

**Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 16 August 2011
 Planning Application Report of the Planning and Development Manager**

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| Application address: 241 Aldermoor Road, Southampton | | | |
| Proposed development: Change of Use of ground floor to hot food takeaway (Class A5) | | | |
| Application number | 11/00447/FUL | Application type | FUL |
| Case officer | Charlotte Fleming | Public speaking time | 5 minutes |
| Last date for determination: | 30/06/2011 | Ward | Coxford |
| Reason for Panel Referral: | Referred by the Planning & Development Manager | Ward Councillors | Cllr Walker Cllr Thomas Cllr Morrell |

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| Applicant: Mr Balbir Pottiwai | Agent: MDT Design |
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| Recommendation Summary | Conditionally Approve |
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Reason for granting Planning Permission

The principle of a change of use of from the currently vacant A1 shop to an A5 takeaway use is acceptable and this would contribute to the viability of the local parade and street activity during the daytime without an adverse impact on public amenity and highway safety. The change of use would not be materially harmful to visual amenity and therefore compliant with “saved” Policies SDP1 of the City of Southampton Local Plan Review (March 2006) and Policy CS3 and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010). Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable.

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| Appendix attached | |
| 1 | Development Plan Policies |

Recommendation in Full

Conditionally Approve

1.0 The site and its context

- 1.1 This application site consists of a single commercial ground floor unit with two stories of residential accommodation above, and forms part a terrace of 7 similarly designed units as part of the Aldermoor Road precinct.
- 1.2 The application site is currently vacant. The previous use was as a second hand furniture shop (A1 use), which took up 3 ground floor units and was last in operation in October 2010. The property has a typical shuttered shop frontage. The area immediately to the front of the premises is public highway with provision of cycle

racks and restricted car parking spaces.

- 1.3 The existing commercial units in the precinct are occupied by a range of uses which provide day to day service to local people such as a convenience store, take away, hairdressers, and a betting shop.

2.0 Proposal

- 2.1 Planning permission is sought to change the use of the premises from the current vacant A1 shop to an A5 hot food take away with an external venting system for the dispersal of cooking odours and fumes. The applicant intends to provide a small amount of internal seating in the customer waiting area.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The sites is not defined as a Local Centre in the Local Plan but the text associated with the policy recognises the role of smaller parades of shops and commercial units in serving the local community. Take Aways are permitted in principle within these local parades Centres providing that their role continues serving the daily needs of local population. Proposals involving food and drink uses will be permitted providing that any adverse impact on neighbouring occupiers from noise disturbance, cooking smells and litter can be appropriately controlled in the view of the Local Planning Authority. In accordance with adopted Core Strategy Policy CS3 (Town, District and Local Centres) and Local Plan “saved” Policy REI7 (Food and drink uses).
- 3.3 Policy SDP7 (Context) and CS13 (Fundamentals of design) seeks to assess whether a development will cause material harm to the character and/or appearance of an area in context with the quality of the local environment such as visual characteristics.
- 3.4 The policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

4.0 Relevant Planning History

- 4.1 Site: no. 241 - None
- 4.2 No. 247
 - 00/00242/FUL Change of use from video shop to grocers (Planning Permission not required)
 - 870949/W Change of use to take away (Conditionally approved and implemented)
- 4.3 No. 245
 - W10/1669 Change of use from retail to a fish and chip shop (Conditionally

approved)

4.4 No. 243

- 870781/W Change of use from chemist to betting shop (Conditionally approved)

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, and the erection of a site notice. At the time of writing the report a petition had been received from the lessee of 'Cap'n Cod's Take Away' (no.247) containing over 250 signatures. A summary of these comments are set out below.

5.2 The parade of shops is not big enough or busy enough for two fast food outlets

Response

The Council should consider each planning application on its own individual merits, and there is no policy presumption against the principle of introducing the proposed A5 use in Aldermoor Road Parade. There are no planning policy grounds to restrict further food uses in this Centre. The A5 use would bring a long time vacant unit in the parade into use. There would remain a mix of commercial units within the parade. It is normally for the market to determine appropriate levels of competition for specific uses rather than planning policies.

5.3 Concerns over changing to A3 in the future due to showing of seating area, and obtain an alcohol licence

Response

The use of the unit can be conditioned to A5 use only. The provision of seating, related, facilities and an alcohol licence regarding changing to an A3 use would be a licensing matter to be considered under statutory legislation separate from the planning system.

5.4 Concerns over the opening hours, and the trouble it will cause at anti-social hours. No one wants a take away open at 23.00

Response

The proximity to residential units requires conditions to be imposed to mitigate potential noise and disturbance an unsociable hours. Conditions limiting the use until 22.30 Mondays to Saturdays and 2200 on Sundays and Public Holidays provide a reasonable balance between encouraging a viable business activity and mitigating the impact on the amenities of nearby residents.

5.5 **SCC Environmental Health Food Safety** – No objection raised, subject to extraction ducts and mounting must be anti vibration and the system must be maintained appropriately to include periodic cleaning of ducting once per annum as a minimum. Odour is unlikely to be a problem if maintenance of the system as appropriate as the terminal points exhausts to an open area

5.6 **SCC Highways** - No objection raised

5.7 **SCC Crime Prevention Officer** - No comments

5.8 **Ward Councillors** – No comments

5.9 Chanel Isles and Districts Tenants' RA – No comments

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- i The principle of development;
 - ii Maintaining the role, vitality and viability of local parades of shops;
 - iii Amenity of neighbouring occupiers;

6.2 Principle of Development

- 6.2.1 The application seeks to change the use of the premises from a currently vacant second hand furniture shop to provide an A5 takeaway use. This proposal should be assessed, principally based on "saved" Local Plan Review (LPR) Policy text REI7, which permits A5 (hot food takeaway) use subject to no unacceptable amenity/litter impact. This parade of shops is not designated as a Local Centre within the LPR Proposals Map.
- 6.2.2 The Local Plan Review seeks to maintain and, where possible, enhance the role of serving the daily needs of the local population. The loss of shops and services will therefore be resisted, and such proposals will be judged against the harm to the level of shopping service which might occur. The proposal is consistent with these aspirations.
- 6.2.3 The afternoon and evening hours of business, is common to the other take away in the parade, Cap'n Cods, which currently trades up to 9.30pm Monday to Saturday. The type of cooking processes involved is consistent with the requirements of Local Plan Review "saved" Policy SDP1 and REI7 to prevent adverse loss of amenity to neighbouring occupiers.
- 6.2.4 The principle of redevelopment is, therefore, accepted by the current development plan policies listed above.

6.3 Maintain the Role of Local Centre

- 6.3.1 There is no LPR "Saved" policy specifically relating to local parades. General guidance is that there should be a mix of uses to create a range of local services including A5 food and drink uses as supported by policy CS3 of the Core Strategy.
- 6.3.2 Concerns have been raised by local traders with regards to proportion of food and drink uses within the local parade. The provision of units and competition between local traders is decided by the actions of free market and consumer choice. A class including A5 unit can be reverted to A1 use without planning permission under permitted development rights.

6.4 Amenity of Neighbouring Occupiers

- 6.4.1 The food on offer and cooking processes involves the venting and extraction of cooking smells. The Environmental Health Food Safety Team has raised no objection, subject to anti vibration extraction ducts and adequate maintenance. Odour is unlikely to be a problem if maintenance of the system is appropriate. The hours of operation will be only permitted Monday to Sunday 12.00 to 22.30 hours and Sunday 12.00 to 22.00 hours. The take away use will therefore not result in an adverse impact on neighbouring occupiers from noise disturbance, cooking smells, controlled by conditions.

7.0 Summary

7.1 The principle of a change of use of from the currently vacant A1 shop to an A5 Indian Takeaway use is acceptable and this would contribute to the viability of the local parade and street activity during the daytime without an adverse impact on public amenity and highway safety.

8.0 Conclusion

8.1 Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1 (d), 2(b), 2(d), 4 (l), 5(e), 6(c), 7(a), 7(f), 7(u), 7(v), 10(a) & 10(b)
CF for 16/08/11 PROW Panel

PLANNING CONDITIONS for 11/00447/FUL

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

03. APPROVAL CONDITION – Use

The use of the premises as hereby approved shall be limited to those specific uses within the Town and Country Planning (Use Classes) Order 1987 (or any amendment to, replacement of, or reinstatement of that Order) Use Class A5 of Schedule 2 and for the purposes of clarity shall not be used for any other Use Class A purpose or activity, without confirmation in writing from the Local Planning Authority.

Reason:

In recognition of the limited parking facilities available on the site, and to protect residential amenities.

04. APPROVAL CONDITION - Hours

The takeaway uses hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:

Monday to Saturday 1200 to 2230 hours

Sunday and recognised public holidays 1200 to 2200 hours

Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

Reason:

To protect the amenities of the occupiers of existing nearby residential properties and to be consistent with the planning permission 870949/W Monday to Saturday trading hours granted at 247B Aldermoor Road.

05. APPROVAL CONDITION - Storage / Removal of Refuse Material [Pre-Occupation Condition]

Before the use hereby approved first operates full details of facilities to be provided for the storage and removal of refuse from the premises together with the provision of suitable bins accessible with a level approach shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the ground floor of the building is used for commercial purposes.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the amenities of occupiers of nearby properties.

POLICY CONTEXT

Core Strategy - (January 2010)

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| CS3 | Town, District and Local Centres, Community Hubs and Community Facilities |
| CS13 | Fundamentals of Design |
| CS19 | Car & Cycle Parking |

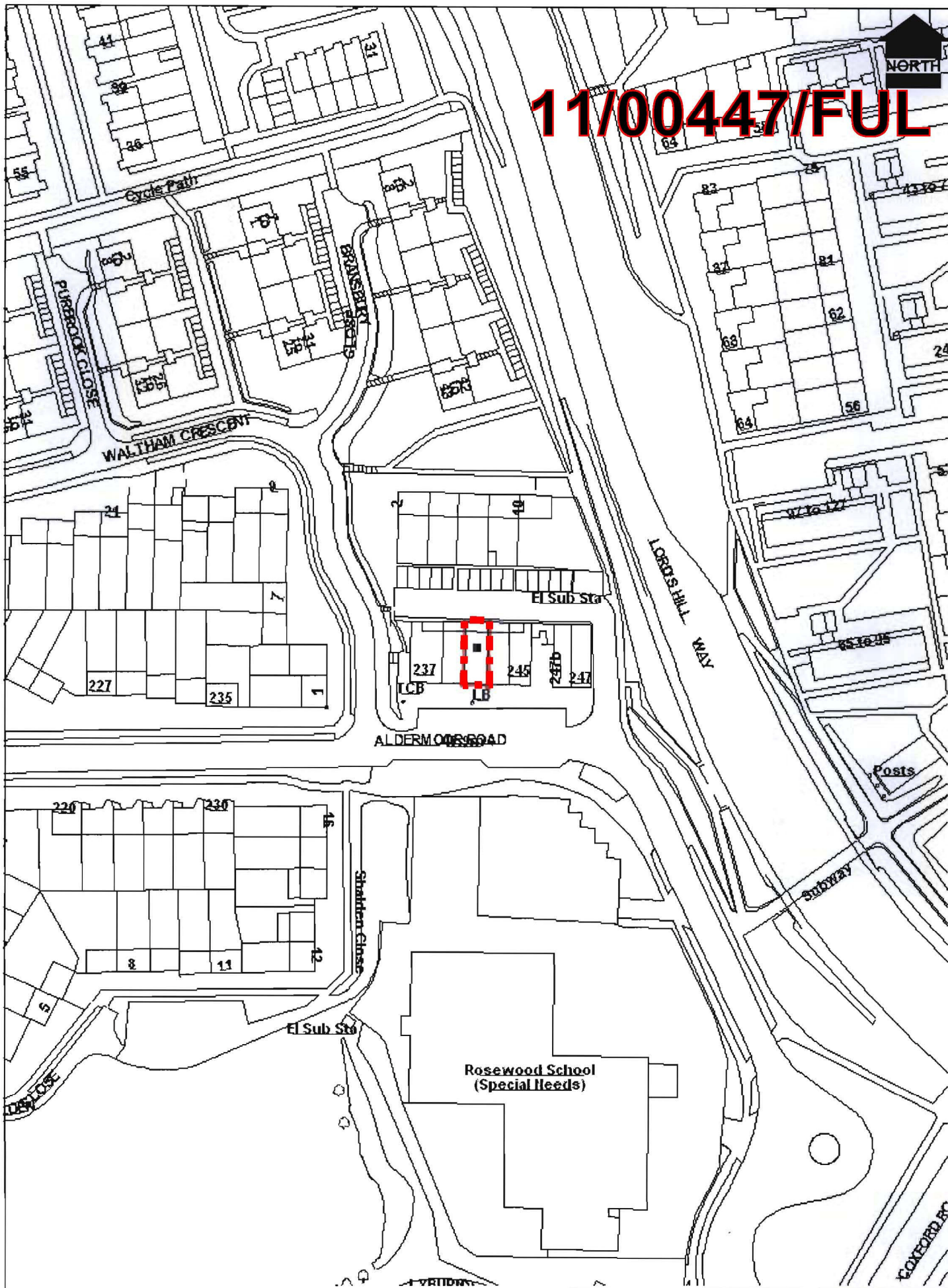
City of Southampton Local Plan Review – (March 2006)

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| SDP1 | Quality of Development |
| SDP7 | Urban Design Context |
| SDP9 | Scale, Massing & Appearance |
| REI7 | Food and Drink Uses |

Other Relevant Guidance

| | |
|-------|---|
| PPS1 | Delivering Sustainable Development (2004) |
| PPS4 | Planning for Sustainable Economic Growth |
| PPG24 | Planning & Noise (2004) |

11/00447/FUL



Scale : 1:1250

Date : 04 August 2011

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