**MINOR DEVELOPMENT PLANNING APPLICATION REPORT REF. NO. X/14/73891**

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|---|---|
| DESCRIPTION/ ADDRESS | Variation of condition 3 of planning permission F/13/73280 to extend opening hours to include Sundays 09.00 - 16.00<br>Unit B Boyatt Wood Centre Shakespeare Road Eastleigh SO50 4QP |

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|---|---|
| SITE VISIT DATE | 5.3.14 |
| ARE PLANS ACCURATE? | No plans, just forms |
| HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? | Yes |

**THE SITE AND ITS SURROUNDINGS**

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|---|---|
| DETAILED DESCRIPTION OF APPLICATION | Variation of condition 3 of planning permission F/13/73280 to extend opening hours to include Sundays 09.00 - 16.00 |
| TOPOGRAPHY | Flat level site |
| TREES | None |
| BOUNDARY TREATMENT | Open frontage onto the shopping parade. Open service area to the rear. |
| SITE CHARACTERISTICS | Last shop in a terraced row of shops immediately next to the access road and fronting onto the communal car park. |
| CHARACTER OF LOCALITY | Area of mixed buildings types and uses. Adjacent to Crestwood School, B&Q service yard, residential units, and secondary shopping zone. |

**RELEVANT PLANNING HISTORY**

| REFERENCE | DESCRIPTION | DECISION |
|---|---|---|
| F/13/73280 | Change of use from A1 retail to A3 Café | Permitted 11.11.13 |
| F/13/72647 | Change of use from A1 retail to A3 café | Withdrawn |
| Z/15071/10 | Erection of two shops and extension to existing car park | Permitted 1985 |

**REPRESENTATIONS RECEIVED**

| SOURCE | SUMMARY OF CONTENT |
|---|---|
| None | |

**CONSULTATION RESPONSES**

| CONSULTEE | SUMMARY OF RESPONSE |
|---|---|
| None | |

**POLICY CONTEXT**

| DESIGNATION APPLICABLE TO SITE |
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**POLICY CONTEXT**

| DESIGNATION APPLICABLE TO SITE |
| --- |
| Within Built-up Area Boundary<br>Within Established Residential Area<br>Within a Secondary Shopping Parade |

**DEVELOPMENT PLAN SAVED POLICIES, EMERGING LOCAL PLAN POLICIES AND SPD'S**

Eastleigh Borough Local Plan Review (2001-2011): 59.BE and 139.TC
Revised Draft Eastleigh Borough Local Plan 2011-2029 59.BE and DM20
Supplementary Planning Guidance: Quality Places
Supplementary Planning Document: Planning Obligations
Supplementary Planning Document: Environmentally Sustainable Development
Supplementary Planning Document Residential Parking Standards

**CHARACTER APPRAISAL AREA**

Not within a Character Area

**SPECIAL POLICY AREA**

Not within a Special Policy Area

**NATIONAL PLANNING POLICY GUIDANCE**

The National Planning Policy Framework (NPPF) supports and encourages sustainable development which is considered to have three roles, economic, social and environmental. Paragraph 8 of the NPPF states that "These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions."

Paragraph 23 of the NPPF also requires Local Planning Authorities to promote competitive town centres that provide customer choice and a diverse retail offer. Recognising town centres as the heart of their communities and pursue policies to support their viability and vitality.

**POLICY COMMENTARY**

The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to residential amenity

**COMMENT ON CONSULTATION RESPONSES**

None

**COMMENT ON REPRESENTATIONS RECEIVED**

None

**PLANNING OBLIGATION/CONSIDERATIONS**

Planning obligations are not applicable to the scale or form of development proposed.

**ASSESSMENT OF PROPOSAL**

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

**MATERIAL CONSIDERATIONS**

The principle of the building being used as an A3 café was established as part of the previous application F/13/73280.

The original application stated that the café will be open 8am-6pm Monday-Friday, 9am-5pm Saturday and not at all on a Sunday however the applicant now wishes to open 9am-4pm on a Sunday.

The main consideration is saved policy 59.BE (vii) of the current local plan which states that development may be allowed if “They are an appropriate use for the locality and avoid unduly interfering, disturbing or conflicting with adjoining or nearby uses, especially in terms of noise, fumes, dust, overlooking, loss of daylight, loss of outlook, vibration, or from floodlighting or security lighting”

As detailed in the previous application, the unit is self contained, within a commercial area and away from resdiential properties. A variation to allow use of the café on a Sunday 9am-4pm is not considered to cause any unacceptable harm to the amenities of occupiers of surrounding properties. These hours are still less than Co-op within the same row of shops.

**OTHER MATERIAL CONSIDERATIONS**

Also of relevance is the Revised Draft Eastleigh Borough Local Plan 2011-2029. While not yet adopted it does carry weight by virtue of being intended as the current local plan’s replacement. With regards to this application, the new policies essentially echo those of the current plan and are not considered to affect the recommendation put forward.

**CONCLUSIONS**

In view of the above the proposal is considered to comply with the requirements of the existing and emerging Local Plans and it is therefore recommended that the variation be permitted.