
Site Address:	10 High Street, Emsworth, PO10 7AW		
Proposal:	Change of use from Class A2 (Financial & Professional Services) to Sui Generis (Betting Shop).		
Application No:	APP/16/00089	Expiry Date:	24/03/2016
Applicant:	Coral Racing Ltd	Team:	Team 2
Agent:	Mr Hickey	Case Officer:	Daphney Haywood
	Crickmay Chartered Surveyors		
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site comprises the ground floor unit of No. 10-12 High Street, which is located within Emsworth Town Centre, the designated Emsworth Conservation Area and Chichester Harbour Area of Outstanding Natural Beauty. The site also forms part of a primary shopping frontage within the town centre. It forms the ground floor unit of a three-storey building with residential flats on the upper floor. The first floor 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.
- 1.2 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 74 m2 of floor space. The other larger subdivided unit is the subject of a recent planning permission for change of use to coffee shop. 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 parking of properties in Oyster Mews.

2 Planning History

98/50723/003 - Form steps to entrance of Bank for disabled use, PERM,01/02/1999
APP/11/01391 - Installation of 2No. new champagne fascia panels with internally illuminated letters and 1No. internally illuminated projecting sign., PERM,19/10/2011

APP/15/00259 - Application for certificate of lawfulness relating to conversion of first floor office space to 2No. dwellings., REF,13/05/2015
APP/15/00706 - Conversion of office spaces on the first floor into two self contained apartments., PERM,07/10/2015
APP/15/01084 - Replacement of all wooden painted window frames to black/brown upvc on like for like basis of style and size. This is for the flats only not shop fronts. (Resubmission.), INV,
APP/15/01397 - Change of use from vacant class A2 unit to mixed class A1/A3 coffee shop., PERM,
APP/15/01398 - Display of 1No. internally illuminated fascia sign and 1No. internally illuminated projecting sign., DEL,

3 Proposal

Change of use from Class A2 (Financial & Professional Services) to Sui Generis (Betting Shop). 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 proposed opening hours have been amended from between 07:00 and 22:00 to 08:30 – 21:30 seven days a week (including Bank Holidays).

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)

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

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

Planning Policy

Notwithstanding betting offices having been taken out of Class A2, by an amendment to the UCO 15.3.2015, the land use characteristics of such a use are not dissimilar to the former bank premises, in that visiting members of the public would come and go.

This is appropriate activity for a town centre location such as this and would support the viability and vitality of the defined shopping centre as a whole, which the Conservancy supports.

One minor consequence is that permission would then be required to turn the premises back to shop use (albeit this would be possible now whilst still in A2 use), which might make it more difficult in the future for a shop to become established if the betting office use is approved now.

However, in the overall sense of wanting to promote successful centres within the AONB to serve the communities living there, the Conservancy has no objections to the proposed use, in a property that has stood vacant for some time.

The building is of modern design and no overall harm to the character and

appearance of the Emsworth Conservation Area is envisaged.

Policy framework considered -

NPPF paragraphs 14, 17, 23, 64, 93, 99-100, 115 and 123; NPPG: ID6, ID7, ID8, ID21a, ID21b, ID26; CS4, CS11, CS12, CS14, CS15, CS16, CS17, DM10: Havant Borough Local Plan (Core Strategy) 2011; AL1, AL2, DM25: Havant Borough Local Plan (Allocations) 2014. Chichester Harbour AONB Management Plan 2014-2019: BD1, HE1; Emsworth CACA; Emsworth Design Statement.

Recommendation under full officer delegated powers -

Propose no objection, although consideration be given to controlling noise within the premises in accordance with Policy DM10 from the Local Plan.

Conservation Officer

This application relates to remaining portion of the former bank premises. There are concurrent applications for the main portion of this building to be converted to a cafe. The former bank had a relatively bland presentation to the street. This application is solely for change of use, although it will entail changes to the shop front (to gain access) and new signage. Both are likely to be the subject of separate applications were the change of use to be granted. The Costa revised scheme serves as a useful model in this regard I have no objection to the intended change of use as overall the impact on the character and appearance of the conservation area will be neutral. Betting shops have improved their street presentation in recent years. If minded to grant permission there is an opportunity to ensure some form of window display within the limitation of what the betting legislation allows. I suggest consideration is given to the imposition of a condition requiring the maintenance of a window display to achieve a positive street frontage in this prominent location.

Retail and Town Centres

Economic Development raise no objections, this proposal replaces the closed betting shop in North Street and give Emsworth residents a local alternative site

Crime Prevention -Minor Apps No comments received

Development Engineer

The Highway Authority has no adverse comment to this application.

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: 34

Number of site notices: one

Statutory advertisement:

Number of representations received: 36 of which 31 are against and 3 in favour

The representations received both for and against the application are summarised

below:

Against:

- Proposal will harm the character and individuality of Emsworth
- It will encourage crime and antisocial behaviour
- It will be detrimental to the unique nature of the high street- all local independent traders
- Increase in litter as a result of betting slips, cigarette ends etc
- Setting a precedent for other large 'impersonal' chains taking over local high street
- The late opening hours are inappropriate for the village location and will adversely impact the amenity of users of the High Street and those living nearby
- Not in keeping with the local culture
- The High Street experience would be diminished which would adversely impact tourism and financial viability of other retailers.
- It will harm the community spirit of Emsworth
- The company signage is brash and not in keeping.
- Not necessary and not wanted
- Traffic congestion when major events held such as the Grand National
- Will not increase footfall as those visiting betting shop do not generally use other shops
- Will encourage betting and associated adverse impacts such as debt

Additionally Emsworth Residents Association object to the excessively long opening hours and consider the proposal is unwarranted- there is ready access to online bookmakers. The previous book makers site would be more suitable, those visiting do not generally visit other places/shops so footfall would not be increased, and result in rubbish nuisance.

For

- Will bring back a vacant unit into occupation
- Will replace the bookmakers lost from North St
- the hours are similar to nearby properties
- Only a tiny frontage is involved

The relevant planning matters are considered below.

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. Whilst under the recent changes to the General Development Order betting offices having been taken out of Class A2 this is in response to the impact of a proliferation or cluster of such uses and been introduced to prevent an over concentration of betting shops. In the case of the present proposal there are currently no other betting shops in Emsworth and hence an over concentration would not result. 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 betting shop providing a community/leisure and service use (the purchase of betting slips) it is considered that this proposal would not result in the loss of a form of community use. Such uses are recognised as appropriate town centres uses - a betting office 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 potential nature of customers associated and harm to the attractiveness of the Emsworth Town Centre and possible tourism and viability impacts. A betting shop is a valid high street use and this proposal would replace the closed betting shop in North Street thus giving the Emsworth residents a local alternative site. Whilst the concerns are acknowledged, it is not appropriate for the planning system to make moral judgements on people's behaviour. Crime would be a matter for the police.
- 7.6 Additionally concerns have been raised regarding the impact of the brand nature of the unit on the character of the town centre (which is characterised by a higher proportion of independent businesses) 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 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 a betting shop 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, the potential for an active shop front, 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

- 7.8 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. The consultation response from the Conservation Officer raises no objection to the intended change of use and considers that overall the impact on the character and appearance of the conservation area will be neutral.

- 7.9 The external changes to the building required to effect the change of use are likely to be minor and the proposed signage and any changes to the frontage would be the subject of a separate application, whereby the full impact will be considered.. Overall subject to a condition requiring the maintenance of a window display to achieve a positive street frontage in this prominent location. 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 The proposed opening hours have been amended and are now 08.30 to 21.30. A number of nearby businesses such as the Co-Op, and the High Street Pubs are open until 11pm and the proposed opening hours 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 .

- 7.11 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 especially when major events are held. 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 In terms of traffic generation 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. The Development Engineer has been consulted and has not raised any objections to the proposal.

8 Conclusion

- 8.1 A significant number of representations have been received to this application, largely driven by concerns over the nature of the intending occupier and the type of customers that would be attracted. The key issues in determining this application however relate to the land use impacts of a change of use of the premises to a betting shop use.. 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 Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00089 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 0830 and 2130.
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 The former shop window shall be retained in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority; such scheme shall incorporate a window display maintained, with regular periodic changes, to the satisfaction of the Local Planning Authority.
Reason: In the interests of visual amenity and the character of the

Conservation Area and to ensure the continuity of an active street frontage, and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM21 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012.

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

Site location and block plans COR1822/SP01

Floor plan as existing and as proposed COR1822/PLN01

Reason: - To ensure provision of a satisfactory development.