

OFFICER REPORT FOR COMMITTEE

DATE: 24/04/2019

**P/19/0242/CU
SOUTHERN ALEHOUSE LTD**

**FAREHAM NORTH WARD
AGENT: CYAN POWER LTD**

CHANGE OF USE FROM A1 (SHOP) TO A4 (DRINKING ESTABLISHMENT) FOR USE AS A MICRO PUB

164A WEST STREET, FAREHAM

Report By

Peter Kneen – direct dial 01329 824363

1.0 Introduction

1.1 The application is reported to the Planning Committee due to the number of third party letters received, comprising two letters of objection and seven letters of support.

2.0 Site Description

2.1 The site is located on the southern side of West Street, within the designated Fareham Town Centre, and Secondary Shopping Frontage. The site forms one of a ribbon of commercial properties along the southern side of West Street, with a variety of retail units at ground floor level with offices and residential properties at first and second floor levels.

2.2 The property, which is currently vacant at ground floor level is situated in between two existing A1 retail units (The Boutique Haberdashery and Fareham Sewing Machines), with a mixture of A1, A2, A3 and A5 uses along the terrace. To the north of the site is a wide area of pavement, partially within private ownership and partially forming part of the public highway. To the south of the property is a private car park with residential properties beyond.

2.3 To the northern side of West Street is another ribbon of commercial properties with offices and flats above.

3.0 Description of Proposal

3.1 The proposal seeks to change the use of the ground floor unit from A1 (shop) to an A4 (drinking establishment) for use as a micro pub, serving own brewed ales. No music or other live entertainment is proposed, and the pub would display and brew its own ales, whilst also supporting small scale craft breweries of cask ale and craft beers. No mainstream lagers or spirits would be available.

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;
CS7	Development in Fareham;
CS17	High Quality Design

Adopted Development Sites and Policies

DSP1	Sustainable Development;
DSP2	Environmental Impact;
DSP3	Impact on Living Conditions;
DSP5	Protecting and Enhancing the Historic Environment
DSP22	Secondary Shopping Area.

Other Documents:

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

5.0 Relevant Planning History

5.1 No recent relevant planning history.

6.0 Representations

6.1 Nine third party letters have been received regarding this application, comprising two letters of objection and seven letters of support. The main issues raised by the two letters of objection relate to:

- Noise and anti-social behaviour due to existing drinking establishment.

6.2 The seven letters of support raise the following matters:

- Makes use of a vacant unit in the town centre;
- Becomes a community hub;
- Revitalise the high street;
- Do not attract rowdy clientele;

7.0 Consultations

INTERNAL

Environmental Health (Noise/Pollution)

7.1 No objection raised subject to conditions on hours of deliveries, no amplified music, removal of external tables and chairs after 2130hrs and a general limitation on opening hours.

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) Principle of the change of use;
- b) Impact on living conditions of neighbours;
- c) Car parking;
- d) Impact on Locally Listed Building.

a) Principle of the Change of Use

8.2 The application would see the change of use of an existing A1 retail unit into an A4 drinking establishment within the designated town centre. The principle of the change of use is established by Policy DSP22 (Secondary Shopping Frontages) which sets out three criteria to determine the suitability of a change of use from an existing ground floor A1 retail unit.

'Proposals for the change of use of a ground floor Class A1 retail unit in the Secondary Shopping Area will only be permitted where:

- i) it would not result in an unacceptable group of non-retail uses on the same side of the street that would undermine the active street frontage or adversely impact upon the vitality and/or viability of the Secondary Shopping Area; and*
- ii) the proposed use falls within the definition of 'main town centre uses' as defined in the National Planning Policy Framework; and,*
- iii) the unit would retain an active shop window display.*

8.3 Dealing with each point in turn, (i) the proposal would see the change of use of one A1 retail unit into an A4 use. The current terrace of properties along this part of West Street comprises 29 units, of which 19 are in A1 Use (including the application site), four are in A3 (cafes and restaurants) uses, three are in A5 (hot food takeaways), one is in a sui generis use (nail bar), and one further unit is in a B1 (office) use. There is also a further unit in an undetermined use.

8.4 Having regard to the above, the majority of the units are in A1 retail use, and therefore the change of use of one unit to an A4 (drinking establishment) would add further variety along the street without significantly impacting on the retail uses or the vitality or viability of the Secondary Shopping Area.

8.5 In respect of (ii), an A4 use is considered to be a suitable 'main town centre use' as defined by the National Planning Policy Framework, and in respect of (iii), the micropub would retain an active shop frontage, offering views out to the street, and views into the micropub.

- 8.6 The change of use would also enable the re-use of an existing vacant unit within the town centre, supporting the vitality and viability of the centre.
- 8.7 It is therefore considered that the proposed change of use would comply with the requirements of Policy DSP22 and is therefore considered acceptable in principle.

b) Impact on the Living Conditions of Neighbours

- 8.8 The proposed opening hours of the micropub are 1500 – 2200 hours Monday to Friday, 1200 – 2200 hours Saturdays and 1200 – 1500 hours Sundays and Bank Holidays. Whilst these hours are largely outside the normal opening hours of nearby retail uses it is acknowledged that the site lies within the town centre where there are numerous other uses with evening or late night opening hours. Notwithstanding, it is important to ensure that the proposals would not adversely impact on the living conditions of neighbours in the immediate vicinity.
- 8.9 The proposals have been supported by a Planning Statement which highlights that there will be no electronic entertainment (sports television, gambling machines, karaoke or any live or recorded music) within the micropub. In addition, soundproofing for the first floor flat is already in place, although noise levels are anticipated to be minimal.
- 8.10 The application has been considered by the Council's Environmental Health Officers who have raised no objection to the proposals, subject to conditions on delivery times, opening hours and limitations on the playing of live or recorded music.
- 8.11 The proposal includes provision for external tables and chairs within the existing pavement forecourt. This was also considered acceptable by the Environmental Health Officer provided the area is closed off after 21:30 hours.
- 8.12 The proposal is considered to be acceptable, and unlikely to result in an unacceptable adverse impact on the living conditions of neighbouring occupiers, subject to the imposition of appropriate conditions.

c) Car Parking

- 8.13 The site is located within the designated town centre and therefore whilst the application provides no customer car parking, it is situated within close walking distance to a number of public car parks. The site also lies only 7 minutes walk to Fareham Railway Station and only 5 minutes walk to Fareham Bus Station. The site is therefore considered to be sustainably located, within easy reach of various modes of public transport and within a wide catchment of residents capable of walking to the town centre.

d) Impact on a Locally Listed Building

- 8.14 The proposal does not include works to the external appearance of the building beyond the provision of an advertisement.

8.15 It is therefore considered that the proposed change of use would not have an adverse impact on the preservation or setting of the locally listed building.

8.16 Therefore, having regard to the above, and subject to appropriately worded conditions, set out in Section 9.0 below, it is considered that the proposed change of use to an A4 drinking establishment, as a micropub only, is considered acceptable.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development hereby permitted shall be implemented within three years of the date of this decision.

REASON: To allow a reasonable time period for work to start, and to comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:

- i) Location Plan;
- ii) Site Plan;
- iii) Block Plan.

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

3. The development hereby permitted shall be limited to use as a micropub and for no other purpose (including any other purpose in Class A4 (drinking establishments) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification, or as may be permitted by any Class within Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification.

REASON: To protect the occupiers of the nearby residential properties from possible disturbance from permitted uses other than that specifically granted through this permission.

4. The premises shall not be open for customers outside the following hours: -
15:00hrs to 22:00hrs Mondays - Thursday
12:00hrs to 22:00hrs Fridays & Saturdays
12:00hrs to 15:00hrs Sundays/Bank Holidays

No deliveries shall be taken at or despatched from the site outside the hours of 10:00hrs to 20:00hrs nor at any time on Sundays, Bank or Public Holidays.

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

5. No tables or chairs shall be present in the forecourt on the northern side of the building after 21:30hrs each day.

REASON: In the interests of residential amenity.

6. No amplified music or live music shall be played within the premises at any time, unless otherwise agreed in writing by the Local Planning Authority.

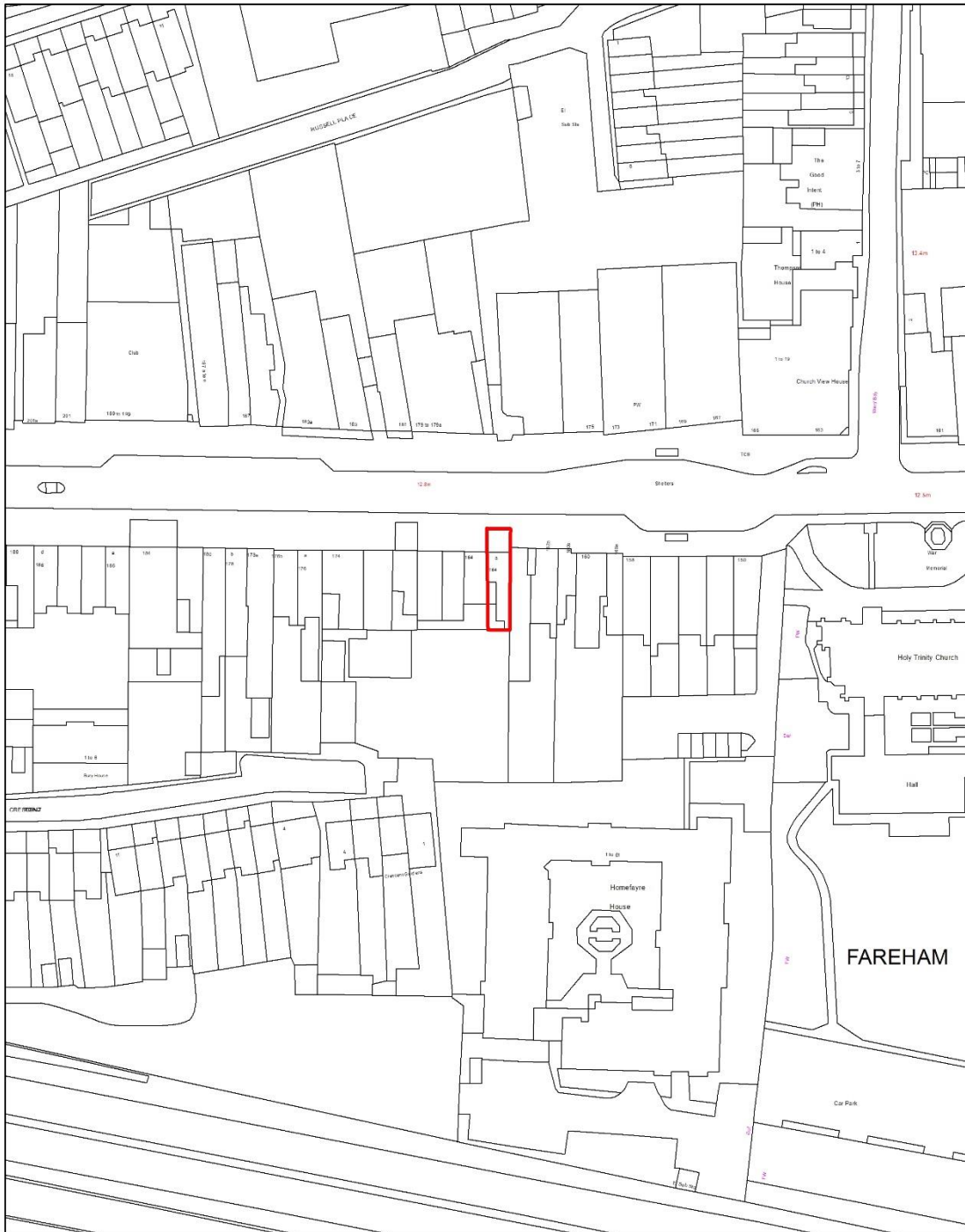
REASON: In the interests of residential amenity.

11.0 Background Papers

P/19/0242/CU

FAREHAM

BOROUGH COUNCIL



164A West Street
Fareham
Scale 1:1000



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