

OFFICER REPORT FOR COMMITTEE

DATE:

P/20/1251/CU
Mr NADER NEJATI

WARD: WASASH
AGENT: Mr N NEJATI

CHANGE OF USE FROM RESTAURANT (CLASS E) TO MIXED USE
RESTAURANT (CLASS E) AND HOT-FOOD TAKEAWAY (SUI GENERIS)

15 BROOK LANE, WARSASH, SOUTHAMPTON, SO31 9FH

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 an existing commercial unit located on the western side of Brook Lane. The premises is currently vacant and were formerly occupied by Italian restaurant, as such the site comprises a Class E use (formerly A3) under the 2020 changes to the Use Classes Order. The site lies within the Warsash Local Centre, and the surrounding area comprises a variety of different uses including a car showroom, a hairdressers and a Chinese takeaway.

3.0 Description of Proposal

- 3.1 The proposal is for the change of use from restaurant (Class E) to a hot-food takeaway (a Sui generis use, (formerly a Class A5 use)).

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

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 The following planning history is relevant:

5.2 In 1995 planning permission was approved on appeal for the change of use to an Italian Restaurant (Class A3) (Ref P/95/1017/CU).

6.0 Representations

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

- Condition on previous application restricting takeaway
- Insufficient parking
- Litter
- Too many takeaways within surrounding area
- Noise
- Anti-social behaviour
- Inaccurate parking shown

7.0 Consultations

Environmental Health

7.1 The Council's Environmental Health Officer raises no objection to the proposal subject to conditions restricting the opening hours and details to be provided of the extraction system.

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) Impact on residential amenity
- c) Parking
- d) Other matters

a) Principle of change of use

- 8.2 The site is located at the southern end of Brook Lane, within the centre of Warsash village which is a designated Local Centre.
- 8.3 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.
- 8.4 The unit is of an appropriate scale and would not conflict with the retail hierarchy of the Borough as it would not result in the loss of an A1 unit as it was previously in use as a restaurant.
- 8.5 There are a number of A1 retail uses within close proximity to the site including a hairdressers next door. Therefore, the proposal would not result in an unacceptable continuous group of non-retail uses on the same side of the street and would therefore accord with Policy DSP34.
- 8.6 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; and,
 - iii) Have an unacceptable environmental, amenity or traffic implications.
- 8.7 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.
- 8.8 The amenity, traffic and parking implications will be addressed later in this report.

b) Impact on residential amenity

- 8.9 The site is located within a designated Local Centre, and as such the area already has a degree of background noise throughout the day, including other commercial activities and other sources of plant equipment noise.
- 8.10 The opening hours of the premises would be between 10am and 11pm which the Environmental Health Officer considers acceptable, and which accord with

the other takeaway premises within Warsash Local Centre. A condition will be imposed to ensure that the premises do not operate outside of these hours.

- 8.11 The Council's Environmental Health Officer has reviewed the application and discussed the proposal with the applicant. There is an existing extraction system within the premises which is considered to be sufficient for the future occupiers. The applicant is considering replacing this extract system, for which a separate grant of planning permission will be required.
- 8.12 There are residential properties located to the north of the application site. However, due to the existing character with other local centre uses, limiting the opening hours and the existence of an existing extraction system, it is considered that the change of use would not result an unacceptable adverse impact on the amenities of these occupiers.
- 8.13 The proposal is therefore in accordance with Policy DSP3.

c) Parking/Highways

- 8.14 The Council's Non-Residential Parking Standards SPD sets out the minimum parking standards for Class A5 (now Sui Generis) uses. It requires that a minimum of 1 car parking space per members of staff is provided plus 1 space per delivery vehicle. The applicant has provided a site plan showing 4 car parking spaces to the side and 1 car parking spaces to the rear of application site.
- 8.15 Additionally, due to the site's location within the Local Centre it is within easy reach of public transport services, with a bus stop located directly outside the parade of shops. There is also a large public car park on Shore Road which is a 5-minute walk from the application site. 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.

d) Other Matters

- 8.16 Objections have been received regarding the potential impact of anti-social behaviour and littering. However, this is a police matter and controlled under Environmental Health legislation and is not therefore a material planning consideration.

9.0 Recommendation

- 9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development shall begin before 21st January 2024.

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 Plan
- b) Parking Plan
- c) 15 Brook Lane- Floor Plan 1:100

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

3. 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.

4. 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.

5. An active shop window display shall be retained at all times at the front of the premises facing Brook Lane.

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

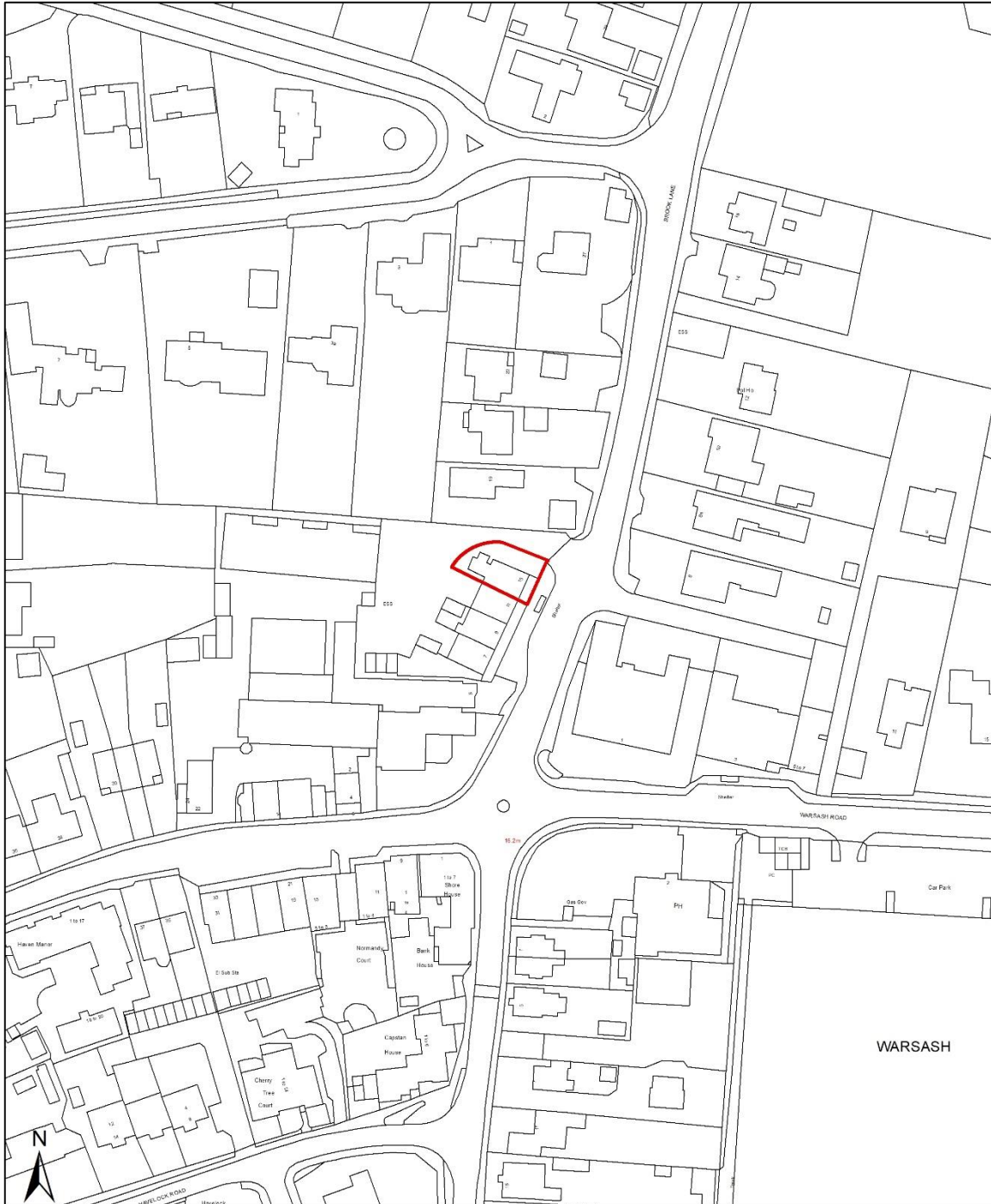
6. The premises shall be used for a hot food takeaway (Sui Generis Use) and for no other purpose.

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 Background Papers

P/20/1251/CU

FAREHAM
BOROUGH COUNCIL



15 Brook Lane

Scale 1:1,250

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