

OFFICER REPORT FOR COMMITTEE

DATE: 2 November 2021

P/21/1338/FP
Mr F FERATI

FAREHAM NORTH-WEST
AGENT: ADVACO PLANNING LTD

CHANGE OF USE FROM CAFÉ/RESTAURANT (USE CLASS E) TO MIXED USE FOR RESTAURANT/HOT FOOD TAKEAWAY (SUI GENERIS)

1A FAREHAM PARK ROAD, FAREHAM, PO15 6LA

Report By

Susannah Emery – direct dial 01329 824526

1.0 Introduction

1.1 This application has been called on to the agenda by Councillor Peter Davies in order to consider whether the proposal results in overdevelopment and to consider whether the parking movements would have an adverse effect on the residential amenity of No.92 Highlands Road and to consider the general parking arrangements at the southern end of Fareham Park Road.

2.0 Site Description

2.1 This application relates to a vacant commercial unit situated at the south-eastern end of a small parade of five units, on the north side of Fareham Park Road. The application site is in the urban area in close proximity to the Highlands Road local centre

2.2 The other units within this parade currently include a fish and chip shop (Sui Generis), a florist (Use Class E) and two hairdressers (Use Class E).

3.0 Description of Proposal

3.1 Planning permission was granted in 2020 for the erection of a single storey side extension to the parade and the subdivision of the adjoining retail unit into two units: one retail unit and one café/restaurant unit.

3.2 The extension has been completed but the newly formed unit is currently vacant. Planning permission is sought for a change of use of the unit from a café/restaurant (Use Class E) to a mixed use for a restaurant/hot food takeaway (Sui Generis).

3.3 The indicative floor plan shows a serving counter extending down the length of the unit against the outer wall with seating along the other wall and to either side of the front door. The food preparation area and W/C would be located at the rear of the unit.

4.0 Policies

4.1 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

DSP1	Sustainable Development
DSP2	Environmental Impact
DSP3	Impact on living conditions
DSP34	Development in District Centres, Local Centres and Local Parades
DSP39	Hot Food Shops

Other Documents:

Fareham Borough Council Non Residential Parking Standards SPD (2015)

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/19/1327/FP	Single Storey Side Extension & Subdivision of Existing Unit to Form Two Units, Use of Additional Unit within Use Class A3 (cafe/restaurant) & Installation of Extractor Hood at Rear Permission 13 February 2020
P/19/0972/FP	Side Extension to Existing Retail (Class A1) Unit Permission 14 October 2019
P/17/0508/PC	Part 3, Class C: Change of Use from Shop (A1) to Café/Restaurant (A3) Permission 22 June 2017

6.0 Representations

6.1 Three representations have been received raising the following concerns

- The area is over saturated with food outlets
- Cooking smells are unpleasant
- The number and nature of planning applications submitted for this site is confusing
- Extension of proposed opening hours is unacceptable
- Staff are parking on Highlands Road and preventing customers being able to use the spaces
- Parking on Highlands Road should be time restricted
- Customers park wherever possible including on the double yellow lines
- The road is blocked when a bus stops to load/unload outside the units

- Delivery vehicles block the pavement
- The road is an important access route
- A traffic survey is required
- Insufficient parking is available at the local centre
- The pedestrian crossing over Highlands Road is dangerous

7.0 Consultations

INTERNAL

Environmental Health

7.1 No objection

EXTERNAL

Hampshire County Council (Highways)

7.2 The Highway Authority have no objection to this change of use. We note that there is parking in the vicinity which is only a short distance away and a Traffic Regulation Order present, and any parking issues is a matter to be considered by FBC to make sure that the proposed parking falls into their adopted standards.

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 Development
- b) Impact to Living Conditions of Neighbouring Property
- c) Highways

a) *Principle of Development*

8.2 As a result of the amendments to the Use Classes Order in September 2020 the unit would now be permitted to be used for any use falling within Use Class E (Commercial, Business & Service). This more flexible use class includes retail, establishments where food and drinks are consumed mostly on the premises, financial services, professional services, indoor sport and recreation, medical and health services, day nurseries and light industrial uses. The E Use Class specifically excludes a number of uses including drinking establishments and hot food takeaways which therefore become 'Sui Generis' meaning that they require specific consent.

8.3 Concerns have been raised by some residents that a further hot food takeaway is not required within the local area. This is primarily a commercial

concern and not a material planning consideration. The site lies outside of the designated Highlands Road local centre and therefore is not strictly subject to Policy DSP34 (Development in District Centres, Local Centres and Local Parades) of the adopted Local Plan Part 2 which seeks to retain an acceptable level of retail uses within the Local Centres and prevent the formation of continuous groups of non-retail. Nonetheless it is considered that the Highlands Road shopping parade has a good proportion of retail units. An active frontage would be retained and it is not considered that the proposal would have any adverse impact on the vitality or viability of the Highlands Road local centre.

b) Impact to Living Conditions of Neighbouring Property

- 8.4 In preparation for use as a café/restaurant the unit has been fitted with an extraction system and hood, details of which were previously approved, and it is therefore not considered that the proposal would be likely to generate excessive cooking smells to the detriment of residential amenity. A planning condition would be imposed to secure the retention of this system in accordance with the approved details for the lifetime of the use.
- 8.5 The previous planning permission for the café/restaurant was subject to a planning condition restricting hours of opening as follows; 12.30 - 22:00 Mondays – Friday, 12.30 - 22.30 Saturdays and not at all Sundays/Bank Holidays. The reason given for the planning condition was to protect the occupiers of the nearby residential properties from possible disturbance.
- 8.6 The proposed hours of opening for the restaurant/hot food takeaway are 12:00-22:00 Monday to Friday, 12:00-22:30 Saturdays and 12:30-21:00 Sundays. The proposed opening hours do not include late night opening which would have the potential to result in noise and disturbance to adjacent residential properties. The inclusion of opening hours on Sundays/Bank Holidays is considered acceptable. It is not considered that the proposal would have an adverse impact on the living conditions of neighbouring residential properties by virtue of smells, noise or disturbance.

c) Highways

- 8.7 Roadside parking takes place along the northern side of Fareham Park Road in front of the commercial units and the neighbouring residential properties to the west which restricts the two-way flow of traffic at this point. There are double yellow lines which extend down to the Highlands Road junction from outside of the application site. There is also a bus stop on this stretch of double yellow lines adjacent to the application site. Officers acknowledge the comments from local residents and retailers in relation to lack of parking

outside of the units and reports of indiscriminate parking on the double yellow lines. However, it is not considered that this proposal would significantly exacerbate the situation.

- 8.8 The Highway Authority has raised no objection to the proposal in respect of the impact on highway safety and has undertaken a TRICs analysis that indicated that the proposal would result in an increase of around 30 trips a day over the permitted use. It was advised that the Local Planning Authority should consider parking issues. The Council's Non-Residential Parking Standards SPD set out parking requirements for different Use Classes. For a hot food takeaway shop the requirement is 1 space per 3 members of staff with no requirement for customer parking where there is adequate on-street parking nearby. The SPD states that generally where there are off-street parking spaces available within local centres opportunity is presented for departures from standards in the consideration of parking provision for development site proposals. The proposed site plan indicates two vehicles parked on the forecourt of the unit, which could be used for staff parking. There is ample car parking available at the Highlands Road local centre for customers and there is a pedestrian link between the local centre and the application site.
- 8.9 Officers are mindful that the unit could be used for a number of purposes within Use Class 'E' which could result in a higher turnover of customers than a café/restaurant. Furthermore, the café/restaurant could operate with an element of ancillary hot food takeaway. It is considered that it would be difficult to substantiate what harm the proposal would have in terms of increased demand for car parking or highway safety in order to justify refusing the planning application.
- 8.10 The proposal is considered to comply with the relevant local plan policies and is considered acceptable.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development hereby permitted shall be begun before within 3 years from the date of this decision notice.
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 following approved documents:

- i) Site Location Plan, Proposed Site Plan, Floor Plans & Elevations –
drwg No.SD-1935-04 Rev B
 - ii) Proposed Extraction System Details (Filters:Jasun Envirocare PLC,
Fan: S&P, Silencer: EMTEC)
 - iii) Details of Roof Hood (dated 24 September 2009, LINDAB)
- REASON: To avoid any doubt over what has been permitted.

3. The premises shall not be open for customers outside the following hours: -
12.00 - 22:00 Mondays – Friday
12.00 - 22.30 Saturdays
12.30 - 21:00 Sundays/Bank Holidays

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

4. The development hereby permitted shall be undertaken in accordance with the details of the extraction system and hood approved pursuant to planning application P/19/1327/FP. The extraction system and hood shall be retained in this condition for the lifetime of the use unless otherwise agreed in writing with the local planning authority.

REASON: To protect the living conditions of the occupiers of the nearby residential properties.

5. There shall be no tables and chairs placed outside the front of the premises for use by customers at any time, unless otherwise agreed in writing through the submission of a separate application to the Local Planning Authority.

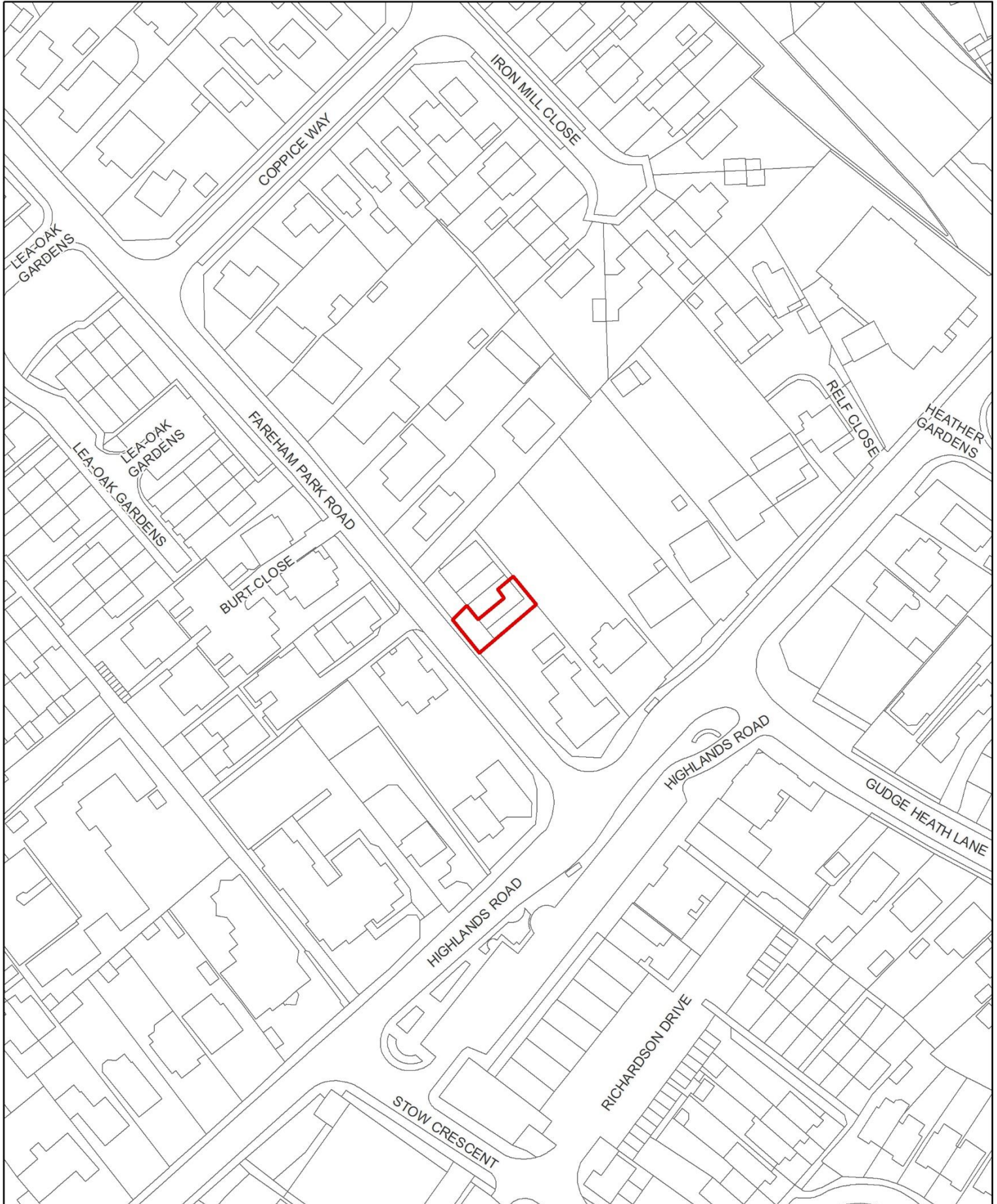
REASON: To protect the living conditions of occupiers of the nearby residential properties.

10.0 Background Papers

P/21/1338/FP

FAREHAM

BOROUGH COUNCIL



1a Fareham Park Road
Fareham
Scale 1:1250



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