

P/16/0128/CU

STUBBINGTON

LONDON AND CAMBRIDGE
PROPERTIES

AGENT: D2 PLANNING

CHANGE OF USE FROM USE CLASS A1 (SHOP) TO USE CLASS A3 (CAFE)

27 STUBBINGTON GREEN FAREHAM PO14 2JY

Report By

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Site Description

The application site is located within the existing commercial centre of Stubbington village, known as Stubbington District Centre, which lies within the defined urban settlement of Hill Head/Stubbington.

The property forms the end of a terrace of modern commercial units within the central island of the District Centre. The two storey terrace comprises a mix of units at ground floor, including other A1 (shop), A2 (professional and financial services - estate agent) and A3 (cafe/restaurant) uses.

At first floor is a snooker hall, which is accessed via an internal stairwell to the northeast corner of the building (directly behind the application site).

The area is almost entirely commercial in nature, with the nearest residential property being located above the Stubbington Veterinary Practice (to the east of the site) on the eastern side of Stubbington Green.

The property is bounded by the main service road to the District Centre, with car parking to the north, and the main distributor road (B3334 Titchfield Road) serving Stubbington beyond. To the south of the site lies the main open area of public space, Stubbington Green.

Description of Proposal

This application seeks the change of use of the existing vacant A1 use into an A3 use. It is not known if the applicant has an intended user, but it is considered that the change of use is being sought to increase opportunities for marketing of the property. No physical alterations are proposed to the building, although the details regarding the potential provision of ventilation and extraction of fumes has been provided to demonstrate that such facilities can be provided, although given the nature of the proposed extraction, if planning permission were granted, conditions limiting the type of end user would be applied to ensure any A3 use would not have a detrimental impact on the immediate vicinity.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS3 - Vitality and Viability of Centres

CS11 - Development in Portchester, Stubbington and Hill Head

CS17 - High Quality Design

Development Sites and Policies

DPS1 - Sustainable Development

DSP2 - Environmental Impact

DSP34 - Development in District Centres, Local Centres, and Local Parades

Relevant Planning History

The following planning history is relevant:

P/16/0040/FP Change of Use from Use Class A1 (Shop) to Use Class A5 (Hot Food Takeaway)-

REFUSED 18 February 2016

Representations

Thirty respondents have objected to the proposed change of use. The key matters of concern raised were:

- Unacceptable loss of another A1 shop;
- Sufficient food outlets in the village already;
- Increased traffic and car parking issues;
- No details regarding dealing with the extraction of food smells;
- Increased litter and antisocial behaviour likely.

Consultations

INTERNAL CONSULTTEES

Environmental Health (Odour/Noise):

Concern has been raised due to the unknown occupier that could utilise the premises, and therefore the type of odour likely to be produced is unquantifiable. Low level discharge should generally be avoided; would recommend refusal if high level discharge cannot be achieved. A Noise Assessment from extraction equipment would need to be provided for a full planning application to demonstrate that the use of the equipment would not cause disturbance to the Snooker Club above.

Environmental Health (Waste and Recycling):

Bin storage facility is adequate as they can arrange to have the bins emptied more frequently if required.

Planning Considerations - Key Issues

The following matters represent the key material planning considerations which would need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- Loss of A1 (shop) use;
- Odour and Noise;
- Highway safety and car parking.

Loss of A1 (shop) use:

The planning application would see an existing vacant A1 (shop) use capable of being used as an A3 (cafe/restaurant), although there is presently no user identified for the property. The applicant has confirmed that the application is merely seeking to improve the marketability of the unit for potential future occupiers. This in itself has inherent problems due to the unknown elements that cannot be assessed for the change of use, such as potential hours of operation required and the level of ventilation and extraction required to mitigate against odour and noise. However, appropriate conditions have been suggested to ensure that any future A3 user would not have a significant impact on the amenity of the surrounding area, and a full detailed application would be required before any ventilation and extraction provision could be provided.

At present within Stubbington District Centre there is the following mix of uses (as at May 2016):

- A1 (Shops)..... 63%
- A2 (Professional and Financial Services)..... 10%
- A3 (Cafe/Restaurant)..... 5%
- A4 (Drinking Establishments)..... 2%
- A5 (Hot Food Takeaways)..... 12%
- D1 (Non-Residential Institutions)..... 5%
- Sui Generis Uses..... 2%

The relevant policies of the Development Plan highlight that changes of use of units from A1 uses in the District Centres would be considered acceptable where it would not result in an unacceptable continuous group of non-retail uses on the same side of the street; and, the unit would retain an active shop window display.

The proposed change of use would result in the A1 (shop) uses reducing to 61%, and A3 (cafe/restaurant) uses increasing to 7%. It is therefore considered that the overall number of A1 (shop) uses remains strong in the Centre, and the change of use would not have a significant impact on the centre. In addition, the row of shops located on the island in Stubbington Green would comprise three A1 (shop) uses (including the adjacent shop at No.26), one A2 (professional and financial services) and two A3 (cafe) uses. This mix of units and the retention of an active shop window display would therefore accord with the provisions of the development plan.

It is however important to highlight that should planning permission be granted, the A3 use would only come into effect should a user occupy the premises as a cafe. If not, the use remains as an A1 (shop), and an A3 use has permitted development rights to revert to an A1 use without the need for a subsequent planning application.

Therefore, it is considered that the proposed change of use would not have a significant impact on the viability and vitality of the Centre, accords with the provisions of the development plan, and could revert to an A1 use should the change be implemented without the need for a subsequent planning application.

Odour and Noise:

This planning application merely relates to the change of use of the property into a cafe or restaurant, and therefore no physical works can be undertaken to the property without the submission of an additional planning application, including the provision of ventilation and extraction. This information has however been sought to support this application 'for

information only' in order to demonstrate that suitable ventilation and extraction can be provided. Environmental Health has raised concern regarding the provision of ground level extraction, particularly where the end user of the unit is unknown. Vertical extraction, which terminates at least one metre above the eaves line is the preferred method of ventilation, however the agent has confirmed that this is not possible, with no access to the first floor unit. However, a similar application was permitted in 2010 for No.23 Stubbington Green (Donny's Cafe) where a ground floor extraction was considered acceptable. However, in that case, the end user was known, including the types of food which would be served, and the hours of operation sought.

In this case, where the end user is not known, the scheme for the change of use can only be considered acceptable where appropriate conditions are imposed limiting the type of user and hours of operation. Therefore, the scheme shall be limited to a cafe use only (therefore no restaurant), and hours of operation limited to day-time use, to accord with the general use of other shops in the Centre. It is considered that with these limitations, the types of food to be served would be limited to cafe style foods and beverages, most of which would be unlikely to result in a significant level of odorous foods.

Highway Safety and Car Parking:

Many third party comments have highlighted the shortage/difficulty of parking in the centre at peak times of the day. However, this matter is not considered to be an issue for this application as the unit already exists, and whether used as a shop or a cafe, would be unlikely to significantly result in increased level of parking.

Conclusion:

In summary, it is considered that the proposed change of use, subject to appropriate conditions would not have an impact on the viability and vitality of the District Centre, which retains a strong A1 (shop) use presence, with over 60% in A1 uses. Whilst no end user of the unit has been identified, appropriately worded conditions have been proposed to ensure that the use as a cafe would not have a significant impact on the locality.

Based on the above it is considered the proposal complies with development plan policies and therefore the application is recommended.

PERMISSION

PERMISSION, subject to conditions:

1. The development shall commence within three years of the date of this decision notice.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved documents:

a) Site Location Plan (Drawing Number: HP299358);

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

3. The building shall be used as a shop (A1 use) or cafe (A3 use) only, and for no other purpose (including any other purpose in Class A3 of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any other statutory instrument revoking or re-enacting that Order.

REASON: To ensure the use of the building does not have a harmful environmental effect

in the interests of amenity.

4. The use hereby permitted shall not be open to customers except between the hours of 06.00 and 19.00 hours Monday to Saturday, and between the hours of 09.00 and 17.00 hours on Sundays and bank holidays.

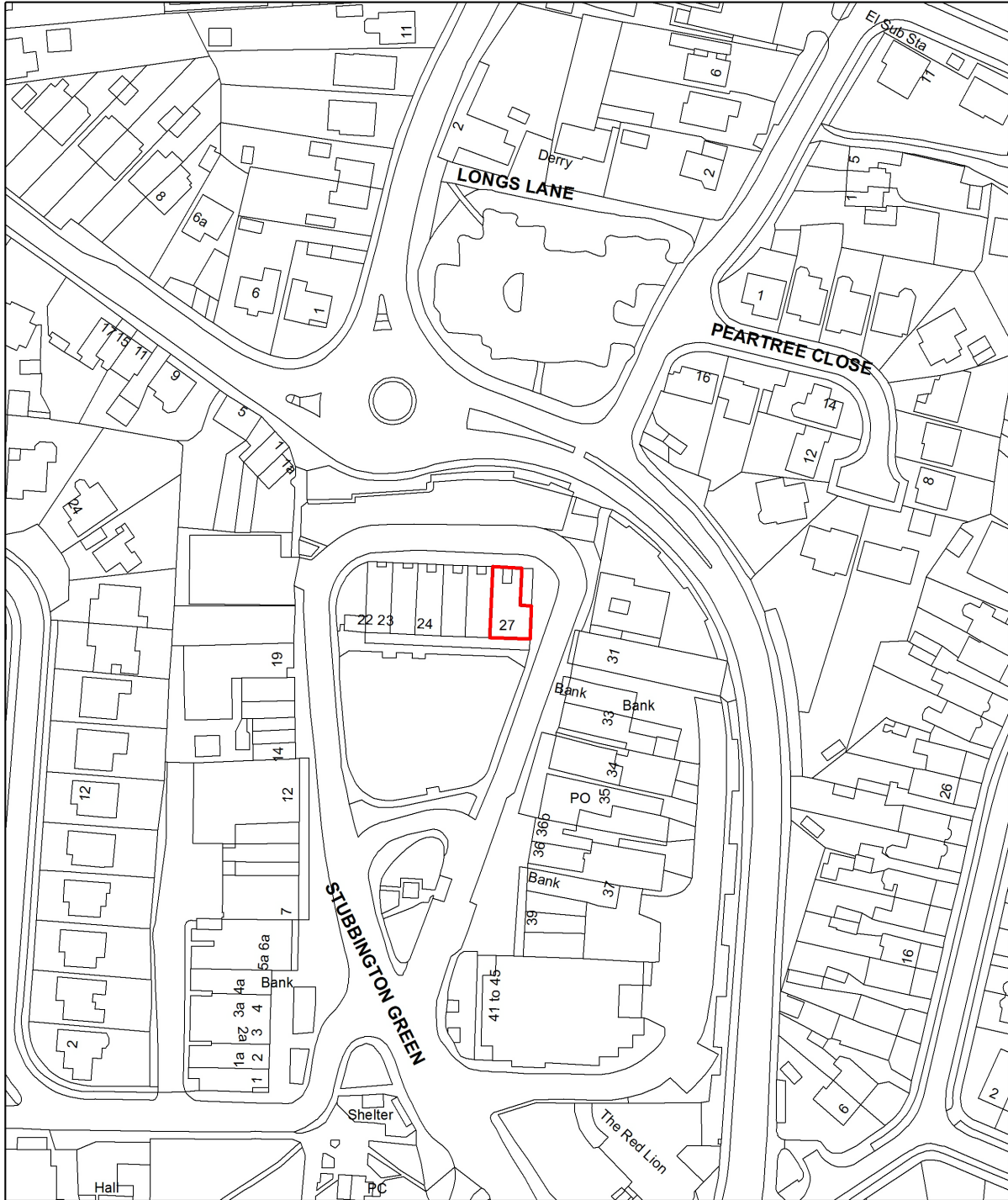
REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity.

Note for information:

Planning permission would be required for the installation of external works associated with any extraction/ventilation system.

FAREHAM

BOROUGH COUNCIL



27 Stubbington Green
Scale 1:1250

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