the area;	seating area within an established cafe supports the tourism role of Emsworth
We consider that the seating area is contrary to both the above.	

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 upon the character and appearance of the area, Listed Buildings and Conservation Area
- (iii) Impact upon residential amenity
- (iv) Parking

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The site lies within a Conservation Area and is also adjacent Listed Buildings in Queen Street (numbers 4, 6, 10 and 12). Therefore Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant to the determination of this application requiring special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest, as well as the desirability of preserving or enhancing the character or appearance of a conservation area. Being within the town centre then a cafe use is considered appropriate and also provides a tourist attraction for the town.

(ii) Impact upon the character and appearance of the area, AONB, Listed Buildings and Conservation Area

The outdoor seating area and office outbuildings are located within the enclosed rear garden of Driftwood cafe. As such there are no wider public views of the structures which can only be seen from private areas. Accordingly they are not considered to cause any detrimental harm to the character of Emsworth town centre, the AONB, and

would continue to preserve the character of the Conservation Area. Both structures are constructed without foundation and are therefore reversible in the long term. The simple contemporary design is considered to compliment the historic environment. Overall the structures are not considered harmful to the setting of nearby Listed Buildings or the character of the wider area.

(iii) Impact upon residential amenity

The impacts of the structures relate to two issues - both the effect on outlook from their physical presence; and their effect on quiet enjoyment from noise associated with their use. These will be considered in turn:

a) Effect on Outlook

There is no doubt that the structure has changed the visual outlook from No 8, but it is considered that the change is not materially harmful. Measured from no 8, the rear boundary wall is only 1.25m high and the seating building projects 0.75m above, to a total height of 2m. However it must be considered that boundary walls of up to 2m are permitted development and could be erected which would screen the seating building. It does extend the majority of the width of No 8's rear boundary, which is notably more than the previous structures, but at 2m high is not considered excessively imposing, overshadowing or overbearing and overall does not materially harm the visual outlook from or light available to No 8 Queen Street. The applicants have agreed to plant a wisteria at one end, and a photinia at the other, which will help to visually soften and screen the side elevation to no 8 and can be required by condition. Overall the proposal is considered to comply with policies CS11, CS12, CS16 and DM20.

b) Effect from noise and use

The existing A3 cafe has no hours conditions and currently operates standard day time opening hours of 9am to 5pm seven days a week. The outside area was previously only used in good weather and it is acknowledged that the introduction of the enclosed seating area enables customers to use this area in all weathers, with a resultant intensification of the use. Given the siting of the enclosed seating area immediately adjacent neighbours residential gardens - in particular that of No 8 Queen Street, then the noises associated with a cafe use ie customer chatter, clinking cutlery etc have been extended in duration. Furthermore the design of the seating area, as originally erected, was very minimalist in design and as a result had hard floors and walls and was very "echoey". There was concern by Environmental Health colleagues that the noise generated within the building was being amplified and reverberated and escaping through the louvre roof and open side.

Accordingly the applicants ran some sound check tests (not a full noise assessment) and it was evident that noise outside the building was between 1 and 16 decibels greater at 5m away than when not in use at all. Therefore the applicants have installed some internal acoustic improvements, and cladding and absorption measures - these include laying an outdoor carpet; installing hit and miss boarding with acoustic absorbing material behind on the side walls; rugs added to the chairs; and internal plants. The sound checks were re-run and at 5m away there is now little evidence of any increased noise, and no difference whether the louvre roof is open or closed.

A further site visit has been made and it is noticeable that the structure no longer feels "echoey" but much quieter with dampened sounds. Environmental Health are now suggesting that when the ambient evening noise drops, then to protect neighbouring amenity from any noise from extended evening use (which at the moment is not controlled), then conditions should be applied to restrict the use of the outside seating

area to 9am to 6pm only with no amplified music at any time. Considering the close proximity to residential gardens then it is considered reasonable and appropriate to apply these restrictions on the use of the outdoor seating building, which would then comply with policies CS16 and DM10.

(iv) Parking

The replacement office building is sited further back within the site, effectively extending the built coverage of the site, and therefore slightly reduces the amount of hard surfaced area available to the rear. This area is used as parking by the owners and staff and although reduced in area still has a depth of some 5m and width of 6m providing space for 2 vehicles. The development is not considered detrimental to the available parking to serve the site and use.

8 Conclusion

With the acoustic measures that have been added during the course of determining this application, the impacts of the development are now considered appropriate and not harmful to adjacent residential amenity. With conditions controlling the hours and music in the outdoor seating area, then the application is recommended for conditional permission.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00721

(A) subject to the following conditions

- 1 The development hereby permitted shall be retained at all times in accordance with the following approved plans:

1:1250 Location Plan; 1:500 Block Plan; Existing plan and elevations Drawing Number 18112-01 Rev B

As Built plans, elevations of enclosed seating area Drawing Number 18112-02 Rev C

As Built plans, elevations of office Drawing Number 18112-03 Rev B
Proposed Acoustic Works

Reason: - To ensure provision of a satisfactory development.

- 2 The hereby approved enclosed seating area shall only be used and open for customers or business between the hours of 09:00 and 18:00 hours daily.

Reason: To protect the amenities of nearby residential properties and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 3 No amplified music shall be played inside the hereby approved enclosed seating area at any time.

Reason: To protect the amenities of nearby residential properties and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The Wisteria and Photinia plants shown on the hereby approved Drawing Number 18112-02 Rev C shall be planted in accordance with the approved details within 1 month of the date of this permission. Any plant retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

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