
Site Address:	19 London Road, Widley, Waterlooville, PO7 5AS		
Proposal:	Change of use of ancillary storage building to coffee shop.		
Application No:	APP/21/00248	Expiry Date:	06/08/2021
Applicant:	Mr J Kalany		
Agent:		Case Officer:	Tina Pickup
Ward:	Purbrook		

Recommendation: **REFUSE PERMISSION**

1 Site Description

- 1.1 The application site relates to part of a former petrol station site that is currently in use as a car wash facility. The site is located on the corner of London Road with Lily Avenue and includes the forecourt area and canopy; the main building that is in use as an office and store; and a garage building in the north west corner that is used for valeting. There is a splash screen along part of the northern boundary. The car wash use is considered Sui Generis and was permitted under APP/17/00014 and is conditioned with opening hours of between 0830 - 1800 Monday to Saturday and 1000 - 1600 on Sundays and Bank Holidays.
- 1.2 To the north of the site lies a row of shops with first floor flats above and a parking area on the street. Immediately behind the site (west) the land is currently vacant - originally a car repair workshop and more recently used by TwistedPair. Beyond that parcel of land the site is surrounded by residential development.
- 1.3 The site is located within the Widley Local Centre as identified by Policies CS4 and AL3 and emerging policy C6.

2 Planning History

01/55845/005 - Retention of internally illuminated pole sign on eastern boundary (London Road)., PERM,10/05/2001
00/55845/004 - Demolition of petrol filling station building, including removal of petrol pumps and erection of a single storey retail unit (canopy and workshops to be retained), WD,04/09/2000
96/55845/003 - Retention of internally illuminated 5.5m high gantry sign, PERM,01/03/1996
95/55845/002 - New signage., INV,
91/55845/000 - Retention of internally illuminated pole sign., ZHIS,31/07/1991
92/55845/001 - Use of part of petrol filling station as an open display area for car sales and also a portakabin. (Retrospective Application)., REF,02/07/1992
03/55845/006 - Retention of internally illuminated pole sign., PERM,17/12/2003
08/55845/007 - Erection of 1No. internally illuminated, double sided, free standing display unit., REF,02/04/2008
APP/10/00798 - Change of use (part of the site) from Petrol Filling Station to Vehicle Hire Business. (Retrospective Application.), PERM,11/01/2012
APP/15/00593 - Use of (part of) site for hand washing and valeting of cars., WD,28/07/2015
APP/15/00929 - Use of (part of) site for hand washing and valeting of cars.

(Resubmission.), TPP,04/11/2015

APP/17/00014 - Use of (part of) site for hand washing and valeting of cars following temporary planning consent Ref APP/15/00929., PERM,09/03/2017

APP/19/00659 - Demolition of existing garage/workshop, construction of detached office block for B1 use with associated refuse storage, landscaping and parking, with access off Lily Avenue., PERM,31/10/2019

APP/20/01230 - Prior notification for change of use from a retail use (class A1/A2), betting office, pay day loan shop or casino to A3 restaurant/café use, subject to prior approval covering noise impacts, odour impacts, waste handling, opening hours, and transport and highways impacts; additionally any operational development necessary for conversion is subject to prior approval of ventilation and extraction and storage of waste., UNK,

3 Proposal

Change of use of ancillary storage building to coffee shop.

- 3.1 The proposal involves introducing a 'hot food takeaway' into the existing main building on the site that is currently used as an office and store. It is proposed to re-configure the internal layout of this building to a seated area with serving area and kitchen. It has been indicated that the food served would be wide ranging from burger's and chips to pizzas, snacks and drinks etc and would be for both customers of the car wash whilst they wait and also any passing customers for takeaways.
- 3.2 The supporting statement indicates that opening hours would be Monday to Saturday 9am - 6pm; Sundays 10am - 4pm and the business would provide 2 full time employees. Details of a typical extraction canopy that would be installed in the kitchen have also been provided.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
CS2	(Employment)
CS4	()
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM5	(Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL3	(Town, District and Local Centres)

Submission Version Havant Local Plan

E22	(Amenity and pollution)
C8*	(Food, drink and entertainment uses)
C6*	(Local centres, local shops and services)
C1*	(Protection of existing employment sites)

IN3 (Transport and parking in new development)

Emsworth Neighbourhood Plan Post Examination Version 2020

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Crime Prevention

None received

Environmental Health Manager

Contamination Team

Ground Contamination - The development land is a former petrol filling station (petroleum retail) site, considered to be a potentially contaminative landuse. The proposed development is not considered to materially alter the risk profile of the site (i.e. exposure of employees to contaminants, predominantly via vapour pathways). Whilst contamination exposure standards do apply to adults of working age, benchmarks are relatively high for petroleum- & diesel- range hydrocarbons and lubricants. In practice, vapour likely to be regarded to be significant to a commercial landuse would be detectable by visual & olfactory means.

In respect of proportionality, whilst the site does represent a risk to future employees, and that the risk is probably marginally greater to employees staffing a coffee shop (relative to a car wash business, involving a significant degree of outdoor work), it is nevertheless considered to be disproportionate to the nature and scale of the development to require a proactive investigation of ground conditions. This is especially so given that the proposals only require works internal to the building. No objections, and no conditions proposed in respect of ground contamination / contaminated land exposure risk.

Pollution

I note that the photographs submitted with this application show a significant volume of liquid product storage. These comprise small volume units probably all <30L, but some are noted to be marked with corrosive and flammable hazard labels.

As an observation, I would note that the application does not explain either i) why there is no longer a need for this storage space to support the extant business use, or ii) what alternative secure storage provision is to be made to store these potentially hazardous / hazardous liquid chemical products. I would consider it a prerequisite of demonstrating that the development can be accommodated on this site to explain how the needs of the extant business will continue to be met in a safe & sustainable way (i.e. without increasing pollution risk, for example through insecure storage of liquid which risks release through attempted theft, collision or accident)

The environmental risk is predominantly via drainage system vectors, and it is acknowledged that the site drainage benefits from a traditional interceptor unit which is connected to the public foul water sewer. For this reason, I do not raise a formal objection, but rather raise an observation for development management to consider as a general planning matter.

Pollution Team

These comments relate to noise and odour only. We recommend refusal of this application in order to avoid potentially significant adverse effects on nearby sensitive

receptors. There are dwellings at first floor level under 10m north from the proposed extraction site, and hence residents may be subject to unreasonable noise and/or odour impacts.

There is lack of a suitable assessment of the potential impacts and failure to show how these will be suitably mitigated and minimised. Due to the proximity of sensitive receptors and due the potential restriction on odour dispersion the risk of impact is very high. Further information which is required in order assess the potential impact is attached to this email. The applicant may also want to refer to the EMAQ guidance "Control of Odour and Noise from Commercial Kitchen Exhaust Systems.

Food & Safety Team

from a Food Hygiene point of view, I will need to see some detailed plans of the layout showing where the various essential items will be, for example;

The food storage areas, including where your fridges/freezers will be. The food preparation area and what the preparation surfaces will be made of. Your facilities for washing equipment, food and hand washing, which should all be separate pieces of equipment. What materials you will be using for the final finish to the walls, floor and ceiling in the food preparation area. Your arrangements for storing and disposal of your trade waste. Where you will be storing your cleaning materials. Your food handlers will need to undertake food hygiene training to, at least, Level 2.

If you are providing seating for your customers you are required to provide toilets including one that has 'disabled access'. The toilet can be shared with staff.

Hampshire Highways

The applicant has not indicated how many additional trips the proposed coffee shop would generate in the peak hours. A plan should also be provided which demonstrates the location of the 3 car parking spaces to confirm that there is suitable space on-site to accommodate the facilities. In their capacity as local parking authority, Havant Borough Council should determine whether the proposed quantum of parking meets adopted standards.

The Highway Authority requires the information requested above before a recommendation can be made on the planning application

Southern Gas Networks - stage 1

Map provided showing proximity of site to low and medium pressure mains:

There should be no mechanical excavations above or within 0.5m of a low/medium/intermediate pressure system or within 3m of an intermediate pressure system.

Safe digging practices must be adhered to.

Officer Note

The proposal would not involve any below ground excavations

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 14

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 5

Comment	Officer Comment
As a small business next door, I'm a little concerned about the cooking smell. We are a baby shop who in the summer have our doors wide open. The traffic into the car wash on busy days already gets built up onto Lilly avenue, as there is no where else to wait for the car wash. There is also a brand new coffee shop at 31 London road. Which is open 6 days a week.	Smells noted - see section 7 Traffic noted - see section 7 Competition not a material consideration
The car wash area is totally unsuited for a coffee shop and there is no public need for one at this site. The only car parking facility is on the car wash area itself which is used for car washing. The car wash is an eye sore and should never have been allowed be in a residential area. The addition of a coffee shop in this run down location which will not serve any use to local people is not required. At present noise from the car wash including (redacted) shouting, jet wash noise, etc. can be heard in our back garden. Introducing a coffee shop will only increase unwanted traffic, people hanging around, additional noise and general pollution, to an already deplorable site. There is absolutely no benefit or enhancement to the area or to the local people by this coffee shop. I strongly object to the application	'Need' not a material consideration Parking noted - see section 7 'Need' not a material consideration Noise noted - see section 7 Traffic noted - see section 7
As a newly established coffee shop 5 shops away I feel there will not be enough trade to support exactly the same trade for a small community which we are in and I'm extremely worried this will effect my business. The road is also always getting blocked by the cars already from the car wash which this will add to the congestion and create even more problems.	Competition not a material consideration Traffic noted - see section 7
Strongly object to this application, There isn't enough parking there, already they do not clear their rubbish which gets blown around... I regularly	Traffic noted - see section 7 Rubbish & smells noted - see section 7

see that the foxes have opened their rubbish bags as they don't have bins... Extraction smells will be a problem to residents. Already there is too much noise and shouting from the owners, music being played loud is often a problem to, having a coffee shop will only add to more anti social behaviour from the car wash.	Noise noted - see section 7
I'm regularly asking neighbours who's blocking my drive with their cars, it's always the car wash people.... There is no where for customers to park if they had a coffee shop. They also do not know how to clean up and dispose of their rubbish correctly... constant rubbish being blown down lily avenue from their site. There is a coffee shop 4 doors down, which they struggle to park outside, it would be an absolute nuisance if the car wash had one... again sometimes we can't get into lily Avenue as the car wash has a queue outside clogging up London Rd .	Parking noted - see section 7 Rubbish noted - see section 7 Traffic noted - see section 7

7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Traffic and parking

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The applicant has indicated that the intention is to serve not only waiting customers of the car wash but also the passing public as a takeaway, making the proposed cafe tantamount to a takeaway use. The diversification of an existing business to include a cafe/takeaway would help make the existing business more viable and would enhance the local facilities and provide further employment opportunities. Therefore in principle the new business could be supported by policies CS2 and CS4 and emerging policies C1 and C6.

7.3 The specifics of food and drink uses are controlled by adopted policy DM5 and emerging policy C8. Policy DM5 sets out criteria to ensure the use can adequately operate without causing nuisance to residential amenity. Emerging policy C8 also seeks to limit the number of takeaways in the Borough for health reasons and seeks to limit takeaways to 0.74 units per 1,00 population in the Borough. Currently this

policy would mean an additional takeaway could not be supported in principle as the Borough already exceeds this target. Since this emerging policy still has limited weight then this objection in principle cannot currently be engaged.

7.4 However the criteria under policy DM5 are relevant as follows:

- 1. Measures are incorporated, where a proposal includes the preparation of hot food, to mitigate the effect on nearby properties.* Insufficient information received- see para 7.8 below
- 2. The measures proposed in respect of criterion 1 are such that the installation does not materially detract from the appearance of the building itself and the wider locality.* Insufficient information received to fully assess - see para 7.6 and 7.7 below
- 3. The measures proposed in respect of criterion 1 are suitable for the range and nature of hot food to be prepared on the premises.* Not clarified despite Environmental Health colleagues providing details of their requirements
- 4. The development includes adequate provision for the disposal, storage and collection of refuse, including litter bins for use by customers.* Not detailed- see para 7.9 below
- 5. The development would not result in indiscriminate customer parking and/or traffic movement that would be likely to create hazards for traffic or pedestrians.* See paras 7.12 to 7.14 below
- 6. The development would not cause unacceptable disturbance to the occupiers of nearby residential property at times when activity in the immediate vicinity would otherwise be at a relatively quiet level.* Proposed hours of use reasonable - see para 7.10 below
- 7. In the case of changes of use, any marketing requirements are met* - would not result in loss of a community facility or shop so not relevant

7.5 The amenity impacts of the proposed use as set out by policy DM5 need to be balanced against the commercial support and will be addressed below:

(ii) Impact upon the character and appearance of the area

7.6 The site is located in a defined Local Centre and is an existing commercial use. The existing building is used as an office and store with a couple of chairs for customers to wait while their cars are being washed. Photos submitted of the existing building clearly show it is used for the storage of large volumes of liquids used in connection with the business, some of which are potentially hazardous. The proposed plans indicate that the whole building would be taken over by the cafe but no details have been provided for alternative storage of these hazardous materials.

7.7 Details have been provided of a typical extractor but no plans or details have been provided of the associated external changes to the building ie precisely where this would be located, or need for any associated external flue. It is considered that the lack of detail regarding alternative storage for hazardous substances and external flues, as well as any customer refuse bins etc, is such that the LPA cannot properly assess the likely impacts on the character of the area and the proposal therefore fails criteria 2 of policy DM5.

(iii) Impact upon residential amenity

7.8 Environmental Health colleagues have provided guidance to the applicant on criteria for food hygiene and pollution control, but no details have been received beyond the layout plan. It has not been clarified exactly what food types would be served and what

kitchen equipment would be provided. In the absence of such details it is impossible to know whether the extractor suggested is adequate to mitigate any harm to neighbouring amenity. Since residential properties lie very close to the site then adequate mitigation of smells is necessary and is currently not demonstrated, failing criteria 1 and 3 of policy DM5 and policy DM10.

- 7.9 Criterion 4 relates to refuse and it is noted that third party objections indicate that rubbish at the site is currently a nuisance. The provision of adequate bins on site for customers, staff and having appropriate commercial refuse collections is further detail that is missing from the submission. The proposal does not therefore adequately demonstrate that the refuse from the proposed use would not cause nuisance to neighbouring amenity and is contrary to criterion 4 of policy DM5.
- 7.10 In terms of hours of use it is proposed to open the cafe/takeaway during the same hours as the car wash ie between 9am and 6pm Monday to Saturday and 10am and 4pm on Sundays. This would concentrate activity and associated additional noise, comings and goings etc to within the current working day when the car wash is already open and not extend into the quieter evenings. Whilst third parties note the existing level of noise is a nuisance, the proposed use is considered unlikely to significantly increase noise and disturbance. It is noted that existing noise nuisance could be reported to the Environmental Health team for investigation under their separate legislation. Since the proposed hours are limited to day time, then it is considered unlikely that the proposal would result in additional disturbance harmful to neighbouring amenity and criterion 6 of policy DM5 would be complied with.
- 7.11 Overall, the absence of adequate details are such that the LPA is not satisfied that the proposed cafe/takeaway could operate without causing harm to neighbouring amenity from smells and litter. The Environmental Health team are not satisfied that adequate detail has been provided to ensure appropriate levels of food hygiene and safety, with adequate odour control and mitigation. The proposal fails relevant criterion of policy DM5, policy DM10 and CS16 and similar criterion within emerging policy C8.

(iv) Traffic and parking

- 7.12 The supporting information indicates that 3 parking spaces would be dedicated to serve customers but these are not shown on any plan. Criterion 5 of policy DM5 seeks to ensure indiscriminate parking would not result. Third party comments suggest that the car wash use already causes overflow parking into both Lily Avenue and London Road. Whilst this is not substantiated nevertheless it is noted that the car wash utilises most of the forecourt area when busy and there is no obvious space for the suggested 3 additional spaces. The adopted Parking SPD sets out a requirement of 1 space per 5sqm of dining area for eating establishment uses, which would trigger the need for about 4 spaces depending on the precise internal seating plan.
- 7.13 However the site's location in a defined Local Centre and on a main bus route is noted. It is likely that most customers would in fact make combined trips and be customers of the car wash facility. The use would also serve the local community with some customers walking or using public transport. The additional vehicular trips to the proposed cafe/takeaway are not known but would occur at the same time that the car wash is active and trading.
- 7.14 In the absence of any details on the parking and trip generation, on balance the summary of the likely situation leads to the conclusion that the site does not have sufficient space for any additional parking to serve the cafe/takeaway over and above

the car wash facility. Because the uses would occur concurrently, at peak times there would likely be an overflow of parking demand into the local roads that would cause harm to neighbouring amenity. The proposal is therefore considered contrary to criterion 5 of Policy DM5 and DM14.

8 Conclusion

- 8.1 In conclusion the lack of detail provided about the use and mitigation measures is such that the LPA has insufficient information to be satisfied that the cafe/takeaway use would not cause harm to neighbouring amenity, particularly from odours, litter and traffic. The proposal fails policy DM5 and is considered contrary to policies DM10 and CS16 and is therefore recommended for refusal.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/21/00248

(A) for the following reasons

- 1 On the basis of the limited information available to the Local Planning Authority it is not considered that the proposed cafe/takeaway could be undertaken in a satisfactory manner without causing harm to neighbouring amenity, particularly from odours, litter and indiscriminate overflow parking. Insufficient information is available to assess the alternative storage arrangements of hazardous substances, external alterations, food hygiene and safety standards, appropriate odour extraction mitigation measures, refuse collection arrangements, and likely traffic generation and the proposal is therefore considered contrary to policies DM5, DM10, DM14 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, and emerging policies IN3, E22 and C8 of the Submission Havant Borough Local Plan, and the National Planning Policy Framework.