

OFFICER REPORT FOR COMMITTEE

DATE: 22/01/2020

P/19/1163/FP
HALA PROPERTIES LIMITED

WARD: PARK GATE
AGENT: Mr F SYKES

CHANGE OF USE FROM CLASS A2 (ESTATE AGENT) TO CLASS A5 (HOT FOOD TAKEAWAY); SIDE AND REAR SINGLE-STOREY EXTENSIONS; INSTALLATION OF EXTRACTION AND VENTILATION SYSTEM; REPLACEMENT SHOP FRONT; INSTALLATION OF FIRST FLOOR DOOR; EXTERNAL STAIRCASE; INSTALLATION OF AIR CONDITIONING UNITS

15-17 MIDDLE ROAD, PARK GATE, SOUTHAMPTON, SO31 7GH

Report By

Katherine Alger- direct dial 01329 824666

1.0 Introduction

1.1 This application is reported to the Planning Committee due to the number of third party letters that have been received.

2.0 Site Description

2.1 This application relates to a two-storey unit located on the western side of Middle Road, Park Gate. The premises are currently vacant and were formerly occupied by an estate agency. The site lies within Park Gate Local Centre and is designated employment land. The surrounding area is varied in the nature of uses and character with an estate agency located to the north and a hot-food takeaway to the south.

3.0 Description of Proposal

3.1 The proposal is for the change of use from an estate agent (Class A2) to a hot-food takeaway (Class A5).

3.2 A single storey rear extension would be constructed which would serve a lobby/wash up area. A single storey side extension would also be constructed to serve a cold room. The extensions would have flat roofs and would be constructed of brickwork to match the existing building.

3.3 A replacement aluminium glazed shop front would be installed on the front elevation.

3.4 The first-floor area would be used for storage. The existing internal staircase would be removed, and a steel external staircase would be constructed to provide access to the first-floor storage area. A new external door would also be installed following the removal of the first-floor window on the southern elevation.

Extraction and ventilation equipment would be installed on the rear elevation.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS1: Employment Provision

CS3: Vitality and Viability of Centres

CS5: Transport Strategy and Infrastructure

CS17: High Quality Design

Adopted Development Sites and Policies

DSP2: Environmental Impact

DSP3: Impact on Living conditions

DSP17: Existing Employment Site Areas

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

DSP39: Hot Food Shops

Other Documents:

Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015

Non-Residential Car Parking Standards 2009

5.0 Relevant Planning History

5.1 There is no relevant planning history for the application site.

6.0 Representations

6.1 Seven representations have been received which raise objection on the following grounds:

- The stairwell to the rear will hinder parking
- No first-floor details submitted and why the staircase is required
- Impact on other local businesses within Middle Road
- Anti-social behaviour, littering, noise and disturbance
- Impact on parking
- Impact on drainage and sewage
- Impact on right of way to rear of site
- No indication of where rubbish will be kept

7.0 Consultations

7.1 Environmental Health

The Environmental Health Officer raises no objection to the proposal subject to the development being undertaken in accordance with the submitted odour and noise mitigation details and the hours of operation being limited to those described in the application.

7.2 Trees

The Tree Officer raises no objection to proposal.

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 change of use
- b) Design
- c) Impact on residential amenity
- d) Parking
- e) Trees
- f) Other matters

- a) Principle of change of use

8.2 The site is located within Middle Road which is a designated employment site and Local Centre.

8.3 Policy CS1 supports employment provision where employment is safeguarded, and proposals contribute to economic development. Policy CS3 supports proposals which strengthen the character, vitality and viability of centres and maintain the hierarchy of retail centres.

8.4 Policy DSP17 states that existing employment sites will be protected for economic development uses. Re-development, extensions and intensification in these areas that would result in additional economic development floorspace will be supported provided that:

- i) It would not have unacceptable amenity or traffic implications;
- ii) It would not have an unacceptable impact on neighbouring uses;
- iii) An appropriate size and range of units are provided;
- iv) Appropriate levels of parking are provided.

8.5 The policy goes on to state that changes of use between the different uses that contribute towards economic development will be permitted provided that the proposed use will supply employment opportunities.

8.6 The site would have an internal floor area of 92m² which is considered to be an appropriate unit size. Having regard to the varied character of the area, it

is considered that there are a range of units provided within Middle Road and that the proposed change of use would contribute towards economic development in accordance with Policy DSP17.

- 8.7 Policy DSP34 of the Local Plan Part 2 states that town centre uses will be permitted in the Borough's Centres and Parades where they are of an appropriate scale and maintain the current hierarchy of retail centres and will need to ensure an adequate provision of car parking within the designated centre.
- 8.8 The unit is of an appropriate scale and would not conflict with the retail hierarchy of the centre as it would not result in the loss of an A1 unit. There are a number of A1 retail uses within close proximity to the site. Therefore, the proposal would not result in an unacceptable continuous group of non-retail uses on the same side of the street and would accord with Policy DSP34.
- 8.9 Policy DSP39 relates to hot food shops. It states that proposals for shops for the sale of hot food (Class A5) will be permitted provided that they would not:
- i) Damage the vitality and viability of the centre or area
 - ii) Adversely affect the character of the area
 - iii) Have an unacceptable environmental, amenity or traffic implications
- 8.10 There are a number of centre uses including hot food takeaways within the surrounding area. It is considered that the proposed takeaway use would be appropriate within this location, would have regard to the prevailing character and would not damage the vitality and viability of the local centre. The proposal therefore is in accordance with Policy DSP39.
- 8.11 The amenity, traffic and parking implications will be addressed later in this report.
- b) Design
- 8.12 The proposed side and rear extensions would be set back from the front elevation and off the boundary with the neighbouring building. The flat roof would match other extensions within the surrounding area. The extensions would be constructed of brick to match the existing property.
- 8.13 The proposed staircase would be constructed of steel which would be an appropriate material and would have regard to the host building.
- 8.14 The extract systems have a utilitarian appearance however, they would be located to the rear of the building and would not be visible from the front elevation.
- 8.15 The replacement shop front would have an appropriate appearance and would be similar to other shop fronts within Middle Road.
- 8.16 The proposal is therefore in accordance with Policy CS17.

c) Impact on residential amenity

- 8.17 The site is located within a Local Centre with a car park to the rear. The area already has a degree of background noise throughout the day as it is commercial in character with other sources of plant noise.
- 8.18 The air conditioning and cold room condensers would be mounted at ground level adjacent to the rear elevation of the proposed rear extension. There are numerous examples of plant at the rear of the units, furthermore, the rear elevation overlooks the car park. The cold room condenser would run for 24 hours a day with the air conditioning condensers only running during the opening hours.
- 8.19 The Environmental Health Officer has considered the submitted documentation regarding the extraction system and is satisfied that it would not adversely impact on the surrounding occupiers in terms of noise or odour.
- 8.20 The opening hours of the premises would be between 10am and 11pm which the Environmental Health Officer considers acceptable. A condition will be imposed to ensure that the premises do not operate outside of these hours.
- 8.21 In terms of the impact of the single storey side extension, it would be constructed off the boundary between the application site and the neighbouring building, No 13. No 13 has a large flat roof single storey extension constructed up to its boundary along with a large outbuilding within the rear courtyard. It is therefore considered that the proposed extension would not result in any significant impact on the amenities of No 13 in terms of increased sense of enclosure, loss of light or overshadowing.
- 8.22 In terms of the impact of the single storey rear extension, there would be a large separation distance between the application site and the neighbouring building No 13. Therefore, it is not considered to impact the occupiers at No 13.
- 8.23 In terms of the impact on the adjoining unit at No 19 Middle Road, this is also a commercial unit, the proposal would not amount to any significant impact in terms of loss of light, increased sense of enclosure and overshadowing.
- 8.24 The proposed external staircase would provide an entrance/exit from the first-floor storage area. As the staircase would provide a means of access only, it is considered that the staircase would not result in any loss of privacy to the first floor flat at No 13.
- 8.25 The proposal is therefore in accordance with Policy DSP2.

d) Parking/Highways

- 8.26 The Council's Non-Residential Parking Standards SPD sets out the minimum parking standards for Class A5 uses. It requires that a minimum of 1 car parking space per member of staff is provided plus 1 space per delivery vehicle. There is a car park to the rear of the site which would provide parking for staff.
- 8.27 Additionally, due to the site's location within the Local Centre it is within easy reach of public transport services. Swanwick train station is an 8-minute walk away and there are a number of buses serving the local centre. There are a number of public parking spaces within the immediate area. All parking spaces on Middle Road are restricted to a 1-hour stay between 08:00 and 18:00 Monday- Saturday and unrestricted thereafter. Therefore, it is considered that there is sufficient parking for both customers and staff. The proposal therefore complies with the Non-residential car parking standards SPD.

e) Trees

- 8.28 There are a group of trees located to the south of the site between the application site and the No 13. The tree officer has considered the impact of the proposal to these trees and concludes that there are no arboricultural grounds for refusal and therefore raises no objection to the proposal.

f) Other Matters

- 8.29 The concern relating to the potential impact of anti-social behaviour and littering is noted, however, this would be a police matter.
- 8.30 In respect of the concern over the impact on other local business, as set out in the 'principle of change of use' section of this report, officers consider that the proposed use is acceptable in this location and would not undermine the retail function of the local centre.
- 8.31 Drainage implications would be a Building Control matter. The impact on rights of way would be a civil matter.
- 8.32 There is adequate space at the rear of the unit to provide rubbish bins. The majority of units within Middle Road have rubbish bins located to the rear of premises.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development shall begin before 23rd January 2023.
REASON: To allow a reasonable time 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 approved documents:
 - a) Site Location Plan- DB466-LP01
 - b) Block Site Plan-DB366-BP09
 - c) Existing Plan Ground and First Floors- DB466-A5-01
 - d) Plans as Proposed- DB466-A5-03
 - e) Existing Elevations- DB466-A5-02
 - f) Elevations as Proposed- DB466-A5-04 Rev A
 - g) Planning, Design and Access Statement- P19-0132
 - h) Air Handling Units Specification
 - i) Supporting Annex B Document for Proposed Ventilation System
 - j) Jason Filtration PLC Model GF-Mesh Grease Filters
 - k) Jason Filtration PLC- Type 90 Panel Filter
 - l) Vent Axia Specification
 - m) Plant Noise Assessment- Report 19/0590/R1
3. The development shall not be brought into use until the extraction, ventilation and noise system has been installed and implemented and this shall be permanently retained whilst the unit is in use as a hot food takeaway.
REASON: In order to protect the amenities of occupiers of nearby residential properties.
4. The premises shall not be open for customers other than between the hours of 10:00 to 23:00 Monday-Sunday.
REASON: In order to protect the amenities of occupiers of nearby residential properties.
5. No deliveries shall be taken at or despatched from the site outside the hours of 10:00 to 23:00 Monday-Sunday.
REASON: In order to protect the amenities of occupiers of nearby residential properties.
6. An active shop window display shall be maintained at all times at the front of the premises adjacent to Middle Road.

REASON: In the interests of vitality, viability and character of Middle Road Local Centre in accordance with Policy DSP34 of the Local Plan Part 2: Development Sites and Policies.

7. The premises shall be used for a hot food takeaway and for no other purpose including any other purpose in Class A5 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

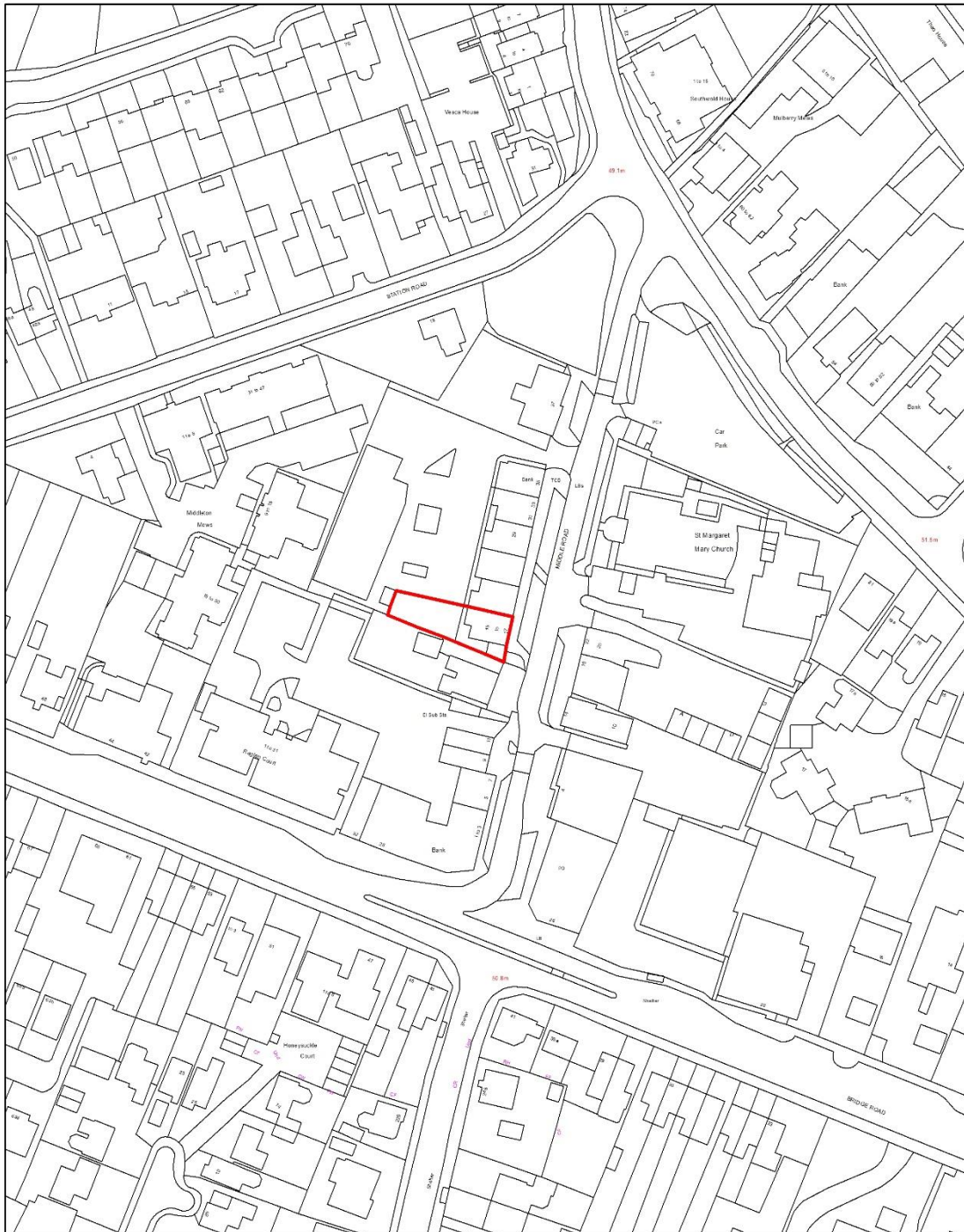
REASON: To protect the occupiers of the nearby residential properties from possible disturbance from permitted uses other than that specifically granted through this permission.

10.0 Notes for Information

11.0 Background Papers

FAREHAM

BOROUGH COUNCIL



15-17 Middle Road
Scale 1:1250



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