
Site Address:	10-12 High Street, Emsworth, PO10 7AW		
Proposal:	Change of use from vacant class A2 unit to mixed class A1/A3 coffee shop.		
Application No:	APP/15/01397	Expiry Date:	30/03/2016
Applicant:	Premier Coffee Ltd	Team:	Team 2
Agent:	Mr Millett	Case Officer:	Rachael McMurray
	Walsingham Planning		
Ward:	Emsworth	DMC Lead Member	

Reason for Committee Consideration:

Density:

HDS Recommendation: **GRANT PERMISSION**

1 Site Description

The application site comprises the ground floor unit of No. 10-12 High Street, which is located within Emsworth Town Centre and within the designated Emsworth Conservation Area and Chichester Harbour Area of Outstanding Natural Beauty. The site also forms part of a designated primary shopping frontage within the town centre. It forms the ground floor unit of a three-store building with residential flats on the second floor. The first which was former offices for the bank, also has approval for a change of use to residential accommodation. The application site sits in between the Crown Hotel, a Grade II listed building and another more modern building comprising commercial units on the ground floor with residential apartments above.

The front elevation of the commercial unit includes three large black painted framed window and a double width access door. The unit was previously occupied by Barclays Bank but has been vacant for approximately one year. The unit has been subdivided and the application site includes 276m² of floorspace, comprising the access door and two windows on the front elevation. The other smaller subdivided unit is unoccupied at present. At the rear of the building is a service yard which is accessed via Spring Gardens. This service yard provides access to the residential flats above the commercial units and also to the undercroft park of properties in Oyster Mews. There is a rear access door accessed from the service yard which provides access to the rear of the application unit.

2 Planning History

APP/15/00706

Conversion of office space on the building's first floor to two apartments. Approved.

APP/11/01391

Two internally illuminated fascia signs and one internally illuminated projecting sign. Approved

05/50723/009

Two externally mounted air conditioning units and an acoustic screen. Approved.

03/50723/008

Creation of a level access into the building, removal of existing handrails and relocation of the AT on the building's front elevation. Approved.

3 Proposal

The proposal is for a change of use from Class A2 to mixed class A1/A3. The unit would occupy part of No's 10-12 High Street which has been subdivided internally to provide one larger and one smaller unit. The unit subject to this application would be the larger unit (276spm) 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.

The cafe 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.

There would be no cooking on site and all sandwiches and cakes are 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 Planning Application APP/15/01398.

4 Policy Considerations

National Planning Policy Framework

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	(Shopfronts, Signs, Security Shutters and Advertisements)
AL3	(Town, District and Local Centres)

Listed Building Grade: Not applicable.

Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy:
No objections

Conservation Officer:
Members will be updated prior to the committee.

Natural England:
No objections

Retail and Town Centres:
Objection - 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:
Members will be updated prior to the committee.

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: At least one site notice exists - check the number.

Statutory advertisement: 01/01/2016

Number of representations received: 114

A number of representations both for and against the application have been received. I have summarised the points raised 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 changes 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

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 located within a designated town centre boundary and a primary shopping frontage. As such, Policy AL3 (Local, town and district centres) of the adopted Allocations Plan applies. The site is also located within the Emsworth Conservation Area and therefore Policy CS11 (Protecting and Enhancing the Special Environment

and Heritage of Havant Borough) is relevant. 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. Policy DM5 (Control of A3, A4 and A5 uses) apply.

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

The vacant premises was previously occupied by Barclays Bank, which falls under use class A2 as per the most recent Use Class Order. A bank is considered to fall within the category as a community facility as this provides a service to the local community. Policy DM2 of the Local Plan requires that proposals for the loss of community uses or shops should submit marketing evidence (over a period of 12 months), to justify that the premises is not longer commercially viable or suitable for another community use before planning permission can be considered.

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 community use or a retail function. A cafe can be argued to provide a community use in much the same as a bank can and as such, the Council could not fairly insist on the provision marketing information in this case. Therefore the proposal accords with Policy DM2 of the Local Plan and no marketing information is required.

A number of concerns have been raised with regards to the introduction of a branded coffee shop into the town centre, which is characterised by a higher portion of independent businesses (including other coffee shops) than it is branded companies. The concerns relate to the potential loss of business to the independents as a result of a loss of customers and therefore revenue loss of employment. Also the impact 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. These concerns are acknowledged however, it is not within the remit of the planning system to restrict competition and control who can and cannot occupy a premises based on whether they are independent or branded. What is being considered as part of this application is the change of use to A3/A1 and 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 cannot warrant a refusal of the application based on the applicant being a branded company and how this might impact on local businesses as ultimately there is no tangible evidence to prove this would occur and if so, to what extent.

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 shopfront within the primary shopping area with a display window. Overall it is considered that the proposal would accord with the criterion of this policy. Whilst the concerns raised are recognised, 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 shopfront, a 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 centres which provide customer choice, respond to market signals

and whether business and 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

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. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged. This obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, applies to all decisions concerning listed buildings. Protecting and enhancing the historic environment is also one of the core principles of the NPPF.

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 an existing application APP/15....., whereby the full impact will be considered. However, given the context of the town centre location, 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 .

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. Concerns have been raised 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.

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.

In terms of refuse, there would be two 1100L bins (one for general waste and one for recycling). These are located in a service courtyard outside the demise of the site in Spring Gardens. There would be approximately three collections per week who already supply and service the town centre. There is no proposal for a bin outside of the shopfront. 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 there is no evidence to suggest that there would be an increase in litter as a result of takeaway cups.

The proposed hours of operation are 0700-1800 which are not considered to be antisocial 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 .

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 in North Street. In addition to this there is also on street parking. 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 bays. Therefore, any unauthorised parking of cars are at risk of a parking penalty.

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 visitors or footfall than the previous bank would have done and therefore a reason for refusal could not be justified on these grounds. Both the Traffic Team and Highways Officer have been consulted and have not raised any objections to the proposal.

In terms of deliveries, these would occur 1-2 times daily, typically by a 7.5 tonne vehicle. If deliveries are made during opening hours, then this would be via the back entrance from Spring Gardens. Deliveries made outside of opening hours would be via the main entrance.

8 Conclusion

It is acknowledged that the public have many concerns to the proposal. However the application relates to the impact of the change of use of the premises to A1/A3 use and not who the future 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 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 Compulsary 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:...