

P/15/0191/FP

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FAREHAM NORTH

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PROPOSED CHANGE OF USE FROM RETAIL (CLASS A1) TO HOT FOOD TAKEAWAY (CLASS A5), TOGETHER WITH THE PROVISION OF AN EXTRACTION DUCT ON THE SIDE ELEVATION

94 ARUNDEL DRIVE FAREHAM HAMPSHIRE PO16 7NU

Report By

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Introduction

This application has been included on the Committee Agenda since in excess of five letters of representation have been received and these offer both objection to and support for the proposal.

Site Description

The application site is a ground floor retail unit at the north end of a local parade of shops on the eastern side of Arundel Drive. The unit was last used as a carpet shop. The parade (excluding the application site) currently comprises a hairdressers, a home improvements office and a Co-op convenience store taking up four of the original units. The area is predominantly residential, including flats above the shop units. To the rear (east) is open space associated with the leisure centre off Park lane.

Description of Proposal

The proposal is to convert the retail unit to a Class A5 (Hot Food Takeaway) use with details of extraction equipment being provided. The amended plans show the provision a hood over the extractor flue which is 'barrel' shaped and approx. 1m high by approx.0.9m wide at its widest. The application does not offer any end user so that the take-away use could be any use within the A5 Use Class.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS5 - Transport Strategy and Infrastructure

CS17 - High Quality Design

Development Sites and Policies

DSP3 - Environmental Impact

DSP39 - Hot Food Shops

Fareham Borough Local Plan Review

S12 - Hot Food Shops

S7 - Non-Retail Uses in the District and Local Centres

Relevant Planning History

The following planning history is relevant:

There is no relevant planning history for the application site but planning permission was refused in 2002 (P/02/0143/CU) for the change of use of No 74 (currently the home improvements use) to a Hot Food Takeaway; an appeal was submitted which was dismissed on 28 October 2002.

Representations

Representations have been received from eleven households, ten raising objection and one supporting

Objections -

- Lingering Smells
- Increased traffic in residential area
- Additional parking problems
- Increased litter
- Plenty of takeaway facilities not affecting residential properties
- Anti-social behaviour for which there are no measures available
- The garages at the north end of the parade do not provide a 'buffer'
- The site is close to the town centre where plenty of choice is available
- Planning appeal dismissed for a similar use at No.74
- There could be noise from extractor
- Inadequate provision for waste
- The use would provide only limited employment
- Noise disturbance from kitchen day and evening
- Up to 22.00 can be a noise sensitive time for some (such as children) in a residential area
- Increase traffic will mean increased road noise disturbance
- Disturbance from clientele
- Disturbance from cars
- Further proliferation of 'junk' food leading to health problems
- unit should be marketed for longer before any change of use is granted

Support -

- Welcome addition

Consultations

Director of Planning and Development (Highways) - No objection.

Director of Community (Environmental Health) -

"Residential Team has concerns regarding noise and odour from the proposed development.

The developer has submitted plans for a generic extraction system (comprised of primary grease baffles and carbon filtration) for a commercial kitchen. The extraction system however is not a bespoke system, specifically designed to control odour and noise with a specific use in mind (such as an Indian takeaway, or fish and chip shop etc).

The level of odour abatement required varies greatly depending on the type of takeaway. Indian and Chinese takeaways require a higher standard of abatement relative to say a

pizzeria. As the final occupier has not been identified, caution must be applied to ensure odour does not cause nuisance to nearby residents. In this case we recommend that the highest level of odour abatement should be required and therefore the proposed generic extraction system will almost certainly be insufficient.

It should be pointed out that even with the highest levels of abatement there will inevitably be disturbance caused by odour and noise from the operation of a hot food takeaway. Given the proximity of the flats above, cooking smell will unavoidably permeate into the flats and be a feature of the surrounding area. For example on hot days the necessity to leave an external door open of the proposed takeaway will result in odour being released, and given the proximity of the flats above, possibly resulting in a complaint.

There will also be noise disturbance caused by the general operation of the business from customers and deliveries/collections. We recommend that the above should be taken into account when determining the suitability of the development".

Planning Considerations - Key Issues

The key considerations in this case are -

- The principle of a non-retail use
- Impact upon the character of the area
- Impact upon the amenities of nearby residential properties

The principle of a non-retail use -

The application site forms part of a local parade of shops. 'Saved' Policy S7 of the Fareham Borough Local Plan Review continues to provide the Policy basis for the consideration of non-retail uses in local parades such as at Arundel Drive. This Policy sets out three tests:

- 1) that the proposed use would not extend or consolidate non-retail uses so that these would dominate the character of the area and discourage shoppers;
- 2) the non-retail use provides a service appropriate to a shopping centre
- 3) that a shop window is retained.

In the case of the Arundel Drive Parade, with the Co-op taking up four units, effectively five of the seven units would remain in A1 (retail) use (71%) if planning permission were to be approved in this case. It is not considered that this would represent an extension or consolidation of the non-retail uses in the parade. The A5 use is considered to be appropriate to a shopping centre in its broad sense. A shop window would be maintained. As such it is not considered that the application proposal would be contrary to Policy S7.

Notwithstanding this, the change of use also falls to be considered against 'saved' Policy S12 which relates specifically to 'Hot Food Shops'. This Policy also sets out three tests:

- 1) The use would not damage the vitality or viability of the centre contrary to Policy S7
- 2) The use would not adversely affect the character of the area
- 3) the use would not have unacceptable environmental, amenity or traffic implications (particularly in residential areas)

Additionally applicants are required to provide details of extraction and odour neutralisation equipment. Similar requirements are set out in emerging Policy DSP39 of the Draft Fareham Borough Local Plan Part 2: Development Sites and Policies. Criteria 2) and 3) of

Policy S12 are now considered in more detail:

Impact upon the character of the area -

The application site forms part of a parade of shops. The proposed use would retain a shopfront. The change of use would not therefore have a direct impact upon the character of the area.

Impact upon the amenities of nearby residential properties -

This is the major concern of the representations received. In particular the issues raised are:

Smells - smells are always a matter of concern in respect of takeaway uses and particularly where these are in residential areas and have flats at first floor level above the use. The Director of Community (Environmental Health) has advised that the proposed extraction equipment is 'generic' in the sense that it is not specific to an end user. Were the user to be an Indian, Chinese or fish and chip use then the equipment would not be adequate. Further, it is pointed out that even when user specific, smells would be experienced particularly when doors are open in the summer; this could lead to complaints from residents, particularly those of the flats above the shops. This view concurs with the view expressed by the Planning Inspector who determined the 2002 appeal for a takeaway use at No.74 Arundel Drive who pointed out that "such equipment would not eliminate smells completely and I consider such a matter to be of particular relevance in this case where the residents living above the unit use their terrace gardens as sitting out areas and for the hanging out of washing.....I consider that such odours would linger in the air and be both pervasive and objectionable to local residents particularly during the summer months when they are either sitting outside or inside with the windows open." This opinion continues to be supported by the Director of Community (Environmental Health).

Traffic - The site is part of a parade of shops with front parking and rear servicing. The Director of Planning and Development (Highways) has not raised an objection to the development from a highway safety, parking or services viewpoint, however, these are not considered to be the only issues arising as a result of traffic related to the proposed use.

Disturbance - In the 2002 Appeal Decision the Inspector commented that although the remaining shop units generated a 'significant amount of vehicular traffic and general activity, "within this location, a hot food takeaway would be likely to generate its own independent custom. This may, indeed, include families and those collecting orders to eat at home but equally there could be other customers that would be less inclined to disperse from the area so easily". As a result the Inspector concluded that "the additional noise likely to be caused by people and cars would intensify the disturbance already experienced by those living nearby and be both intrusive and harmful to the standard of residential amenity which they can expect to enjoy in this particular location." There is no evidence to suggest that the same concerns would not now apply to the application site. The applicant's agent has drawn attention to a large mechanical air conditioning plant to the rear of the Co-operative store. It is not considered that this relates directly to the issues of concern with the application proposal where the major concerns are from smells and from disturbance from cars and customers.

The agent also notes the appeal decision at No.74 but dismisses the circumstances as being 'markedly different' because it stands a 'considerable distance further away from the

nearest dwelling'. Officers, however, disagree that the separation of 4 shop units makes any material difference to the extent and type of concerns raised, particularly in relation to the flats above the shops and the dwellings opposite the parade. Although as the agent points out the proposal would broaden choice it is not considered that this is sufficient to outweigh the harm that would be caused.

Conclusion

The proposed use would represent a non-retail use within this parade of shops. This, however, would not result in an over dominance of non-retail uses in the parade so that there would be no objection to the principle of an alternative use to retail. Nonetheless the use as a takeaway is considered to have potential harmful impacts upon the residential amenities of existing residents in this mainly residential area. It is considered that the use would be likely to result in additional, unacceptable disturbance from cars and customers generated by the use. No end user has been specified so that it is possible that, if permitted, the proposed extraction equipment would be insufficient to adequately disperse cooking smells. Further, even with the most efficient equipment it is likely that lingering smells would be objectionable to local residents, particularly those living above the shops, to the general detriment of the amenities that they might reasonably expect in an established residential area such as this.

Recommendation

REFUSE:

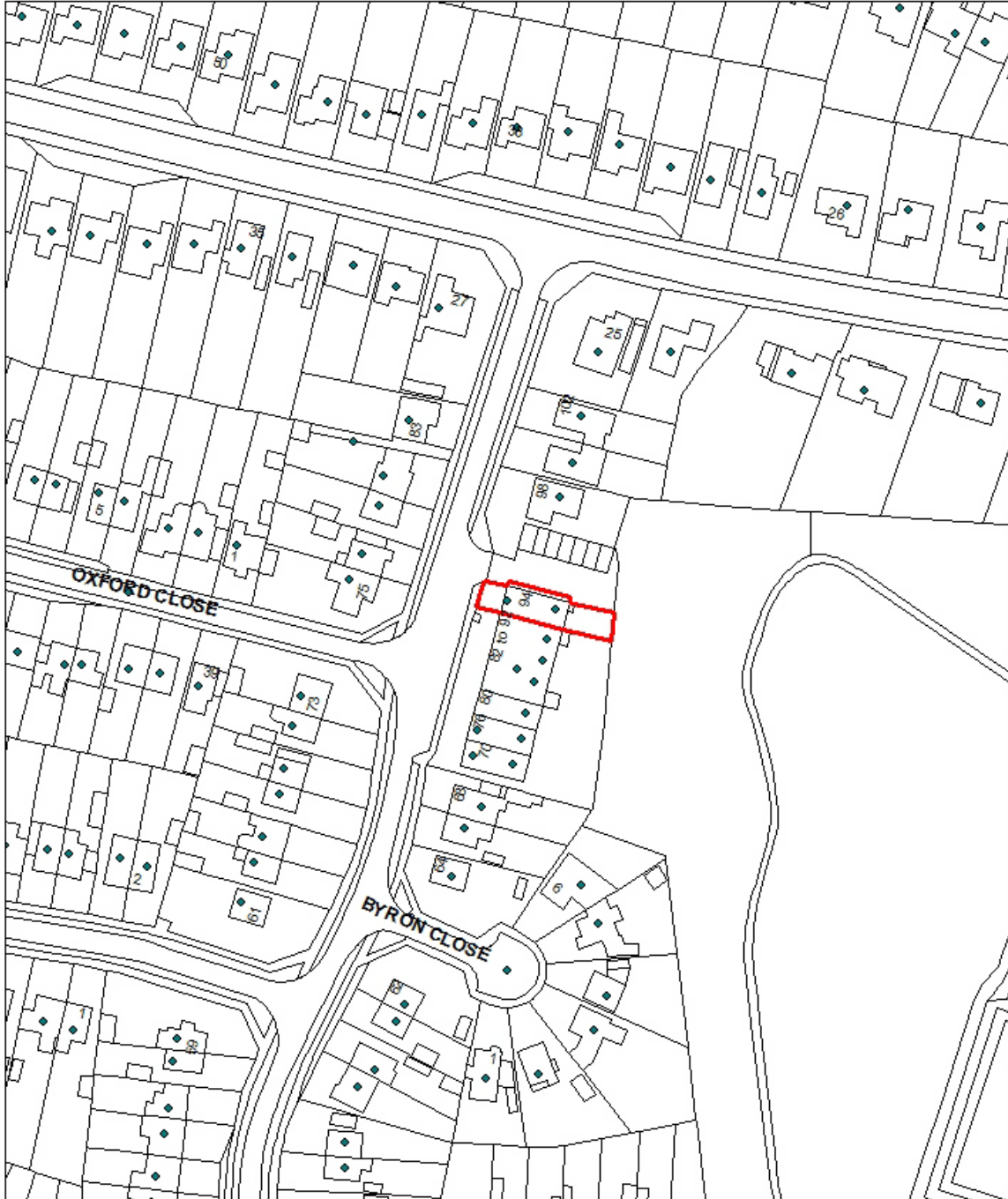
The proposed development is contrary to Policy CS17 of the Fareham Borough Core Strategy, Policy S12 of the adopted Fareham Borough Local Plan Review and draft Policies DSP2 (previously DSP3) and DSP 39 of the Fareham Borough Local Plan Part 2: Development Sites and Policies and is otherwise unacceptable in that the proposed use would not respond positively to the character of the area and would be likely to give rise to smells, noise and disturbance particularly in the evenings to the detriment of the residential amenities of the occupiers of adjacent residential properties.

Background Papers

P/02/0143/CU; P/15/0191/FP

FAREHAM

BOROUGH COUNCIL



94 ARUNDEL DRIVE
SCALE: 1:1,250

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