

**P/13/0531/CU**

**PARK GATE**

MRS LYNSEY HUSSAIN

AGENT: MRS LYNSEY HUSSAIN

CHANGE OF USE FROM RETAIL (BUTCHERS) TO A5 (HOT FOOD TAKEAWAY)

4B MIDDLE ROAD - PARK GATE BUTCHERS - PARK GATE SOUTHAMPTON SO31  
7GH

***Report By***

Richard Wright x2356

***Site Description***

The application site comprises Unit 4B Middle Road, commercial premises located on the eastern side of the street which forms the principal part of the designated Park Gate Local Centre. The unit is understood to have last been in use as a butchers shop.

Unit 4B is one of three such outlets occupying the ground floor space within what was previously known as 4 Middle Road. Lying adjacent in that building is a bakery to one side and a funeral directors on the other. A community care provider occupies the office space at first floor level over all three ground floor units. Service access to the rear is shared with the bakery.

***Description of Proposal***

Permission is sought for the change of use of the unit from retail (use class A1) to a hot food takeaway (use class A5). Details have been provided of an extraction system to be installed comprising an internally fitted canopy and external ducting and flue to be mounted on the flat roof of the rear single storey element of the building.

***Policies***

The following policies apply to this application:

**Approved Fareham Borough Core Strategy**

CS3 - Vitality and Viability of Centres

CS5 - Transport Strategy and Infrastructure

CS17 - High Quality Design

**Fareham Borough Local Plan Review**

S7 - Non-Retail Uses in the District and Local Centres

S12 - Hot Food Shops

***Representations***

Three letters have been received objecting to the application on the following grounds:

- Adverse effect on retail image and function of Park Gate
- Adverse effect on other food outlets in local centre
- Not all reasonable steps have been taken to let the property to an A1 retail business
- Impact on amenity of residential properties through noise disturbance, anti-social behaviour and litter
- Effect of cooking odour on adjacent bakery business and other nearby properties
- Extractor system vents directly outside windows of first floor offices

## ***Consultations***

Director of Planning & Environment (Highways) - No objection

Director of Planning & Environment (Strategic Planning) -

Whilst Policy S7 does not allow for a change to a non-retail use, a vacant unit does not contribute towards vitality or viability of the centre. The centre performs well and this should not be harmed by the introduction of a second hot food shop, which in fact would expand consumer choice and attract more shoppers. The National Planning Policy Framework promotes economic growth and encourages Local Planning Authorities to plan positively and to respond rapidly to changing economic circumstances. Therefore, the fact that the unit did not attract any interest since it has become vacant 8 months ago, should be accounted for.

Weighing up the requirements of national and local planning policies against other material consideration, in particular current economic circumstances, Planning Strategy team will not raise objection to the above proposal. However, in accordance with Policy S12, Officers should be satisfied that the proposed use would have no unacceptable environmental, amenity or traffic implications.

Director of Regulatory & Democratic Services (Environmental Health) -

The potential problems with this type of business include noise and odour associated with, for example, the ventilation extract equipment serving the kitchen, noise from customers and suppliers arriving at, leaving and congregating around the premises etc.

The latter noise source including motor vehicle engines, car radios, doors slamming, refrigeration units on delivery vehicles etc., is likely to be a problem in the evenings and early in the morning. It is noted that the proposed hours of opening are till 11pm seven days a week. The nearby residents in this case are above the adjacent premises (26 Bridge Road) with more properties across Bridge Road and also possible above other commercial premises in Middle Road.

The applicant has stated they will only have one car for making deliveries. If that is the case then it is very unlikely there will be a noise issue from this source.

Technical advice regarding the specification of the proposed extraction system was provided. Additional information was requested from the applicant in respect of this system and further comments given.

## ***Planning Considerations - Key Issues***

The principal local plan policy for assessing proposals for shops for the sale of hot food remains Saved Policy S12 (Hot Food Shops) of the Fareham Borough Local Plan Review.

Policy S12 states that: proposals for shops for the sale of hot food will be permitted provided that they would not; damage the vitality and viability of a centre contrary to Saved Policy S7; adversely affect the character of the area, or; have unacceptable environmental, amenity or traffic implications.

i) Environmental, traffic and amenity implications

The application site is located within Park Gate Local Centre, a vibrant local centre with a

mixture of retail and non-retail uses. The Director of Regulatory & Democratic Services (Environmental Health) has commented on this proposal and raised no concerns over the likelihood of noise and disturbance arising from the proposed use adversely affecting residents. Similarly it is not considered that there would be a discernible increase in vehicle movements to and from the site compared to its previous use as a butchers to affect highway safety or convenience.

The specification and operation of the proposed extraction system has been the subject of detailed discussions between the applicant and Officers including the advice of the Council's Environmental Health team. Further information on the extraction system has been provided by the applicant however additional details on minor technical matters still require clarification and should be requested by condition in order that Officers may satisfactorily conclude that there would be no detriment to the living conditions of neighbours through cooking odour.

ii) Character, vitality and viability of Park Gate Local Centre and principle of change of use from retail to hot food takeaway

Saved Policy S7 of the Fareham Borough Local Plan Review states that "in Middle Road, Park Gate the change of use of any shop to a non-retail use at ground floor level will not be permitted". The Local Plan Review explains that "so many changes of use to offices have already taken place that any further loss of retail use would cause the local centre to lose its shopping character" (para 10.43). The Director of Planning & Environment (Strategic Planning) has commented on this application by saying that a vacant unit does not contribute towards vitality or viability of the centre and in this instance the premises are understood to have been empty for the last eight months. The centre performs well and should not be harmed by the introduction of a further hot food takeaway (use class A5). Objectors to the proposal have pointed out that there are numerous other food outlets in the vicinity, however Officers have observed that there is just one other hot food takeaway in Middle Road (Golden Valley chinese takeaway) and one further mixed use retail unit/cafe in the road (Panini's). Furthermore, a distinction should be made between the most represented non-retail use class in Middle Road, namely offices given over to professional services (use class A2) which data suggests account for over 38% of all units and which the Local Plan Review specifically refers to as eroding the shopping character of the road, and the proposed use as a hot food takeaway. Unlike ground floor office space, hot food shops typically retain active shop frontages which contribute to and complement the retail character of an area whilst also attracting activity at difference times of the day and evening adding to its vibrancy.

Limited weight can be afforded to Draft Policy DS1 of the Draft Local Plan Part 2: Development Sites & Policies Plan which, although not formally adopted as part of the Borough's development plan, gives an indication of the emerging planning policy position. Draft Policy TC1 states that changes of use in centres from Use Class A1 will only be permitted where it would 1) not result in an unacceptable continuous group of non-retail uses on the same side of the street, and 2) the unit would retain an active shop windows display. In this instance the application site is one unit fronting Middle Road amongst a row of ground floor units on its eastern side between Bridge Road and St Margaret Mary Catholic Church, and comprising three A1 retail uses (florists, card/gift shop and Co-Op), two A2 professional services uses and two mixed retail/cafe uses (the bakery and Panini's cafe). The introduction of a hot food takeaway into that row of units is not considered unacceptable in regards its impact on the character and in turn vitality and viability of the centre. The retention of a shop window display could be secured by way of a planning

condition thereby satisfying the second test.

Having given consideration to the current and emerging planning policy stance, as well as other material planning issues, Officers consider that, on balance, the benefit of bringing this vacant unit back into use as a hot food takeaway and the contribution this would make to the continued vitality and viability of the Park Gate Local Centre justifies the setting aside of the policy considerations of Saved Policy S7 insofar as it conflicts with this proposal.

***Recommendation***

PERMISSION: development carried out in accordance with submitted extraction details; additional extraction system information; shop window display maintained; opening hours Mon - Sun, 1700 - 2300; restrict use to Use Class A5 only (no permitted changes)

***Background Papers***

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# FAREHAM

BOROUGH COUNCIL



4b Middle Road

Scale 1:1,250



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