

Parish: Easingwold
Ward: Easingwold
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Committee date: 5 April 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 9 April 2018

17/02761/FUL

Change of use from HSBC bank (Use Class A2) to a Costa coffee shop/cafe (Use Class A3)

At HSBC, Market Place, Easingwold
For Mr Grant Roderickson (Erindale SC Ltd)

This application is referred to Planning Committee due to the significant public interest in the proposal

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The building that is the subject to the change of use proposal is the former HSBC bank that is located within the Market Place of Easingwold. Adjoining the building to the west is the Post Office and the residential property of the Bank House to the north east.
- 1.2 The site is located within the Easingwold Conservation Area, the designated Town Centre and Primary Retail area and Primary Shopping Frontage.
- 1.3 The proposal seeks the change of use of the bank (Use Class A2) to a food and drink use (Use Class A3 – restaurants and cafés).
- 1.4 Whilst the submitted drawings show various proposed signs, these do not form part of this planning application and would need to be the subject of a separate application for advertisement consent.
- 1.5 Improvements and amendments have been secured as follows:
- The proposed opening hours have been reduced from 6am – 9pm every day to 7am – 9pm Monday to Saturday and 8am – 9pm on Sundays and Bank Holidays; and
 - The side door on the eastern elevation would be used as an emergency access only and not as an entrance for the public or deliveries.
- 1.6 Furthermore, a Design and Access Statement has been subsequently submitted from the agent and outlines the following:
- The proposal would see a £400,000 investment in upgrading the building which will include works to the elevations. The business would employ a store Manager (salary £24,000), an Assistant Manager (salary £18,000), two shift managers on hourly wages of around £8.75 and at least 14 other full time and part time staff. All staff would be hired locally and none would come from other branches;
 - Easingwold has no branded coffee offering and the proposal would bring the quality, ambience and facilities of a Costa store to all the residents and locals in Easingwold. Costa aims to be part of the local community and often has surgeries and fund raising in its stores. The café would appeal to a cross-section of the community being children, mothers and working-people and have good quality in house Wi-Fi to assist in on-the-go work;
 - The proposal would bring a property which would have been central to the market town but is now redundant and vacant back into use. Costa Coffee

outlets can bring interesting buildings back into use without too much intrusion and alterations to the external appearance, other than new signage. The proposed opening hours would avoid the use being excessive or a nuisance;

- The proposal would maintain the original bank main entrance with ramp fronting onto Market Place as the entrance with the side door for emergency exit only. There is no intention to have this as a secondary customer entrance. Other than proposed signage and repainting of doors and windows there would be very little change to the external appearance of the building; and
- The deliveries are every second day and generally by a box truck. The general waste is generally collected in 1100 bins, however depending on the site these bins can be changed to smaller wheeled bins, pick-ups generally three times a week and the coffee beans are also collected used as part of recycling. The intention is to store bins to the rear of the unit and place them at the required pick up location on the day of collection, alternatively depending on the final internal layout refuse can be stored and recycled internally and again presented to the street on day of collection.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 03/00955/FUL – Replacement door and access ramp for disabled people; Granted 29 July 2003.
- 2.2 11/01220/ADV – Seven signs; Granted 3 August 2011.
- 2.3 15/01944/FUL - Removal of existing external ATM and installation of new ATM in new location; Granted 28 October 2015.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policy DP1 - Protecting amenity
Core Strategy Policy CP2 - Access
Development Policy DP3 - Site accessibility
Core Strategy Policy CP13 - Market towns regeneration
Development Policy DP19 - Specific measures to assist market town regeneration
Core Strategy Policy CP14 - Retail and town centre development
Development Policy DP20 - Approach to town centre development
Development Policy DP21 - Support for town centre shopping
Development Policy DP22 - Other town centre uses
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policy DP28 - Conservation
Core Policy CP17 - Promoting high quality design
Development Policy DP32 - General design
National Planning Policy Framework (2012)

4.0 CONSULTATIONS

- 4.1 Town Council – Does not wish to make any observations on the principle of the application. However, it would like to express concern about the early opening hours originally proposed (officer note: since amended) and the signage (officer note: not part of this application). If the application is passed it requests that the opening hours are Monday to Saturday from 7am to 9pm and Sunday from 8am to 9pm (officer note: these hours are now proposed).

4.2 Highway Authority – No objection. The Public Rights of Way team has asked that an informative is attached to any decision to ensure that the adjacent public right of way is not obstructed.

4.3 Environmental Health Officer – Recommended that:

The side entrance door is only used as emergency access to avoid noise impact on the residential premises adjacent to and facing the entrance (officer note: this has been agreed).

Removal of illumination from one of the signs due to light nuisance concerns (officer note: as indicated earlier, this would be a matter for a separate application for advertisement consent but the sign has been removed from the drawings).

The hours of opening are restricted to 7am to 9pm (officer note: the opening hours have been amended to include 7am – 9pm Monday to Saturday and 8am – 9pm on Sundays and Bank Holidays).

4.4 Forest of Galtres Society – No response received to date.

4.5 Public comments - 129 consultation comments have been received; 122 objecting and 7 in support.

The content of the objection comments are as follows:

- This global chain will change the rural nature of this Georgian Market Town and the overall ambience of the townscape;
- The town is already well served by independent coffee outlets – at least nine other food and drink outlets and therefore does not need this chain;
- The chain will adversely affect local businesses;
- A town of this size does not need a high street chain;
- Traffic will increase;
- There will be a strain on parking given the proximity to the Post Office where older people park outside the bank;
- The town needs a more varied retail offer, including more useful shops such as a larger pharmacy;
- The signage will give the message that this is just a place like any other and is inappropriate for a significant building in the Conservation Area;
- The building should be used as a community facility;
- The competition with local independent cafes is unfair – Easingwold should be kept chain free;
- The opening hours will disrupt residents; and
- The additional litter is not acceptable.

The content of the support comments are as follows:

- Having a commercial chain's coffee shop within Easingwold will increase footfall to the local area and it is a recognized brand across the world, therefore is significantly more inviting and offers more choice for people;
- The competition put upon other shops within the area could be used as an asset. Costa will offer more suitable opening times and a certified quality which their shops lack;
- Costa's community fund may benefit the town in the future as it has been known for Costa to often contribute to local events;
- The business will bring in local jobs and raises taxes;
- The business will use a vacant building; and

- The business will opens at more sociable hours.

5.0 OBSERVATIONS

- 5.1 As noted earlier, the advertisements shown on the submitted plans would require separate consideration as part of an application for advertisement consent and therefore do not need to be considered as part of this application. Additionally, while many of the adverse comments about the application refer to the identity of a national coffee shop chain, it is important to bear in mind that planning decisions go with the land and are not specific to the applicant. The identity of the applicant and the prospective operator are therefore not material planning considerations.
- 5.2 The main planning issues to consider are: (i) the principle of the proposed use, including polices and legislation affecting town centres; (ii) the impact upon the character and appearance of the Easingwold Conservation Area (iii) any impact upon residential amenity; and (iv) any impact on highway safety

Principle

- 5.3 Policy CP14 (Retail and town centre development) states that support will be given to maintaining and enhancing the vitality and viability of Easingwold Town Centre, which is designated a Primary Retail Area by policy DP21. Policy CP14 states that retail and other town centre development of appropriate scale will be supported "provided that the development respects the character of the environment of the centre, including its special architectural and historic interest and assists in maintaining its existing retail function." This policy and policy DP20 (Approach to town centre development) are concerned with promoting retail uses as part of a balanced range of services within town centres. Policy DP21 (Support for town centre shopping) provides more detail on how the Council will protect the retail function of town centres and designates Primary Shopping Frontages where retail uses are given protection. The application premises lie within a Primary Shopping Frontage defined by policy DP21.
- 5.4 Paragraph 23 of the National Planning Policy Framework (NPPF) (2012) identifies a requirement to ensure the vitality of town centres, and encourages the definition of primary and secondary frontages, which is reflected within the policies of the LDF.
- 5.5 It is important to note that policies CP14 and DP20 are largely concerned with promoting town centres, while detailed controls over non-retail uses are set out in policy DP21. This policy affords protection to retail uses within Use Class A1 (shops) but does not extend to non-retail uses such as banks (within Use Class A2 - financial and professional services). The proposed change from A2 to A3 is therefore neutral in terms of policy CP21 and therefore does not conflict with that policy.
- 5.6 Since the publication of the NPPF, the Government has recognised some of the commercial difficulties facing town centres, particularly in the face of growing internet shopping trends, and has amended permitted development rights to allow change of use from shops (Use Class A1) and banks (amongst other uses in Use Class A2) to a flexible range of uses, including restaurants and cafes (Use Class A3) subject to prior approval relating to specific issues. This is set out in Schedule 2, Part 3, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 5.7 This proposal is considered to fall within the permitted development criteria as (i) the floor space does not exceed 150 square metres (it is 130.9 square metres); (ii) there have been no previous permitted development changes of use in the same building that would result in a cumulative change over 150 square metres; (iii) the site is not

located within a site of special scientific interest, a safety hazard area or a military explosives storage area; (iv) the site does form part of a scheduled monument; and (v) the building is not listed or within the curtilage of a listed building. Therefore, while the applicant has applied for planning permission, they have a fall-back in the form of these permitted development rights.

- 5.8 The application site is located within a Primary Retail Area and Primary Shopping Frontage and therefore the sustainability of the shopping area and frontage needs to be considered within the context of policies CP14 and DP20. As noted earlier, because the proposal does not include any loss of Class A1 retail floor space, the detailed controls in policy DP21 do not come into play.
- 5.9 However, it is understood that the use would involve some retail activity through selling coffee beans and biscuits for example, which would improve the balance between retail and non-retail uses within the town centre. The proposed re-use would also remove a currently empty unit from a Primary Shopping Frontage. It is therefore considered that there would be a positive effect on the character of the Market Place which would help to maintain the commercial vitality of the town centre.

Impact upon the character and appearance of the Easingwold Conservation Area

- 5.10 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Easingwold Conservation Area.
- 5.11 Policies CP16 (Protecting and enhancing natural and man-made assets) and DP28 seek to conserve and enhance the District's natural and man-made features, including the character of Conservation Areas. As noted previously, the building is vacant and this proposal will put it to a beneficial economic use thus assisting in its longer term maintenance.
- 5.12 The application premises are close to a number of listed buildings – The Cottage in the Corner, White House Cottage, White House, The Commercial Hotel and Central Buildings, all Grade II. However, with the exception of any signage to be assessed in a separate application, there would be no external changes to the building and it is therefore not considered that the change of use would have any harmful impact on the listed buildings or their settings.
- 5.13 On assessment of the application it is considered that it would lead to less than substantial harm to heritage assets. Whilst it has been argued that harm would arise from the installation of signage that would be a matter to assess in a separate application for advertisement consent.
- 5.14 Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. It is considered that the re-use of this building for a coffee outlet would secure a viable use of the building within the Conservation Area.

Impact upon residential amenity

- 5.15 The building is located within the Easingwold Town Centre. However, there are residential properties located to the north east of the site. These properties include the Bank House and The Cottage in the Corner.
- 5.16 It is considered that the proposed opening times of 7am – 9pm Monday to Saturday and 8am – 9pm on Sundays and Bank Holidays are appropriate in this location, given the nature of activities associated with such use. This includes customers entering

and leaving the building, through one door on the frontage, away from the residential properties.

- 5.17 It is therefore considered that the proposal would not have a material adverse impact upon residential amenity in the vicinity, complying with Policies CP1 and DP1.

Highway safety

- 5.18 The Highway Authority has raised no objection to the proposal. The site is located within the town centre where short and long stay car parking is available and there are bus links to the local hinterlands. Furthermore, customers would be able to walk and cycle to the building from residential areas across the town of Easingwold. The premises have a ramped access for disabled people and this would be retained.

- 5.19 It is considered that the proposal would not have a material adverse impact upon highway safety and is in a location whereby a variety of transport modes can be used to access the facility.

Conclusion

- 5.20 In light of the above considerations, it is considered that the change of use from A2 to A3 in this location meets the policy requirements of both local and national planning policy.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) location plan 614 L-01 and proposed floor plans 614 L-A-02 received 22nd December 2017 and revised elevations received 27th February 2018 unless otherwise approved in writing by the Local Planning Authority.
3. Unless otherwise agreed in writing by the Local Planning Authority, opening times for the business shall be limited to 07:00 - 21:00 Monday to Saturday and 08:00 – 21:00 on Sundays and Bank holidays.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP1, DP28 and CP17.
3. In order to protect the amenity of neighbouring occupiers in accordance with Development Plan Policy DP1.

Informatives

1. The developer is advised that advertisement consent may be required for signage to the building.