

**P/18/0110/PC**

**FAREHAM NORTH-WEST**

MR BAYRAM KABADAYI

AGENT: MR BAYRAM KABADAYI

PART 3, CLASS C CHANGE OF USE: A1 (SHOPS) TO A3 (RESTAURANTS AND CAFES), WITH NO BUILDING OPERATIONS PROPOSED

UNIT 2, 95 HIGHLANDS ROAD FAREHAM PO15 6HZ

***Report By***

Peter Kneen - direct dial 01329 824363

***Site Description***

The application site is located within the defined urban area of Fareham, and within the designated Highlands Road Local Centre. The Local Centre provides a wide range of local shops and services, providing day-to-day needs for the local community. The unit is currently a vacant A1 (Shop) unit, formally used as a florists. There is an existing A5 (Hot Food Takeaway) unit located to the east of the site, and an A1 (Shop) unit, currently a pharmacy, to the west of the site. The units are all two to two and a half storeys, with residential accommodation at first floor level. There is a wide pavement to the frontage of the unit, and a one way system providing public car parking to the users of the Local Centre beyond, separate from the main Highlands Road.

On the northern side of Highlands Road there is a mixture of residential properties, dentists and doctors surgeries, and the currently vacant site of the former public house (The Hampshire Rose). Planning Permission for the redevelopment of the former public house has recently been granted consent.

***Description of Proposal***

This application for prior approval seeks confirmation that the proposed change of use is permitted development under Schedule 2, Part 3, Class C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO), and is not therefore a planning application. The application would see the existing vacant A1 (shop) converted into an A3 cafe use. The conversion would not include the provision of building operations, and therefore no external works, such as the provision of commercial extraction equipment can be installed without the subsequent grant of planning permission. The applicant does not propose to undertake the grilling of foods which would require commercial extraction equipment, serving principally cold and flat grilled foods.

The proposed change of use complies with the requirements of the GPDO, and therefore the only matters for consideration are noise, odour, storage and handling of waste, hours of opening, transport and highways impacts, desirability of the loss of an A1 use, and design and external appearance.

***Relevant Planning History***

The following planning history is relevant:

***Representations***

Seven letters of objection has been received, and one petition from the Highlands Road Hub. The objections relate to the provision of an additional food outlet in the Highlands Road shopping area, parking and traffic concerns, noise and smell.

***Consultations***

INTERNAL

Environmental Health: No objections to the proposal.

## ***Planning Considerations - Key Issues***

The application for prior approval is sought under Schedule 2, Part 3, Class C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). This sets out the criteria for which such applications for prior approval must be determined. It states that such changes of use are permitted development where:

- a) The cumulative floor space of the existing building changing use under Class C does not exceed 150sqm. The building measures only 55sqm.
- b) The development must have no more than 150sqm of floor space in the building having changed used under Class C;
- c) The site on which the building is located must not form part of:
  - i. A site of special scientific interest;
  - ii. A safety hazard area; or,
  - iii. A military explosives storage area.
- d) This site must not be or contain a scheduled monument; or,
- e) The building must not be listed or within the curtilage of a listed building.

The scheme complies with these elements, and is therefore considered to be permitted development. However, there are several other matters which the Local Planning Authority must consider before granting prior approval:

- a) Noise impacts;
- b) Odour impacts;
- c) Impacts of storage and handling of waste;
- d) Impacts of the hours of opening;
- e) Transport and highways impacts;
- f) Desirability to lose an A1 use - adequate provision of other uses;
- g) The siting, design or external appearance of the facility.

Each of these matters is addressed in turn below.

### **Noise Impact**

The application for prior approval has been considered by the Council's Environmental Health department, where the issue of noise disturbance has been considered acceptable. The hours of opening are comparable with other units in the Local Centre, and would not be likely to have an adverse impact on the locality.

### **Odour Impact**

The application for prior approval has been considered by the Council's Environmental Health department, where the issue of odour has been considered. No external commercial extraction is being sought, and the applicant has provided information regarding the types of foods and drinks to be served, which would be largely cold foods, and food prepared on a flat worktop grill, which at that scale would not require commercial extraction equipment.

The applicant is aware that the provision of future commercial extraction equipment would require the submission of a separate planning application.

### **Impact on Storage and Handling of Waste**

The application site includes a rear storage area, accessed via a door to the rear of the property. This area is proposed to include space for staff to park and appropriate bins for the storage of waste. It is therefore considered that the use of this private, external space, which is easily accessible from Gudge Heath Lane, represents an appropriate location for the storage and handling of waste to serve the proposed change of use.

### **Impacts of Hours of Opening**

The application for prior approval sets out proposed opening hours for the cafe, being 08.00hrs to 19.00hrs Monday to Sunday. In relation to noise, odour and traffic movement, these have all been considered by the Council's Environmental Health department, who considered the hours of opening to be acceptable, and unlikely to have an adverse impact on the living conditions of neighbouring occupiers.

The hours of opening are comparable with other units in the Local Centre.

#### Transport and Highways Impacts

The application site is located within a Local Centre, for which there is a dedicated car parking separate from Highlands Road. The level of car parking to serve this unit is considered acceptable.

It is noted that several of the letters of objection have raised concerns regarding the provision of car parking within the Local Centre, and that the provision of this unit would exacerbate the car parking situation. However, the unit is currently vacant, and would not therefore amount to an additional unit in the parade. Car parking could be a potential issue during peak times, although this is not uncommon in many local shopping areas. The centre is also within easy walking distance for a large proportion of the local population, and Highlands Road is well served by public transport.

#### Desirability to lose an A1 use - adequate provision of other uses

The site is located within a designated Local Centre, currently comprising a mix of uses. There are 20no. retail units within the Highlands Road Local Centre, currently comprising;

- 12no. A1 shops (60%);
- 3no. A3 cafe/restaurants (15%);
- 4no. A5 hot food takeaways (20%); and,
- 1no. sui-generis (Bookmakers) use (5%).

Of the 3no. A3 uses, two are cafe's and one is a restaurant. If one of the A1 uses (the application site) was converted into an A3 (cafe) use, the totals would equate to:

- 55% A1 shops;
- 20% A3 cafes/restaurants;
- 20% A5 hot food takeaways; and,
- 5% Sui-generis.

It is important to highlight that the policies of the Development Plan are not a consideration in the determination of applications for Prior Approval, however, they can be used as a guide. Policy DSP34 of the Local Plan highlights that changes of use from A1 shops in Local Centres would be permitted if it would not result in an unacceptable continuous group of non-retail uses, and would retain an active shop front. The immediate adjacent uses are A5 and A1, with further A1 uses beyond. The other two A3 cafe uses (excluding the Highlands Tandoori Restaurant) are located further along the Highlands Road Local Centre, and therefore all three A3 Cafe uses would be spread out along the street. The vast majority of uses remain within the A1 (shop) use class, and therefore the mix of uses remains high with the Local Centre. It is therefore considered that the proposed change of use accords with the principles of Policy DSP34, and would therefore be desirable to allow the change of use.

#### Siting, Design or Appearance

No external changes are proposed to the frontage of the site, and the use would therefore retain an active shop frontage.

## Conclusion:

In summary, it is considered that the proposed change of use complies with the requirements of Part 3, Class C of the GPDO, and is therefore permitted development. Having reviewed the conditions outlined under paragraph C.2 of the GPDO, it is considered to be acceptable, and that Prior Approval is not required for the proposed change of use

## ***Recommendation***

PRIOR APPROVAL REQUIRED, HEREBY GIVEN

## Conditions

1. The development must have begun before the expiration of three years following the date of this decision

REASON: To accord with the requirements of paragraph C.2(3) of Schedule 2, Part 3, Class C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

2. The development must be undertaken in accordance with the following approved documents:

a) Location Plan (Drawing: 01)

REASON: To avoid any doubt over what has been permitted.

3. The premises shall not be open for customers outside the following hours:  
08.00hrs and 19.00hrs Monday to Sunday.

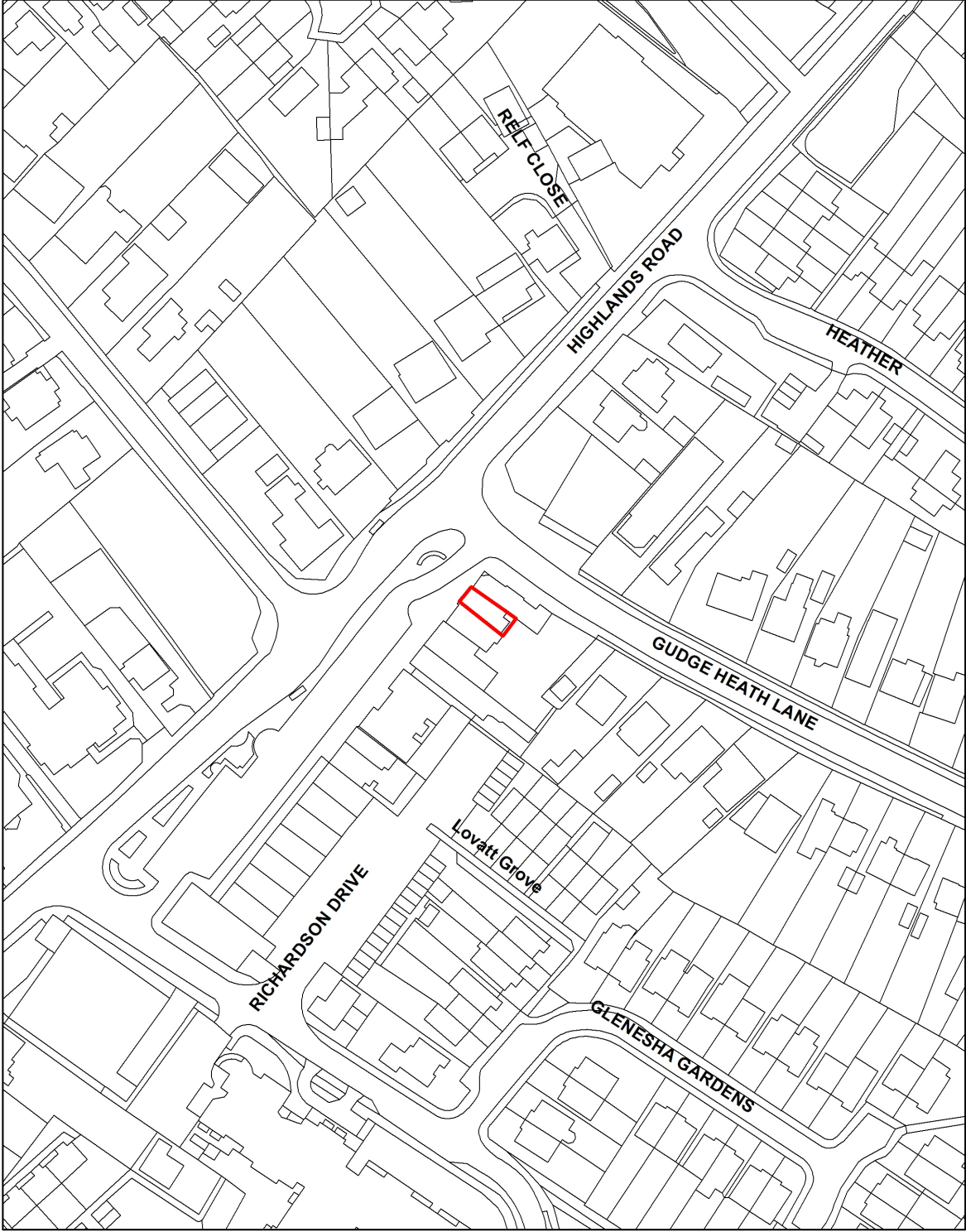
REASON: To protect the occupiers of the nearby residential properties from possible disturbance from permitted

## Informatives:

a) The installation of commercial extraction equipment, mechanical ventilation or other external alterations would require the submission of a full detailed planning application, details of which can be found on the Council's website [www.fareham.gov.uk](http://www.fareham.gov.uk).

# FAREHAM

BOROUGH COUNCIL



Unit 2, 95 Highlands Road  
Scale 1:1250



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