

OFFICER REPORT FOR COMMITTEE

DATE:

P/21/0736/CU
KATHERINE WAINWRIGHT

WARD: FAREHAM EAST

CHANGE OF USE OF PART OF GROUND FLOOR UNIT FROM SUI GENERIS USE
TO COFFEE BAR (CLASS E)

THE OLD MILL, LOWER QUAY, FAREHAM, PO16 0RA

Report By

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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 the Old Mill which is a Grade II Listed building located on the eastern side of Lower Quay within Town Quay Conservation Area. The ground floor of the building is used as the Marina's office and as a local chandlery. The surrounding area is varied in character with a variety of buildings associated with Fareham Marina as well as residential properties located opposite the site.

3.0 Description of Proposal

3.1 The proposal is for the change of use of part of the ground floor unit from sui generis use to a coffee bar (Class E).

4.0 Policies

The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS5: Transport Strategy and Infrastructure
CS17: High Quality Design

Adopted Development Sites and Policies

DSP2: Environmental Impact
DSP3: Impact on Living conditions
DSP5: Protecting and Enhancing the Historic Environment
DSP37: Out-of-Town Shopping
DSP38: Local 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.

6.0 Representations

6.1 Twenty five letters of objection have been received on the following grounds:

- Parking
- Highways safety
- Increased footfall
- Increased traffic
- Impact on conservation area
- Noise
- Litter
- Could turn into restaurant or alternative use
- Pollution
- Increased crime
- Antisocial behaviour
- Other businesses need supporting
- Vermin
- Overuse of site
- Impact on wildlife
- More appropriate in town centre
- Loss of privacy
- Inadequate disabled facilities

6.2 Eight letters of support have been received on the following grounds:

- Useful for people using marina
- Not many local facilities
- Would not impact on character
- Bring more people to area
- Supports local community

7.0 Consultations

Environmental Health (Noise and Pollution)

7.1 The Environmental Health Officer raises no objection to the proposal subject to a condition restricting the equipment used for cooking food and an extract fan is installed in the area where food is prepared.

Conservation Planner

7.2 The Conservation Officer raises no objection to the proposal. The proposal is in accordance with Policy DSP5, of the adopted Fareham Local Plan Part 2: Development Sites and Policies. Sections 66 and 72 of The Planning (Listed Building and Conservation Areas) Act, 1990 and Section 16 of the National Planning Policy Framework.

8.0 *Planning Considerations*

8.1 The following matters represent the key material planning considerations which 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 heritage assets
- c) Impact on residential amenity
- d) Parking
- e) Other matters

a) Principle of change of use

8.2 The site is located within Lower Quay which is varied in character with a number of businesses and a public house. The proposal seeks to include a main town centre use outside the defined centres, and therefore consideration of Policies DSP37 and DSP38 are required.

8.3 Policy DSP37 states (in part):

'Proposals for main town centre uses outside of the Borough's centres or parades will only be permitted where:

- i. A full sequential test has been carried out demonstrating that there are no more centrally located sites that are available, suitable or viable;*
- ii. Appropriate levels of parking are provided;*
- iii. The site is not located outside the defined urban settlement boundaries and is acceptable, particularly by public transport;*
- iv. The scale and design of the buildings are appropriate to their surroundings; and*

- v. *The proposal would not have any unacceptable environmental, amenity or traffic implications.'*

- 8.4 Policy DSP38 (Local Shops) states that new local shops within the urban area to meet the day-to-day needs of the immediate locality will be permitted provided they are of an appropriate scale.
- 8.5 In respect of Policy DSP37, no sequential test has been provided as part of the application proposal. However, a recent proposal for a coffee shop within the rear garden of 84 Merton Avenue was allowed on appeal outside the designated centres (Appeal APP/A1720/W/20/324666, dated 15 June 2021). That proposal also failed to submit a sequential test, but was allowed by the Planning Inspector due to the small-scale of the proposal, and is sufficiently distant from other competing uses (in this case Fareham Town Centre) not to be contrary to the overall objectives of Policy DSP37. The coffee shop would be available for use by the existing businesses in the immediate vicinity of the marina and address the lack of a coffee shop to walkers and cyclists that regularly use this part of Town Quay to traverse between Fareham and Gosport/Lee-on-the-Solent.
- 8.6 The appeal Inspector highlighted that the Merton Avenue proposal would also address a "*local recreational need, whilst not meeting a day-to-day shopping need, the proposal would accord with thrust of the presumption in favour of new local shops within the urban area as encouraged by Policy DSP38*". In this respect, and having regard to both the small-scale of the proposed change of use (only 32 sqm), and the varied character of the area it is considered that the addition of a coffee house within an existing mixed commercial unit would be an acceptable addition to the area, and accord with Policy DSP38.

b) Impact on heritage assets

- 8.7 Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.
- 8.8 Section 72 of the same Act places a duty on the LPA to pay special attention to the desirability of preserving or enhancing its character or appearance of a conservation area. To satisfy this test the proposal must preserve the character or appearance of the conservation area, leaving it unharmed.
- 8.9 In respect of the proposed change of use there will be no alteration to the external envelope of the building, therefore the works are considered to preserve the existing historic and architectural character and appearance of the

surrounding conservation area, satisfying the requirements of the NPPF and Policy DSP5, of the adopted Fareham Local Plan Part 2: Development Sites and Policies.

- 8.10 Turning to the interior of the listed building the proposed works are of such a nature that they will not result in the introduction of partitions or other fixed elements within the building and therefore considered reversible in context of the historic value attributed to the heritage asset and as such would result in no harm to the significance, satisfying the requirements of the NPPF and Policy DSP5 of the adopted Fareham Local Plan Part 2: Development Sites and Policies.
- 8.11 The surrounding area is a mix of residential and commercial uses. The coffee bar use is modest in scale and is within a building already in commercial use. The coffee bar use is unlikely to lead to any material change in the numbers of visitors or movements within the Conservation Area nor any material increase in noise or disturbance. Officers are satisfied that the character and appearance of the Conservation Area will be preserved.
- 8.12 In summary the works proposed at The Old Mill a Grade II listed building situated in the Town Quay conservation area, would preserve the character and appearance of the conservation area and would preserve the listed building and its setting and any features of special architectural or historic interest which it possesses.

c) Impact on residential amenity

- 8.13 Having regard to the character of the area there is already a degree of background noise from other premises associated with Fareham Marina. Furthermore, the nature of the proposed use as a coffee house is unlikely to give rise to any significant adverse noise impact and disturbance to the surrounding residential occupiers.
- 8.14 The Environmental Health Officer and Food Hygiene Officer have been consulted on this application. They raise no objection to the proposal subject to a planning condition restricting the equipment used for cooking of food. This condition would prevent odours from hot food being served which would require a more substantial kitchen extraction and ventilation system which would pose a risk of odour causing nuisance to residents. An additional condition is recommended to ensure that an extract fan is installed where food is being prepared and cooked. Details of the extract fan will be submitted and approved by the Local Authority prior to the change of use being implemented. This will also likely require the submission of a listed building application.

8.15 The coffee house would operate between the hours of 09:00 to 16:00 Monday to Sunday. These opening hours limit the potential for any nuisance to be caused to local residents.

8.16 The proposal is therefore in accordance with Policies DSP2 and DSP3.

d) Parking/Highways

8.17 The use of the coffee shop is primarily targeted at existing residents and businesses within the Town Quay area, whilst also making use of the numerous pedestrian and cyclists that use Town Quay as a means of access between Gosport and Fareham. The applicant has stated that there are 5 car parking spaces located outside the front of the building as well as 8 spaces located to the side. There are also 48 car parking spaces located within the Marina Car Park. This is considered to be suitable for the proposed use.

8.18 Furthermore, the surrounding area around Lower Quay has restricted on-street car parking due to the presence of double yellow lines. Customers are unlikely to park outside of the designated parking spaces. Due to the nature of the use, the majority of customers are likely to walk or cycle to the site. The relatively close proximity of Fareham Town Centre is also likely to result in few visitors seeking to specifically visit the coffee shop by car. It is considered that the proposal would not therefore result in an adverse impact upon highway safety.

e) Other Matters

8.19 Objections have been received regarding the potential impact of anti-social behaviour, crime and littering. However, these are largely criminal matters dealt with by the police, and do not therefore form a material planning consideration.

8.20 Concerns have been raised that the proposal could turn into a restaurant and set a precedent for further development within the surrounding area. Whilst both coffee shops and restaurants fall under the same use class (Class E) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), given the limited size of the proposed use, and the conditions restricting the type of cooking equipment on the site and opening hours, its use as a restaurant would require the submission of a further application to lift these restrictions. Further, any future planning applications or relief of any imposed condition would need to be considered on its own merits.

8.21 The impact that the proposal could have on other businesses within the surrounding area is not a material planning consideration.

8.22 Vermin is an issue dealt with by Environmental Health.

Summary:

8.23 The application seeks to convert a small element (32 sqm) of the existing sui generis use at ground floor into a coffee shop. Whilst the applicant has not provided a sequential test demonstrating that the use could be undertaken in a suitable location within the designated centres, a recent appeal decision highlights that such small-scale proposals in the designated urban area can make a valuable contribution without significantly affecting the viability and vitality of the designated centres.

8.24 The site is located in a popular walking and cycling route and within close walking distance to a number of existing employment uses, which would likely result in fewer visits to the use by cars. It is therefore considered to be an appropriate location and a suitable addition to the varied uses that are already undertaken within the Old Mill.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

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

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) Floor Plans
- c) Local Parking Plan
- d) Planning Statement

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

3. The use hereby permitted shall not commence until details of all extraction, systems, including all associated external works to be installed, have been submitted to and approved in writing by the Local Planning Authority. The details shall include the positions of any external works (including its shielding or screening), its purpose, any noise levels which its use would generate and how this would be measured. The development shall be carried out in accordance with the approved details.

REASON: In order to protect neighbours from avoidable disturbance by noise and smells.

4. Unless otherwise agreed in writing, only the following equipment shall be used for preparing and cooking of food: microwave(s), toaster(s), panini toaster(s), soup kettle(s) and coffee machine(s).
REASON: In order to protect neighbours from avoidable disturbance by noise and smells.

5. The coffee bar use shall not be open for customers other than between the hours of: 09:00 to 16:00 Monday- Sunday.
REASON: In order to protect the amenities of occupiers of nearby residential properties.

6. 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.

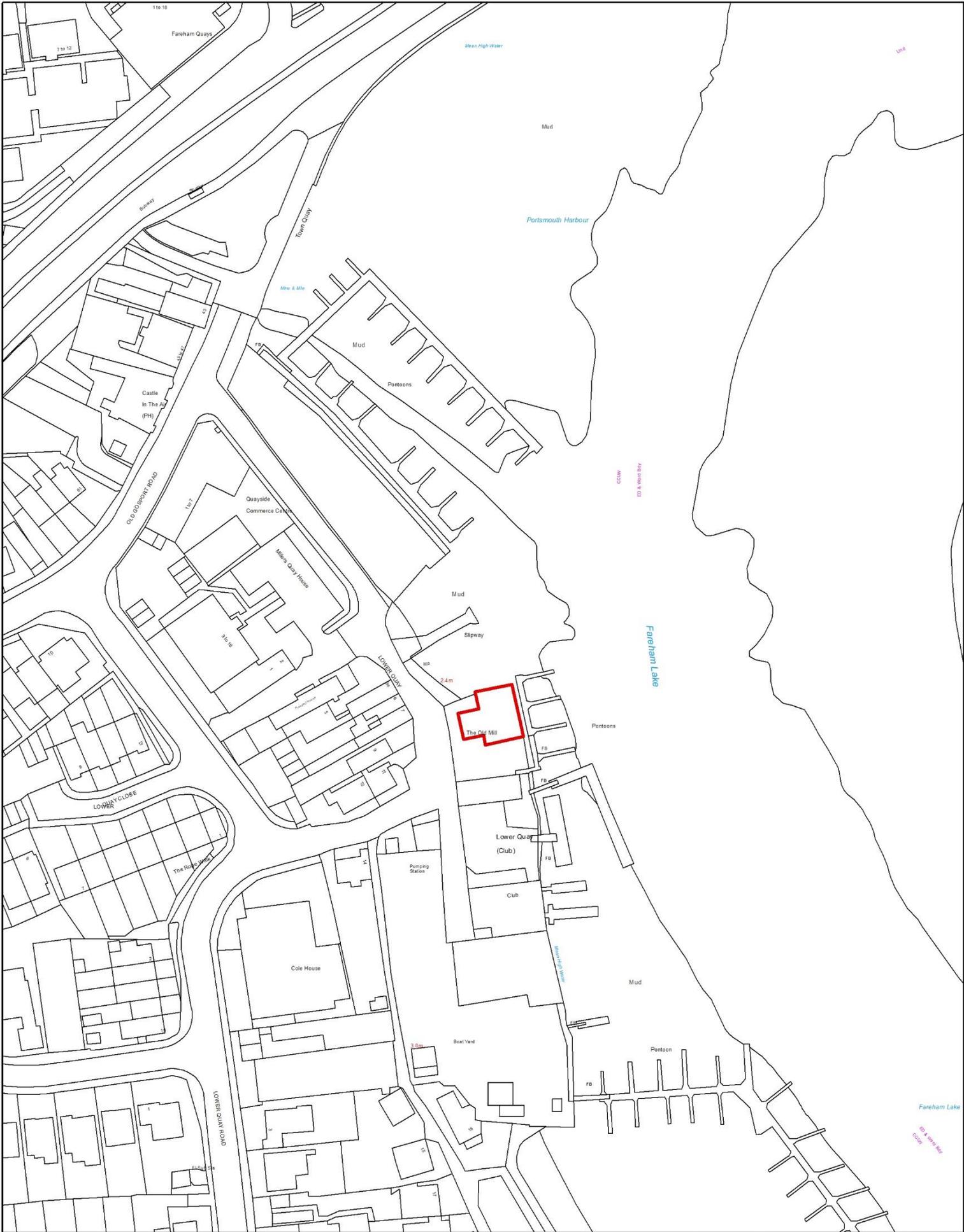
7. Part of the premises shown on the approved floor plan shall be used for a coffee house and for no other purpose including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory 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 Background Papers

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FAREHAM

BOROUGH COUNCIL



The Old Mill
Lower Quay
Scale: 1:1,250



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