

OFFICER REPORT FOR COMMITTEE

DATE: 20/02/2019

P/18/1340/FP

BROUGHTON DESIGNS

PORTCHESTER EAST

AGENT: THE STEVEN BARLOW PARTNERSHIP

CHANGE OF USE FROM C3 (DWELLINGHOUSE) TO USES WITHIN CLASSES A3 (RESTAURANT/CAFE) AND A5 (HOT FOOD TAKEAWAY) AT GROUND FLOOR LEVEL, ALTERATIONS TO FRONTAGE TO CREATE SHOP FRONT AND INSTALLATION OF COMMERCIAL EXTRACTION/VENTILATION EQUIPMENT

54 WEST STREET, PORTCHESTER, FAREHAM, PO16 9UN

Report By

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1.0 Introduction

- 1.1 The application has been called to the Planning Committee by the Local Ward Member (Councillor Roger Price) due to concerns regarding the loss of a dwelling and impact on highway safety.

2.0 Site Description

- 2.1 The application site is located within the designated urban area of Portchester and lies within the Portchester District Centre. The two storey building is currently laid out as two flats (one at ground floor and one at first floor) with side vehicular access providing parking spaces for the occupants to the rear of the property.

3.0 Description of Proposal

- 3.1 The proposal is to change the use of the ground floor flat for purposes within Use Class A3 (Restaurant/Café) and A5 (Hot Food Takeaway). An external flue would be fitted to the rear of the property and a new shopfront would be installed.

- 3.2 The first floor residential unit would be retained.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS3: Vitality and Viability of Centres

CS6: The Development Strategy

CS11: Development in Portchester, Stubbington & Hill Head, and Titchfield

CS17: High Quality Design

Adopted Development Sites and Policies

- DSP2: Environmental Impact
DSP3: Impact on Living Conditions
DSP34: Development in District Centres, Local Centres and Local
Parades
DSP36: Portchester District Centre
DSP39: Hot Food Shops

Other Documents:

Fareham Borough Design Guidance: Supplementary Planning Document
(excluding Welborne) December 2015
Residential Car Parking Standards 2009

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/97/0512/CU	Conversion of Ground Floor to Flat
PERMITTED	03/07/1997
P/15/0995/CU	Change of use of Ground Floor from Class C3 (Residential) to any Use within Classes A3 (Restaurant/Café) or A5 (Hot Food Takeaway) & Installation of External Flue and Replacement Shopfront
PERMITTED	04/12/2015

6.0 Representations

6.1 No third party representations have been received regarding this application.

7.0 Consultations

INTERNAL

Transport Planner

7.1 No highway objection, subject to conditions.

Environmental Health (Noise/Pollution)

7.2 No objection, subject to appropriate conditions.

8.0 Planning Considerations

8.1 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:

- a) Loss of Residential Unit;
- b) Viability of the District Centre;
- c) Car Parking and Highway Safety;
- d) Impact on Living Conditions;

a) Loss of Residential Unit

8.2 The application site is located within the designated Portchester District Centre where the presumption in favour of supporting new commercial developments is considered acceptable, particularly where they would support the viability and vitality of the Centre. The existing ground floor use was permitted in 1997, having been converted from a hot food takeaway business, which was originally permitted in the mid-1970s.

8.3 The prominent position of the building as a residential unit represents a break in the continuation of commercial activity along the street frontage, and is in a somewhat dilapidated condition. The conversion of the unit from residential to an A3 or A5 use, would provide a more active frontage, linking the commercial units to the west with the remaining commercial units along West Street.

8.4 The proposal would see the loss of a single residential unit and introduce an appropriate use in this location. There are no specific planning policies to resist the loss of residential accommodation.

b) Viability of the District Centre

8.5 Policy DSP39 highlights that permission for Hot Food Takeaways would be permitted provided that they would not damage the vitality and viability of the centre or impact unacceptably on environmental, amenity or traffic implications (discussed below).

8.6 Portchester District Centre comprises a wide variety of commercial uses, with those in the immediate vicinity comprising principally a mixture of A1 (Retail) and A2 (Financial and Professional Services). The nearest other A3 unit is located at 44a West Street (Darcy's), and the nearest A5 unit is located along the pedestrianised precinct.

8.7 The proposals would see the reintroduction of a shop front with a picture window at ground floor level. The fully glazed shop frontage, which includes provision for a suitable fascia board for advertising accords with the design

requirements of the Design Guidance, and would provide an active shop front, linking the retail elements to the east and west of the site.

- 8.8 Therefore, it is considered that the provision of an additional A3/A5 unit in this location would not have an adverse impact on the vitality and viability of the centre.

c) Car Parking and Highway Safety

- 8.9 The application site would provide three car parking spaces to the rear of the property. Two of the spaces would be for staff and the third would be retained for the first floor residential unit. Policy DSP34 seeks to ensure that an adequate provision of car parking within the designated centre is available to accommodate the proposed use.
- 8.10 The site lies within easy walking distance of the free to park surfaced car parks within Portchester District Centre. Further, the site would provide two staff parking spaces which could be used for delivery vehicles.
- 8.11 A condition would be imposed to ensure that the car parking spaces to the rear of the site are only used by staff of the ground floor unit and the resident of the first floor flat.

d) Impact on Living Conditions

- 8.12 The application proposes the provision of a new commercial extraction flue at the rear side elevation of the property, with the flue terminating above the eaves height of the existing building. The application has been considered by the Council's Environmental Health Officers who have raised no objection to the proposed flue. The provision of commercial extraction flues in commercial centres is commonplace, and subject to its appropriate maintenance, its height above neighbouring windows would ensure that it would not have an unacceptable adverse impact on the living conditions of neighbouring occupiers.
- 8.13 In summary, it is considered that the conversion of the ground floor unit into either an A3 (café/restaurant) or A5 (hot food takeaway) is acceptable, complies with the relevant policies of the adopted Local Plan and Design Guidance, would not have an adverse impact on highway safety, and would not have an unacceptable impact on the living conditions of neighbouring occupiers.
- 8.14 The unit's return to commercial activity would promote the vitality and viability of the District Centre through the reuse of a former commercial unit, and though reconnecting the retail element to the west of the unit to the main retail core of the precinct to the east of the site.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development shall begin before the expiration of three years from the date of this decision.

REASON: To allow a reasonable period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

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

- a) Block and Location Plans (Drawing: D.0477.001.01);
- b) Existing Site Plan and Ground Floor Plan (Drawing: D.0477.002);
- c) Existing First Floor Plan/Roof Plan (Drawing: D.0477.003);
- d) Existing Elevations (Drawing: D.0477.004);
- e) Proposed Site Plan and Ground Floor Plan (Drawing: D.0477.005.02);
- f) Proposed Elevations (Drawing: D.0477.006.01).

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

3. The car parking to the rear of the site shall be dedicated to staff and residents parking only. The signage shown on the approved plan shall be provided prior to the development hereby permitted being brought into use and shall thereafter be retained at all times.

REASON: In the interests of highway safety.

4. The use hereby permitted shall not be open to customers outside the following times: 09:00 – 00:00 (Midnight).

REASON: In order to protect the amenities of occupiers of nearby residential properties.

5. The premises shall not be brought into use until details of all external works associated with the ventilation and extraction system to be installed in association with the use have been submitted to and approved in writing by the Local Planning Authority. Such details shall include details of the position and design of the ventilation and extraction equipment, including odour abatement techniques and acoustic noise characteristics. The development shall be carried out and retained thereafter in accordance with the approved details.

REASON: In order to protect the amenities of nearby residential occupiers.

Further Information

The information required to discharge Condition 5 relating to the ventilation and extraction system should include:

- Grease, Smoke and Odour Abatement;
- Noise mitigation measures;
- Vibration control of the fans and ductwork;
- The point of final discharge must be unrestricted, 1 metre above the roof ridge and/or guttering.

To ensure the noise from the extraction system does not cause disturbance the developer will need to submit a noise assessment in accordance with BS 4142:2014 '*Methods for rating and assessing industrial and commercial sound*'. The assessment should demonstrate that the rating level is not above the measured back ground level.

The layout of the kitchen must comply with the relevant food hygiene legislation. If the applicant requires any further information or advice please contact Environmental Health prior to the installation of the kitchen.

10.0 Background Papers

P/18/1340/FP

54 West Street

Scale 1:1,250



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