
Site Address:	8 North Street, Havant, PO9 1PR		
Proposal:	Change of use from A1 (Retail) to A3 (Cafe).		
Application No:	APP/16/00044	Expiry Date:	23/03/2016
Applicant:	Mrs H Heath	Team:	Team 1
Agent:		Case Officer:	Rachael McMurray
Ward:	St Faiths		

Recommendation: **GRANT PERMISSION**

1 Site Description

The site is located in North Street in Havant town centre and within the St Faiths Conservation Area. It is located within a primary hopping frontage. The application site comprises the ground floor unit. There are residential flats at first and second floor. The unit is currently occupied by cafe which has been in operation for two years.

2 Planning History

04/69759/000 - Extensions and alterations to existing building to provide 4No. 1 bed flats and 1No. bedsit over existing retail premises to include rear extension at 1st and 2nd floor level and raising of ridge height of roof to provide living accommodation at 3rd floor level.

REF,30/09/2004

04/69759/001 - Internal alterations and rear extension to provide 2 No. 1 bedroomed flats and 1 No. 2 bedroomed maisonette.,

S106,16/08/2006

07/69759/002 - Change of use from Class A1 (Retail) to Class A2 (Financial and Professional Services - Estate Agents).

REF,23/04/2007

3 Proposal

Change of use from A1 (Retail) to A3 (Cafe).

The cafe has been operation for 2 years making use of the temporary permitted development rights which were introduced in 2013 for changes of use from A1 to other uses in a bid to stimulate the take up of vacant units. Although these permitted development rights have now been made permanent in the amended GDPO (Part 3, Class B - with certain conditions), full planning permission is now being sought from Class A1 to Class A3.

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)

DM2 (Protection of Existing Community Facilities and Shops)

Havant Borough Local Plan (Allocations) July 2014
AL3 (Town, District and Local Centres)

Listed Building Grade: Not applicable.
Conservation Area: St Faiths

5 Statutory and Non Statutory Consultations

County Archaeologist:
No objections

Conservation Officer:
No objections

Environmental Health:
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: 23

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

Statutory advertisement: 05/02/2016

Number of representations received: 0

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
- (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 St Faiths 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 shop. Policy DM5 (Control of A3, A4 and A5 uses) also applies.

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

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 (and current) use for the premises is a cafe, it is considered that this proposal would not result in the loss of a community use. A cafe can be argued to provide a community use 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. Furthermore, the fact that the cafe has been and continues to operate successfully for the past two years suggests that this is a viable use for the town centre.

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.

(iii) Effect on the conservation area

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.

No external changes to the building are proposed and the use is considered to be typical of this commercialised part of the conservation area. 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 an A3 use. 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.

Environmental Health have been consulted on the application and have no advised of any history of complaints relating to the use of the building as a cafe over the last two years. The nature of the food sold does not require any frying and as such, the use does not give rise to any cooking odours. The installation of any extraction equipment in the future could be controlled via a planning condition. There is no external seating area and the provision of this could also be controlled via a planning condition and therefore no obstruction of the pavement would occur. No additional air conditioning or heating plant equipment is proposed.

There is no proposal for a bin outside of the shopfront as the goods are generally consumed within the shop. The proposed hours of operation are 0900-1600, which are not considered to be antisocial given the town centre location. As such, the use 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 and is considered to be a sustainable location. Within close proximity to the site is are several car parks.

8 Conclusion

Overall it is considered that the proposal would for a permanent change of use would continue to 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/16/00044 subject to the following conditions:

- 1 The premises shall only be open for trade or business between the hours of 1000-1600 (Monday - Friday), 0900-0400 (Saturdays) and 1200-1800 (Sundays and Bank Holidays)
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.

- 2 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.
- 3 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.
- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Plan - #00093083-5F1418
Location Plan and Block Plan - DN: 1609-101
Proposed floor plan - DN: 1609-201
Reason: - To ensure provision of a satisfactory development.