

**P/17/0508/PC**

MR F FERATI

PART 3, CLASS C: CHANGE OF USE FROM SHOP (A1) TO CAFE/RESTAURANT (A3)

1A FAREHAM PARK ROAD FAREHAM HAMPSHIRE PO15 6LA

**FAREHAM NORTH-WEST**

AGENT: MR NIALL TUTTON

***Report By***

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***Site Description***

The application site is located within the defined urban area of Fareham, whilst also close to, but outside of the designated Highlands Road Local Centre. The site is within a small parade of single storey retail units currently occupied by an A5 (Hot Food Takeaway) unit, and three A1 (Shop) units, currently used as a florists and two hairdressers. It is one of the hairdressers that is the subject of this application for prior approval.

The units are all single storey, with a flat roof above, and there is an area of hardstanding outside the front of the units, suitable for a limited number of car parking spaces. To the north and south of the site are existing residential properties, and to the western side of Fareham Park Road, a vacant site formally a public house (The Hampshire Rose).

***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 include the provision of building operations in the form of the installation of commercial extraction to properly ventilate the proposed kitchen.

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***

No recent relevant planning history.

***Representations***

Eight letters of objection have been received to the proposal. 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 (Food Hygiene)-

It is important that the kitchen complies with the requirements of the relevant food hygiene regulations to enable food to be stored, prepared, cooked and served safely. The proprietor

should contact officers prior to commencing works.

#### Environmental Health (Noise and Odour) -

Additional information submitted by the developer addresses any concerns. It is recommended that a condition should be attached to the planning requiring that the agreed extraction and ventilation system is installed.

#### Highways -

This is a proposed change of use of this shop, currently operating as a hairdressers, to a cafe/restaurant. It is noted that the site is within a small parade of shops slightly divorced from the larger parade on Highlands Road. It is noted that there are some ten food outlets across the two parades, albeit that few, if any of these have an all-day multiple table service.

From a site inspection, it is understood that the hairdressers has some ten treatment chairs and six dryers, suggesting that, with staff, there could be up to 26 people within the premises at one time, excluding customers waiting. This compares with up to 35 people that could be present if the proposed cafe was full with customers and staff.

Whilst it is acknowledged that parking at this point on Fareham Park Road has been of concern, possibly as a result of vehicles associated with the small parade, parking restrictions are present along critical lengths and the parking area on Highlands Road appears to have spare capacity during the day.

Overall, there is no highway objection to the proposal on the basis that the change of use would not be expected to materially impact on parking demand.

#### ***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 57sqm.
- 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, subject to a condition regarding the provision and installation of the extraction and ventilation submitted as part of the application, and on the opening times. It is therefore considered that the proposed change of use would not have an adverse impact on the living conditions of neighbouring occupiers as a result of noise disturbance.

### 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, and following the submission of additional information, was considered acceptable. The acceptability was subject to appropriate conditions regarding the installation of the extraction and ventilation equipment as specified in the application. It is therefore considered that the proposed change of use would not have an adverse impact on the living conditions of neighbouring occupiers as a result of odour nuisance.

### Impact on Storage and Handling of Waste

The application site includes a side storage area, accessed via a door to the rear of the property and large gates from the front of the property. This area is proposed to include a staff car parking space, staff cycle storage space 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 Fareham Park Road, 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 18.00hrs Monday to Sunday. In relation to noise, odour and traffic movement, these have all been considered by the Council's Environmental Health department and Transport Planner, who considered the hours of opening to be acceptable, and unlikely to have an adverse impact on the living conditions of neighbouring occupiers or on highway safety.

### Transport and Highways Impacts

The application for prior approval has been considered by the Council's Transport Planner who acknowledged that there are congestion issues with this part of Fareham Park Road, but considered that the proposed change of use would be unlikely to have a significant

impact on highway safety. The change of use does not represent the provision of an additional unit to the small parade of shops, and there could be other uses that could occupy the property without planning permission which could result in a far greater volume of traffic generation. It is therefore considered that the proposed change of use would not have an adverse impact on highway safety beyond that of the existing situation.

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

The site is located within a parade of four units, currently comprising an A5 use and three A1 uses. The proposed change of use would see one of the units change to an A3 use. With the main Highlands Road Local Centre there are twenty retail units, comprising;

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

Of the three A3 uses, two are cafe's and one is a restaurant. If added together with the four units (as proposed) on Fareham Park Road, the totals would equate to:

- 58% A1 shops;
- 17% A3 cafes/restaurants;
- 21% A5 hot food takeaways; and,
- 4% Sui-generis.

Policy DSP34 of the Local Plan highlights that changes of use from A1 shops in Local Centres would be permitted where it would not result in an unacceptable continuous group of non-retail uses, and would retain an active shop front. The site is not located within a designated Local Centre, although the parade is closely associated with the Highlands Road 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);
- b) Site Plan (Drawing: 02); and,
- c) Plans and Elevations (Drawing: 03A).

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 18.00hrs Monday to Sunday.

REASON: To protect the living conditions of the occupiers of the nearby residential properties.

4. The development hereby permitted shall be undertaken in accordance with JAG Services UK Ltd extractor and ventilation specifications (Dated 9 May 2017) and Roof Hood specifications (Dated 24 Sept 2009). The extractor and ventilation shall be retained in this condition for the lifetime of the use.

REASON: To protect the living conditions of the occupiers of the nearby residential properties.

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# FAREHAM

BOROUGH COUNCIL



1A FAREHAM PARK ROAD  
Scale 1:2,500



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