

P/14/0894/CU

MS DIANE SHERIDAN

CHANGE OF USE FROM A1 RETAIL TO D1

48 WHITE HART LANE PORTCHESTER FAREHAM HAMPSHIRE PO16 9BH

PORTCHESTER EAST

AGENT: MS DIANE SHERIDAN

Report By

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Site Description

The application site is a ground floor commercial premises on the south side of White Hart Lane. To the east is the One-Stop store and to the west is a launderette. There are residential flats above all the shops. The building itself is set back from the road with tarmac forecourt forward of the building and a lay-by beyond the forecourt off White Hart Lane.

Description of Proposal

The application seeks full planning permission, in retrospect, for the change of use of the ground floor commercial unit from use class A1, the last occupier was as print shop, to a use falling within Use Class D1 as a chiropodist clinic.

Policies

The following guidance and policies apply to this application:

The National Planning Policy Framework (NPPF)

Approved Fareham Borough Core Strategy

CS3 - Vitality and Viability of Centres

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS11 - Development in Portchester, Stubbington and Hill Head

Development Sites and Policies

DPS1 - Sustainable Development

DSP4 - Impact on Living Conditions

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

Fareham Borough Local Plan Review

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

Relevant Planning History

The following planning history is relevant:

P/08/0251/CU

**CHANGE OF USE FROM RETAIL (CLASS A1) TO HOT FOOD
TAKEAWAY (CLASS A5)**

REFUSE

22/05/2008

Representations

Two letters both from 48A White Hart Lane - Objection:

- Looking at the lease the two spaces this site is claiming for parking are actually allocated to my property on my lease.
- I don't use them but I have visitors that do. For others to use them needs my permission
- They do have a space by the back door, but the others are mine
- Work has been ongoing at the premises and caused a lot of noise pollution. One time paint fumes came up to my flat which caused me to have an allergy attack.
- Why has work started if it does not yet have planning permission?
- Workmen have told me they open on 29/09/2014 which is before the consultation ends.

Consultations

Director of Planning & Development (Highways): No objection

Planning Considerations - Key Issues

The key planning considerations in this application are:

- The Principle of development;
- Neighbouring amenity; and
- Highways
- Other matters

THE PRINCIPLE OF DEVELOPMENT:

The site is, for the purpose of the development plan, within the defined urban settlement boundary where the presumption is in favour of sustainable development. Policy CS11 of the Core Strategy facilitates development in Portchester providing (among other things) that it "...maintains and strengthens the character, vitality and viability of district and local centres".

Saved policy S7 of the Borough Local Plan Review is permissive of the change of use to non-retail uses on the basis that:

- (A) the use would not extend or consolidate existing non-retail uses so that they would dominate the character of the area and shoppers would be discouraged from using the centre or parade;
- (B) the non-retail use provides a service appropriate to a shopping centre, such as financial and professional services, a launderette, cafe or restaurant; and
- (C) a shop window display will be maintained.

In this case the two uses either side of the application site (One-Stop and the Launderette) both fall within use class A1 (retail). As such the proposed use would neither extend nor consolidate the non-retail uses in this small shopping parade. In any event criterion a) of the policy only seeks to restrict the consolidation or extension of non-retail uses if the proposal will dominate the area or discourage the use of the parade by shoppers.

The applicant has confirmed that the chiropody business was previously operating from a site along West Street, Portchester (by the BP garage) and has recently moved to the application site. The site was chosen because the majority of the client-base come from the White Hart Lane area of Portchester such that many customers were previously travelling up to West Street from within the residential estates surrounding the application site.

The Applicant has indicated that the majority of the demographic of the customer base is in the 70-80 age group and customers arrives on foot, by mobility scooter or public transport. As such the proposal is not considered to consolidate the non-retail uses in this parade and criterion a) of the policy is considered to have been met.

Criterion b) requires the non-retail use to provide a service appropriate to a shopping area. The policy then suggests some uses that may be acceptable. Whilst the proposed D1 use is not listed within the policy the policy uses the phrase "...such as" so that it is not an exclusive list of non-retail uses.

The emerging policy DSP34 is not so prescriptive in the requirements for non-retail uses and sets out that these types of use will be acceptable providing that:

- It would not result in an unacceptable group of non-retail uses on the same side of a street; and
- An active shop window display is retained.

Paragraph 21 of the NPPF advises that "Investment in business should not be overburdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment". It continues, in the third bullet point, to require Local Planning Authorities to "...support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances". Paragraph 22 advises that "...applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities".

The landlord for the property has advised that within the last ten years the property has been vacant for 3 years. During these times the site was marketed locally by external signage. During the last vacant period (as of April 2014 to the applicant's occupancy) all other enquiries were from potential hot-food takeaways which, in light of the planning history for the site, were declined. Given the lack of any retail interest in the site, the less prescriptive form of emerging policy DSP34 and the advice in the NPPF the proposed D1 use is considered to be an acceptable use for this parade of shops.

The fitting out of the unit has retained the shop window and stall risers such that there are clear views afforded into the unit from the public realm. The requirement for an active shop front or window display can be secured by an appropriately worded planning condition, thus satisfying criterion c) of policy S7. The principle of development is therefore considered to be acceptable.

NEIGHBOURING AMENITY:

The proposed use will be located below an existing first floor residential property. The proposed D1 use is considered to be an acceptable use that will not give rise to a significant impact upon the amenity of the residential use on the upper floor of the building.

Whilst it is noted that there has been some disruption during the refurbishment of the unit for the proposed use, the actual operation of the chiropody clinic is considered to be acceptable.

HIGHWAYS:

Third party comments make reference to the proposed parking areas on the submitted plans including the parking area for the first floor flat. It is suggested that the proposed use will use the first floor flat's parking area.

The parking areas on the plan are shown within the details of a 1992 tenancy agreement.

There is comfortably enough room for one vehicle to park at the rear of the building in the area next to the stairs to the first floor by the back door to the premises. The remaining space for parking at the rear of the building in the 1992 agreement provides enough room for a space for the first floor flat and a further space for the ground floor unit providing space for three vehicles in total. The 1992 lease sets out that the parking area at the rear can be used for parking by both the ground floor unit and the first floor flat providing each other does not obstruct one another's access.

The mechanics of the lease are not material to the consideration of this application, however the quantum of parking spaces is. In this case the ground floor unit could park two vehicles in tandem within the defined areas and leave enough space for one parking space for the first floor unit. Whilst this differs from the lease provisions the parking provision meets with no objection from the Director of Planning and Development (Highways).

In terms of customer travel, the demographic of the majority of the customer base is set out above along with their modes of travel. White Hart Lane is also on a frequent bus route with stops close to the application site.

OTHER MATTERS:

The representation refers to the fact that work has started before a permission being in place. Works undertaken without a planning permission are done so completely at the applicant's own risk, however, to undertake such works is not an offence. There are provisions within Section 73A of the Town and Country Planning Act 1990 that enable an application for planning permission to be made in retrospect which is the case with this application.

CONCLUSION:

The proposal is considered to be acceptable for permission without detracting from the current parade vitality and will not result in harm to the amenity of neighbours or users of the highway.

Recommendation

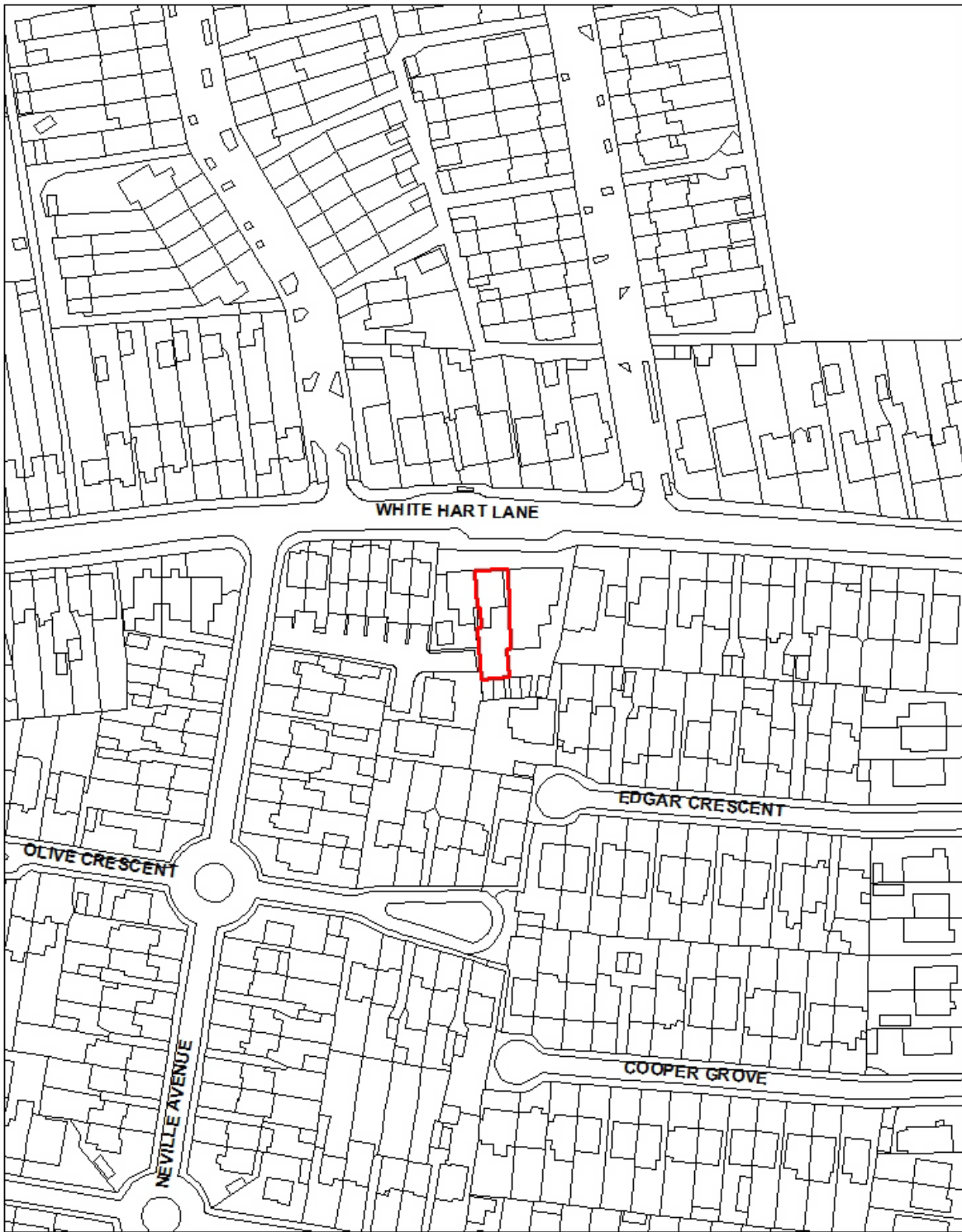
PERMISSION: A shop window display shall be maintained at all times; parking as per plans at the rear of the building.

Background Papers

see "relevant planning history" above.

FAREHAM

BOROUGH COUNCIL



48 White Hart Lane
Scale 1:1,250



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