

PLANNING APPLICATION REPORT

Case Officer: Adam Williams

Parish: Totnes Ward: Totnes

Application No: 3944/18/FUL

Agent/Applicant:

Mr Elliot Jones
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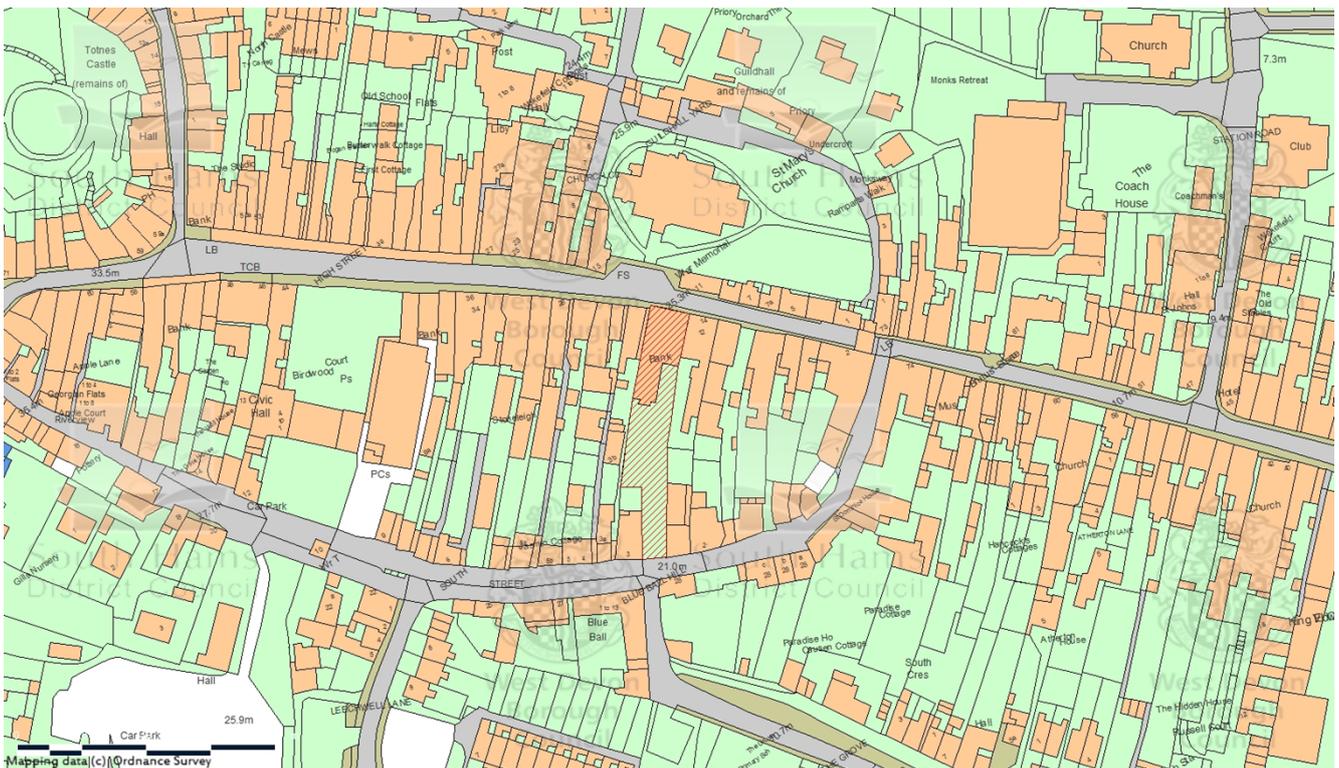
Applicant:

Coffee#1
C/O Agent

Site Address: 14-16 High Street, Totnes, Devon, TQ9 5RY

Development: Change of use from Class A2 (bank) to a mixed Class A1/A3 use (coffee shop) together with shopfront alterations.

Reason item is being put before Committee: Cllr Birch – ‘there is an argument that should such an application be approved it will undermine the existing shopping character of the street’



Recommendation: Conditional Approval

Conditions

1. Time limit
2. Accord with plans
3. Times of opening
4. Machinery/plant operation times and deliveries
5. A1/A3 use only
6. Submission of plant details

Key issues for consideration:

Principle, design, appearance, impact upon the primary shopping frontage

Site Description:

The application site consists of the ground floor of a three-storey property situated on a gently sloping pedestrianised hill in the town centre of Totnes High Street. High Street is a continuation of Fore Street and forms the town's primary shopping frontage as defined within the emerging Plymouth and South West Devon Joint Local Plan

The building itself comprises of a Grade II and Grade II* listed building, attached at each side elevation to similar sized listed properties. The Listed Building description shows that No. 14 High Street consists of a 19th century front to an older building

The site is also within the Conservation area

The Proposal:

Change of use of the ground floor and basement at 14- 16 High Street from a Class A2 (bank) to a mixed Class A1/A3 use (coffee shop). The proposed development includes minor external alterations to the existing shop front, internal alterations and the introduction of a small outdoor seating area to the rear.

Officers raised concerns regarding the use of illuminated signage which was subsequently removed from the proposals across all three applications, the full application, advert application and listed building consent application

Consultations:

- County Highways Authority – no comments
- Environmental Health Section – request details of air conditioner units or through condition
- Town/Parish Council – No objection to the change of use (but objections to the accompanying LBC and ADV applications due to the use of illuminated signage)
- Drainage – No Objection, this is an application for change of use from Class A2 (bank) to a mixed Class A1/A3 use (coffee shop) together with shopfront alterations, within CDA. Having reviewed the plan it would appear that this development will not increase an impermeable area therefore, we would support this application with current surface water drainage arrangements.
- Historic England - no comment but recommend that the Council's Heritage Specialist assess the proposals. The SHDC Heritage Specialist was the determining officer for the Listed Building Consent Application which was approved prior to determination of this full application

- Strategic Planning - The application is compliant with the retail policies of the adopted SHLP and the eJLP. The proposed change from a non-shopping (A2 Professional Services) use to a mixed Shopping/Retail (A1) and Food and Drink (A3) use is considered to accord with the spirit of the policy approach within the town centre and could be argued to enhance its 'shopping character'. It is therefore recommended that, subject to the detailed planning matters being acceptable, the application be approved.

Representations:

7 Letters of Representation were received. 5 in objection and 2 in support

Objectors raise the following concerns

- : Unsupportive of a chain coffee outlet
- : Detrimental to independent businesses in the area
- : Cited the refusal of Coffee#1 to occupy a unit within Christchurch
- : Over dominance of coffee shops

Supporters raise the following

- : Support investment
- : Noted high street is suffering

Relevant Planning History

56/2423/02/LB Barclays Bank Plc

Listed Building Consent for new ATM sign Conditional Approval

14 High Street Totnes Devon TQ9 5SD 20 December 2002

56/1436/01/AD Barclays Bank Plc

Updating and replacement of external projecting globe Refusal

Barclays Bank Plc 14 High Street Totnes Devon TQ9 5SD 24 August 2001

56/1435/01/LB Barclays Bank Plc

Listed Building Consent for updating and replacement of external projecting globe Refusal

Barclays Bank Plc 14 High Street Totnes Devon TQ9 5SD 24 August 2001

56/1549/00/LB Barclays Bank Plc

Listed Building Consent for displaying two individual lettering signs and name plate Conditional Approval

Barclays Bank Plc 14 High Street Totnes Devon TQ9 5SD 27 September 2000

56/1548/00/AD Barclays Bank Plc

Display two individual lettering signs and name plate Conditional Approval

Barclays Bank Plc 14 High Street Totnes Devon TQ9 5SD 27 September 2000

56/1022/92/7 Hutchinson Personal Comms.,

Listed Building Consent for installation of a telecommunications antenna, Conditional Approval

Barclays Bank 14 High Street Totnes 10 July 1992

56/0331/92/7 Mr. S. J. Walker,

Listed Building Consent for alterations to elevations to prevent pigeon damage, Conditional Approval

Barclays Bank Plc 14 High Street Totnes 05 March 1992

56/1886/87/3 Barclays Bank PLC.,

Proposed installation of NCR 5084 Barclaybank machine, Conditional Approval

Barclays Bank Plc 14 High Street Totnes 27 October 1987

56/1885/87/7 Barclays Bank PLC.,

Listed Building Consent for alterations, Conditional Approval

Barclays Bank Plc 14 High Street Totnes 27 October 1987

CU/3/21/1664/1983/Unknown
Change of use from barn to pottery studio. Conditional Approval
14 High Street North Tawton Unknown/historic

56/0889/75/5 Unknown
Proposed advertisement. Withdrawn
14 High Street Totnes Unknown/historic

ANALYSIS

Principle of Development/Sustainability:

The application site falls within forms part of the Principle Primary Shopping Frontage within the Totnes Primary Shopping Area. The application is seeking the change of use from a financial services (bank) (Use Class A2), a non-retail ground floor use to a mixed Use Class A1/A3 (coffee shop) at ground floor level

Saved policy TP5 of the 1996 South Hams Local Plan concerns commercial development within the Central Shopping Area of Totnes, specifically that:

- 1(a) Shopping development (Use Class A1) will be permitted;*
- (b) Proposals for non-shopping use in use classes A2 (financial and professional services) and A3 (food and drink) of ground floor premises will be permitted, providing they would not:-*
 - (i) undermine the shopping character of the street; or*
 - (ii) detract from the appearance of the immediate environment; or*
 - (iii) adversely affect the amenity of the surrounding area through consequent noise, smell, litter, congestion on pavements or disturbance arising from late opening hours.*

Paragraph 213 of the National Planning Policy Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Paragraph 85 of the National Planning Policy Framework concerns the vitality of town centres, specifically that policies should define the extent of town centres and shopping areas, make clear the range of uses permitted but equally to retain and enhance existing markets and, where appropriate, re-introduce or create new ones, to allow town centres to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries. Policy TP5 is broadly consistent with NPPF paragraph 85 and can be attributed weight in the determination of this planning application

The proposals result in the loss of A2 and proposes part A1 part A3, although it is noted that there is an abundance of coffee shops within the Primary Shopping Area, it is considered that for the purposes of policy TP5 the proposals amount to an improvement given that no A1 use is lost and that an element is A1 is being sought. This is not considered to undermine the shopping character of the street or detract from the amenity of the surrounding area, specifically in that the outdoor seating area is proposed for the rear as opposed to the front where a loss of pavement space would otherwise have been an issue.

In terms of more recent policy consideration, the Plymouth and South West Devon Joint Local Plan is currently nearing the end of its examination stage and has recently been subject to main modifications following its examination in 2018. The emerging Joint Local Plan acknowledges that the town has long been associated with alternative therapies and counter-culture, which attracts visitors and residents alike.

Many of the objectors to the planning application have pointed out that the character of Totnes Town Centre predominantly comprises independent business and that a nationwide chain would detract from that character. Some specifically referenced the refusal of application by Coffee#1 to occupy a listed retail unit in Christchurch, this decision was taken by local members through their planning committee contrary to officer support, the reasons cited was that the cumulative amount of non-retail uses within their 'High Street Primary Core' already exceeds the maximum 30% level set out in local plan policies. South Hams District Council have a close analogue to this policy, that being DEV18 of the emerging Plymouth and South West Devon Joint Local Plan.

Policy TTV25 concerns the spatial priorities for development in Totnes and that the plan seeks to protect the integrity and character of the historic town centre. Policy DEV18 is concerned with protecting local shops and services, Section 4 of policy DEV18 relates to the Thriving Towns and Villages area, in which Totnes sits, the policy is subject to some main modifications (in bold) it states:

In the Thriving Towns and Villages Policy Area the LPA will support proposals which:

- i. Result in the loss of ground floor premises in retail use (Use Class A1) within primary frontages to uses within Use Class A2 and A3 only where they do not create a continuous frontage of more than two non Class A1 uses and would not result in more than 15m of continuous frontage in non-Class A1 use.*
- ii. Do not result in more 45 per cent of the overall number of units within the defined Primary Shopping Frontage being in non-Class A1 uses in Ivybridge and Totnes;*
- iv. Provide uses outside Classes A1, A2 or A3 in ground floor premises within primary frontages only where the use would achieve a significant improvement in the vitality and viability of the centre.*
- v. Result in the loss of ground floor premises in retail use (Use Class A1) within secondary frontages to other main town centre uses where they encourage footfall within the centre and support the main functions of the rest of the centre.*

6 Development policies

(NEW POINT) Within the wider centre, provide a broad range of uses which contribute to vitality of the area and do not lead to inactive frontage. [MM45]

The existing use is a Bank and falls under class A2, as such the proposals do not represent the loss of ground floor retail, it does however introduce a non-Class A1 use alongside an A1 use, therefore it is considered (i) does not apply. In considering point (ii) the proposals will introduce a part A1, part A3 use and result in the loss of a full non A1 use class, therefore it cannot be said to significantly alter the dynamics of non A1 uses within the Primary Shopping Frontage.

In terms of (iv) and (v) as currently written, the proposals fall within those listed for the purposes of (iv) and the site is not located within a secondary frontage for the purposes of (v). In terms of the (new point) this has not yet been through examination, rather it was suggested as a main modification.

The supporting evidence base for the Joint Local Plan pertaining to town centre uses for South Hams/ West Devon is the Peter Brett Associates Retail and Leisure study Final Report 2017, the figures within this report are dated October 2016. For Totnes, the overall character is predominated by retail uses spread across convenience and comparison goods at 67.4%, food and drink comprises 15.9%, this comprises cafés restaurants and fast food for the purposes of the study. Since 2016, the character hasn't changed significantly, some new coffee shops have appeared but not to a level to constitute an oversupply compared with traditional A1 retail.

Overall, the proposed change of use is acceptable in principle, the A1 element of the proposal accords with both the spirit and provisions emerging and current policy. The A3 element is also compliant with the policy in that it is considered that it will neither 'undermine the shopping character of the street', nor 'adversely affect the amenity of the surrounding area'.

Design/Heritage:

In assessing the development proposals against the special interest of the listed building(s) following assessment of the accompanying Listed Building Consent application It became apparent that internally at ground floor level there was little in the way of surviving historic features that could be seen. There may be some high level cornice work hidden behind dropped/false ceilings however as new false ceilings (at a similar level as exists) are to be implemented any 'hidden' features shall remain undisturbed.

In terms of external appearance, the legibility of the two houses (nos 14 & 16) can still be appreciated and understood through the survival of the solid and considerable flank walls that divide the internal spaces at ground level. These walls are not to be disturbed. The external works mainly involve redecoration and new non-illuminated signage replacing the signage (Barclays Bank) that previously existed, which are subject to an accompanying Advert consent application.

In terms of the accompanying Listed Building Consent application it was concluded that the proposed works will prevent further degradation by securing a new viable use and seeks to repair elements of a heritage asset that are in need of some renovation. The minor works are deemed to offer a positive intervention and the detailed elements of the scheme are considered to be both sensitive and appropriate for the building and as such accord with both local and national conservation plan policies.

Paragraph 128 of the National Planning Policy Framework makes it clear that in determining applications, it is relevant to consider *the significance of any heritage assets affected, including any contribution made by their setting*. It is necessary to consider whether the relevant heritage asset is of any great significance in itself, and whether its setting makes any great contribution to the character and appearance of the listed building, especially if newer buildings now form that setting. Paragraph 128 goes on to advise that *the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance*. Officers are content that the special interest of the listed building will not be unduly impinged upon if the development proposals for the reasons outline and as such the development is not considered to unduly impact upon the special character of the listed building or the conservation area and is therefore in accordance with paragraph 129 of the NPPF and with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Neighbour Amenity:

The site is located within an otherwise predominantly town centre environment containing numerous uses ranging from retail, financial services, and leisure as such any residents within the immediate area are subject to a level of amenity impact. It appears the first and second floors are occupied by some business in B1a use which are accessed from the door associated with 16 High Street. In terms of the amenity of the proposed A/C units, these are ground mounted and located to the rear of the property within an enclosed fenced area away from public view, the existing use had 5 A/C units in the same location. No details of the units have been received for the new A/C unit so officers cannot rule out noise/odour issues, a condition will therefore be attached to require the submission of plant details.

Highways/Access:

The site is located within the town centre and is for an A1/A3 use, as such the proposals are not considered to have any impact upon the highway. Access to the premises will remain as existing, and a car park is located to the rear

Planning Balance

Although the proposals introduce a further non A1 use class along a primary shopping frontage, the existing use class of the building is also for a non-A1 use class, the difference being that the proposals do introduce a part A1 use class as part of its offering and as such is not considered to fundamentally impact upon the dynamics of the primary shopping frontage. The premises will also likely attract visitors to the high street to increase their stay within the shopping area and will also

result in bringing in an active frontage so as to avoid longer term vacancy of a unit along the primary shopping frontage.

The proposed development is considered to accord with adopted, emerging and national planning policy and guidance and as such it is recommended that planning permission be granted.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development
CS7 Design
CS9 Landscape and Historic Environment
CS10 Nature Conservation
CS11 Climate Change

Development Policies DPD

DP1 High Quality Design
DP3 Residential Amenity
DP6 Historic Environment

South Hams Local Plan (please delete as necessary)

SHDC 1 Development Boundaries
SHDC 23 Shopping in Towns
TP 5 Commercial Development In Totnes

Emerging Joint Local Plan

The Plymouth & South West Devon Joint Local Plan is currently undergoing a main modifications consultation (22 Oct – 03 Dec 2018) as part of the examination in public to determine the soundness of the plan. The National Planning Policy Framework provides guidance on the weight that can be given to policies in emerging local plans in paragraph 48:

48. Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

The JLP is nearing the conclusion of the examination process, and can be considered to be at an advanced stage of preparation.

Whilst technically all objections are unresolved until the Inspectors' issue their Final Report, some policies which did not receive objections at the Reg 19 stage could be given very significant weight. The nature and scope of objections made regarding each policy have been taken into account when determining the weight to be apportioned to each emerging policy.

The Council consider that the emerging policies are all compliant with the NPPF. It should be noted that the JLP is being examined against the provisions of the 2012 NPPF, and therefore for the purposes of paragraph 48 of the NPPF policies should also be assessed for their conformity against the 2012 NPPF.

In considering the merits of this proposal, case officer recommendations are informed by the weight that can be attributed to emerging JLP policies and adopted development plan policies, as well as the degree of conformity with the new NPPF.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT1 Delivering sustainable development

SPT5 Provision for retail development

SPT6 Spatial provision of retail and main town centre uses

TTV25 Spatial priorities for development in Totnes

DEV16 Providing retail and town centre uses in appropriate locations

DEV17 Promoting competitive town centres

DEV18 Protecting local shops and services

DEV20 Place shaping and the quality of the built environment

DEV21 Conserving the historic environment

DEV22 Development affecting the historic environment

Neighbourhood Plan

Totnes currently has no neighbourhood plan

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing number(s) P2, P4, P7 & P8 received by the Local Planning Authority on 5/12/2018 and the revised drawing P6B received on 20/12/2018 and the further revised drawings P5D, 7 & P9 received on 21/01/2019.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. No machinery or plant shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site except between the hours of 07:00 and 19:00 on Monday to Saturday and 08:00 and 18:00 on Sundays, Bank and Public Holidays

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Local Planning Policy.

4. The use hereby permitted shall not be open to customers outside the following times 07:00 to 19:00 on Monday to Saturday and 08:00 to 18:00 on Sundays, Bank and Public Holidays

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Local Planning Policy.

5. This permission confirms the use of the approved developments for A1/A3 Use Class only as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)

Reason: For the avoidance of doubt and in the interests of proper planning and to control the extent of the development in accordance with Planning Practice Guidance.

6. Prior to installation of the plant the noise details of the proposed plant shall be submitted for approval. Where necessary this may include details of any attenuation measures required.

Reason: To ensure that the proposed development shall not prejudice the amenities enjoyed by the occupants of nearby properties and businesses