
Site Address:	23C North Street, Emsworth, PO10 7BY		
Proposal:	Retrospective application for a wooden pergola to shop frontage on pedestrianised area to provide outside seating area for customers.		
Application Type:	Full Planning Permission		
Application No:	APP/22/00706	Expiry Date:	12/09/2022
Applicant:	Ms Moore Cafe Moka		
Agent:	Mr Choudhury MC Architectural Design Ltd	Case Officer:	Lewis Ford
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Introduction & Site Description

The application site is 23c North Street, Emsworth, PO10 7BY.

The site is located on the eastern side of North Street within the secondary retail frontage of Emsworth District Centre. The district centre is the heart of the historic fishing village of Emsworth and is dominated by local independent businesses. The site, itself, is currently occupied by “Café Moka” at ground-floor and flatted accommodation at first floor. The former is a small and independent local café and is the Applicant of this planning application.

The site includes a two-storey, flat roofed, end-of-terrace unit. The building, itself, comprises white rendered external walls and a black recessed shopfront with floor-length windows at ground floor; along with brick external walls and UPVC white windows at first floor. At present, the site also includes a natural timber framed pergola with opaque UPVC polycarbonate roofing and hanging baskets.

The existing pergola was erected to replace an electric canopy (over 25 years old and broken) and a temporary marquee (erected for approx. 2 years). The latter was erected to allow the café to operate during the Covid-19 restrictions when only outdoor seating was allowed. The existing pergola was constructed and completed in March 2022 and was soon reported as an alleged breach of planning control due to a “permanent addition beyond the shop frontage”. The Applicant was advised that the Town and Country Planning (General Permitted Development) (England) Order 2015 – also known as the GPDO – only provides permitted development rights (PDR) for moveable and/or temporary structures (emphasis added) within the curtilage of a food and drink establishment. In light of the above, this retrospective planning applications seeks to retain the permanent pergola, albeit with an improved design, planting, and material palette.

2 Planning History

HWU/04870 – PERMISSION in February 1957 for Change of Use (CoU) of part of the residence at 25 North Street, Emsworth, to a shop.

HWU/04870/1 – OUTLINE PERMISSION in December 1957 for the use of land at 25

North Street, Emsworth, for shopping purposes.

HWU/04870/2 – REFUSAL in December 1957 for the use of any part of the land at 25 North Street, Emsworth, for light industry.

HWU/04870/2(A) – PERMISSION in May 1959 for the use of part of house at 25 North Street, Emsworth, as a shop and the installation of a shop front.

HWU/04870/3 – PERMISSION in March 1959 for the erection of three (3) shops with living accommodation over at 25 North Street, Emsworth.

15744/2 – REFUSAL in September 1970 for the redevelopment of shops, multi-storey car park, hotel, public library, public convenience, and Baptist Church at site of 3.4 acres (Baptist Church site) at North Street, Emsworth.

15744/3 – REFUSAL in August 1971 for Baptist Church, 15 shops, car park for 172 cars at North Street & Palmers Road, Emsworth.

90/55082 – REFUSAL in July 1990 for Change of Use (CoU) to Hot Food Takeaway (HFT) at 23c North Street, Emsworth.

91/55082/1 – PERMISSION in June 1991 for Change of Use (CoU) from Retail (A1) to Estate Agency (A2) at 23c North Street, Emsworth.

03/55082/002 – PERMISSION in January 2004 for Change of Use (CoU) from Hairdressers (Class A1) to mixed use of Retail (Class A1) and Coffee Lounge (Class A3) at 23c North Street, Emsworth.

05/55082/003 – PERMISSION in March 2006 for Variation of Condition No.2 from previous application ref. 03/55082/002 to allow for hot food preparation at the premises using a hob and hot plate, and addition of an extractor fan, at 23c North Street, Emsworth

3 Proposal

Retrospective application for a wooden pergola to shop frontage on pedestrianised area to provide outside seating area for customers.

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

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS19	(Effective Provision of Infrastructure)
CS4	()
DM10	(Pollution)
DM5	(Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM21	(Shopfronts, Signs, Security Shutters and Advertisements)
AL3	(Town, District and Local Centres)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_D4	(Design of Public Spaces & External Areas)
ENP_D1	(General Design Policy)
ENP_C3	(Public Realm Design)
ENP_C2	(Retail, High Street & Food/Drink Uses)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor J Thain-Smith - Emsworth

No comments received.

Councillor L Bowerman - Emsworth

No comments received.

Councillor R Kennett - Emsworth

No comments received.

Developer Services, Southern Water

Please see the attached extract from Southern Water records showing the approximate position of our existing foul sewer within the development site. The exact position of the public asset must be determined in site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The gravity foul sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: <https://www.southernwater.co.uk/media/3011/stand-off-distances.pdf>

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

In situations where surface water is being considered for discharge to our network, we

require the following hierarchy for surface water – reuse, infiltration, watercourse, storm sewer, and combined sewer – to be followed which is reflect in Part H3 of Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments. Guidance on Building Regulations is here:

<https://www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h>

Officer comment: *The application is for a retrospective development comprising a wooden framed pergola. A standard informative and planning condition has been included.*

Hampshire Highways

The Highway Authority are satisfied that the pergola does not obstruct the adjacent footway. As such, the Highway Authority provide no objections to this planning application.

Landscape Team, Havant Borough Council

From a landscape perspective, we have no adverse comments in relation to this application.

Southern Gas Networks

No comments received.

Officer comment: *Standard informative included.*

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: 15

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 20

The Applicant submitted a list of all their customers who support the pergola, also known as “Percy the Pergola”. The list, or petition, included **229 signatures** and reads as follows:

“Percy the Pergola needs you ... !!

If you love our pergola as much as we do and you believe it is an asset to the café, as well as North Street and Emsworth as a whole, then please sign below to show your support for our retrospective planning

application, ref no. APP/22/00706."

In addition to the above, **20 supporting comments were received**, whilst no letters of objections were received, in relation to this retrospective planning application. The 20 supporting comments received have been summarised as follows:

- Café Mocha serves the local community / is a community hub.
- The pergola is supported, and Café Mocha is popular.
- The pergola caters to cyclists and those who wish to socially distance.
- The existing / proposed hanging baskets are / would be attractive.
- The pergola enhances the streetscene, appears attractive, and does not disrupt pedestrian flow; this includes wheelchair and pushchair movements.
- The pergola benefits an independent and local business (providing local jobs), and helps generate additional footfall and life for the locality / surrounding shops.

The **20 supporting comments** received have been provided in full in the table below

Comment	Officer Comment
The pergola should stay.	Support noted.
Fabulous addition to the street. Such a pleasure seeing people sitting out there enjoying coffee and food. Brings more life in this part of Emsworth.	Support noted, please see Section 7 below.
This pergola has been a great asset to the community locally and far and wide since it was put up in lockdown and should remain.	Support noted, please see Section 7 below.
This area is an asset to the business and Emsworth itself. It gives the business more seating allowing them extra income and therefore keeping them in business. Having the pergola allows them to use this area all year round rather than just in summer.	Support noted, please see Section 7 below.
I fully support the addition of the pergola to Café Moka. Visually, it is an enhancement to the street being well constructed and decorated. It is well used, drawing people to North Street which is to the benefit of not just the café, but other businesses in the locality which benefit from the extra footfall. There is still ample pavement for passing traffic, so there is really no downside at all.	Support noted, please see Section 7 below.
Fully support the application for a wooden pergola. The Mocha café is	Support noted, please see Section 7

very popular, inclusive, and quite a community hub welcoming people of ability. Interior is quite small and outside area could be attractive and more weatherproof. There's plenty of space without encroaching on pedestrian space. During Covid their temporary structure was bliss to sit socially distanced but together. It would be a real asset to Emsworth.	below.
The pergola at café moka has made such a huge difference to the capacity of the café. It allows so many more people to use their facilities for a much longer period throughout the year in comparison to when they didn't have a pergola outside. This has definitely helped bring more custom not only to the café but to the surrounding shops in the area. This has helped bring more employment to the area as well.	Support noted, please see Section 7 below.
I fully support this application as it supports a local business and improves the facilities within Emsworth. The pergola allows customers to sit outside and enjoy the fresh air and atmosphere of Emsworth. The café is popular with cyclists so the outside seating area allows them to keep an eye on their bikes whilst having a drinks stop and not sitting inside which can be a bit unhygienic.	Support noted, please see Section 7 below.
This pleasing structure will enhance the appeal of North Street for visitors to stop for refreshments alfresco. This long-established business has served the local community for many years with excellent quality food and drink at reasonable prices. Emsworth can only benefit from this enhancement to café Mokka.	Support noted, please see Section 7 below.
I wish to support this application. Pedestrian / wheelchair / pushchair access remain unobstructed past the pergola. It is an attractive addition to this part of Emsworth. The café is a highly valued part of the community, and has survived the pandemic restrictions because of the support of the loyal customer base. This area	Support noted, please see Section 7 below.

offers additional seating to allow more customers to support this fantastic local business.	
In these days of Covid, the outside area at Café Moka provides a safe area to enjoy the café. I have used this both in winter and through the seasons to summer and shall (hopefully continue to do so) preferring to be outdoors. I feel the area adds a little café culture to North Emsworth too!	Support noted, please see Section 7 below.
I heartily support this application for a pergola at Café Moka, 23c North Street, Emsworth. I think it is an asset to Café Moka, to North Street, and to Emsworth. The translucent polycarbon roof gives protection from the rain and gentle shading from the sun. Also, the tasteful hanging baskets make it even more attractive.	Support noted, please see Section 7 below.
Strongly support. An essential area for socialising in Emsworth. Society has embraced outdoor eating and meeting ALL YEAR ROUND in this time of virulent infections. I know many people who feel the area is very important to their wellbeing. Please support it.	Support noted, please see Section 7 below.
I support the installation of the pergola at 23C North Street. There has always been outside seating and the pergola ensures we can still use the outside area in summer (it provides shade) and winter (it provides shelter) without this the business would be adversely affected. Also, the planned addition of flower tubs will make it very attractive.	Support noted, please see Section 7 below.
I fully support this pagoda; it looks far better than the previous gazebo used. It looks much more in keeping of the image of Emsworth. Me and my family regularly enjoy sitting under the pagoda for lunch. I often see people who are still covid conscious still able to go out for coffee and lunch thanks to the pagoda. In my opinion this pagoda is still very much temporary as it can be quickly removed without damage to the building. The idea of this being refused planning would absolutely ridiculous	Support noted, please see Section 7 below.

due to the positive reasons I have stated above.	
This is a great addition for the café and looks lovely. It enables me to sit outside to have a drink and/or meal whilst being somewhat protected from the elements. Its perfect for taking my dogs and baby as the indoor seating area is quite small so the outside area provides more space.	Support noted, please see Section 7 below.
The pergola has created a really welcome aspect to the café, the outside area creates a café culture feel and makes it far more accessible for people with disabilities or mental health (MH) concerns. The pergola does not affect pedestrians at all and looks very pretty as you drive by.	Support noted, please see Section 7 below.
Café Moka is a great community hub in Emsworth. The additional seating outside will do nothing but enhance this. The plans and proposals for the wooden pergola are inline with the surrounding area and will only improve North Street.	Support noted, please see Section 7 below.
Excellent addition to the outside seating in an otherwise small indoor café. Not obstructing the public pavement. Important that we all support local businesses.	Support noted, please see Section 7 below.
A great addition to Café Mocha and done in a very tasteful way which does not negatively affect the area at all. A positive addition to Emsworth and its business.	Support noted, please see Section 7 below.

7 Planning Considerations

7.1 The existing pergola was constructed in March 2022 but does not benefit from formal planning permission. The start and completion of construction is not a material planning consideration. Instead, it is considered that the main issues arising from this application, whilst having due regard to the relevant policies in the development plan, are:

- (i) Principle of Development
- (ii) Impact on Character of the Area & Appropriateness of Design
- (iii) Impact on Neighbouring Properties

- (iv) Impact on Highways & Pedestrianised Area
- (v) Utilities

(i) Principle of Development

- 7.2 The application site is located within both the defined urban area (as set out in Policies CS17 and AL2), and the defined Emsworth District Centre (as set out in Policies CS4 and AL3), of the development plan. As such, development is considered acceptable in principle subject to development management criteria.

(ii) Impact on Character of the Area & Appropriateness of Design

- 7.3 Emsworth District Centre includes a wide range of successful independent businesses (both retailers, and food and drink establishments) which has helped contribute to its character, popularity, vibrancy and vitality amongst residents and visitors. The café has 8no. indoor tables, and the proposed pergola would help to cover an additional 6no. outdoor tables. In considering all the above, the proposal is supported by Policy CS4 (Criterion 4 and 5) in the Havant Borough Local Plan (Core Strategy) 2011 as it would help to support the vitality of an independent local business, whilst retaining an active ground floor frontage within a defined centre. In addition, Policy C2 of the Emsworth Neighbourhood Plan sets out its support for Class E uses along North Street, and explains that a healthy mix of economic and social uses – especially those which provide attractive public and community spaces – can help to maintain and enhance the overall attractiveness and appeal of Emsworth.
- 7.4 The existing pergola comprises a natural timber frame and a UPVC opaque polycarbonate roof. The latter is considered be out of character with, and therefore detracts from, the streetscene. This retrospective application proposes the retention of the existing timber frame and 4no. posts (but to be black stained), and proposes the installation of the following:
- Additional planter boxes (around the existing 4no. timber posts);
 - Black stained artisan decorative panel as a wind breaker (north side);
 - Black PVC guttering and steel side rafter bracket; and
 - Black stained 22mm ply artisan decorative panels under a 5mm clear acrylic roof sheet to provide rain cover
- 7.5 The replacement roof of the pergola would have a maximum height and eaves height of approximately 2.8m and 2.3m respectively, and would comprise a width and depth (including roof overhang and guttering) of approximately 7.3m and 3.5m respectively. The Council's Landscape Architect has no adverse comments on the application. It is considered that the artisan panels and additional planters will help to soften the impact of the pergola on the streetscene, and provide an attractive and welcoming area for residents and visitors using the existing café.
- 7.6 Moreover, it is deemed that the proposed pergola is appropriate in design and scale, and would not result in a cluttered appearance. As such, it is considered that the proposal would not materially detract from the appearance of the building, the streetscene, nor the wider locality. Indeed, the proposal would generate pedestrian activity during the day and provide an active frontage within the defined secondary retail frontage of Emsworth District Centre. Given all the above, it is considered that proposed pergola would not be contrary to; Policies CS16 and DM5 in the Havant Borough Local Plan (Core Strategy) 2011; Policies AL3 and DM21 in the Havant Borough Local Plan (Allocations Plan) 2014; nor Policies C3, D1 and D4 in the

Emsworth Neighbourhood Plan. As the pergola would only be acceptable with the proposed changes (see above) to improve its appearance, an appropriate planning condition has been included to ensure the proposed changes are actioned within a suitable time period.

(iii) Impact on Neighbouring Properties

- 7.7 The Havant Borough Design Guide SPD states that developments must not have an adverse impact on the amenities of surrounding properties. The site is located in Emsworth District Centre and – due to the design and nature of development – is not considered to cause an adverse impact on noise, overlooking and/or loss of privacy to surrounding properties (both commercial and residential) beyond existing levels. This is because; the cafe operates within the trading hours conditioned under Planning Permission ref. 05/55082/003; and outdoor seating could still be provided within the vicinity of the cafe without the proposed pergola. As such, the pergola would not indirectly lead to an increase in noise and disturbance beyond existing levels.
- 7.8 In terms of the potential for overshadowing and loss of light, the site is separated by No.25 North Street by a vehicular access to the buildings rear of Nos 23a to 27 North Street. As for Nos 23a and 23b North Street, the pergola has the potential to lead to a degree of overshadowing and loss of light. However, this would be limited to the late afternoon / evening and, therefore, would not warrant a justified reason for refusal in this instance.
- 7.9 Consequently, it is deemed that the proposed pergola would not result in an acceptable and limited impact on neighbouring properties. As such, it is considered that the proposed pergola would not be contrary to Policies CS16 and DM5 (Criterion 6) of the Havant Borough Local Plan (Core Strategy) 2011. Notwithstanding the above, it is noted that no letters of objection have been received in relation to this retrospective planning application. Instead, 20 comments and 229 signatures have been submitted in support of the proposed pergola.

(iv) Impact on Highways & Pedestrianised Area

- 7.10 This retrospective application includes the retention of the existing 4no. timber posts and the replacement of the existing polycarbonate roof with artisan decorative panels and clear acrylic. The timber posts are approximately 2.7m from the existing front elevation, and the proposed replacement roof (and guttering) would extend beyond the timber posts and front elevation by approximately 0.8m and 3.5m respectively.
- 7.11 The footpath follows the curvature of the road and so has a width range of 4.9m to 5.8m. The footpath comprises land within the curtilage / ownership of the application site, as well as land which forms part of the Adopted Public Highway. The 4no. timber posts would be within the curtilage / ownership of the application site, whilst the replacement roof would overhang the public highway area of the footpath by approximately 0.4m. The Highway Authority has reviewed this retrospective application and has confirmed that they raise no objection as they are satisfied that the pergola would not obstruct the footpath. As such, it is considered that the proposed pergola would not have a detrimental impact upon public and highway safety and, therefore, would not be contrary to Policies DM5 (Criterion 5) and DM21 (Criterion 3) of the Havant Borough Local Plan (Core Strategy) 2011 and Havant Borough Local Plan (Allocations Plan) 2014 respectively.

(v) Utilities

- 7.12 There is a Southern Water foul sewer line which runs under the proposed pergola and existing building at 23c North Street (the application site). Southern Water has commented on the application and provided general advice on development close to the existing sewer line. As the pergola has already been erected, and only the roof is proposed for replacement, it is not considered that the comments received are applicable in this instance. However, as a pre-caution, Southern Water's comments have been captured as an informative and planning condition.

8 **Conclusion**

- 8.1 The scale, siting and design of the proposed development would have an acceptable impact on the character of the area and neighbouring properties. The proposed development is, therefore, considered to be appropriate and recommended for approval subject to appropriate planning conditions.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00706 subject to the following conditions:

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

Drg No: 2136 01.01 REV A – Location & Block Plan
Drg No: 2136 01.02 REV A – Existing Plans & Elevations
Drg No: 2136 01.03 REV A – Proposed Plans & Elevations
Planning, Design & Access Statement (Published 19 July 2022)

Reason: - To ensure provision of a satisfactory development.

- 2 The external materials used shall be as indicated on the submitted forms and hereby approved plans, or shall match in type, colour, and texture to those of the existing building so far as practicable.

Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 3 In the event that a public sewer is found at any time when carrying out the approved development which were not previously identified, development shall STOP until details of the measures which will be undertaken to protect the public sewer have been submitted to, and approved in writing by, the Local Planning Authority. Following approval, such measures shall be implemented on site in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate protection of infrastructure and having due regard to Havant Borough Local Plan (Core Strategy) Policies CS19 and DM10 and the National Planning Policy Framework.

- 4 The existing unlawful pergola at the site shall be altered and completed to

reflect the development hereby approved and shown within approved plans:
Proposed Plans & Elevations (Drawing No: 2136 01.03 REV A), within 3
calendar months of the date of this decision, unless an alternative time period
is first agreed in writing with the Local Planning Authority (LPA).

Reason: In order to protect the character and appearance of the area
and having due regard to Policy CS16 of the Havant Borough Local
Plan (Core Strategy) 2011 and the National Planning Policy Framework.