REF. NO. F/11/68508

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Retrospective change of use from A1 retail to A3 coffee shop. Unit 13 The Mall, 120 Winchester Road, Chandler's Ford, Eastleigh, SO53 2QD.

SITE VISIT DATE – 03/03/2011

ARE PLANS ACCURATE? - Yes

HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? - Yes

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	n/a
RESIDENTIAL DEVELOPMENT DENSITY (NET)	n/a
TOPOGRAPHY	Flat and level.
TREES	No trees on or adjacent to the site.
BOUNDARY TREATMENT	Open onto Winchester Road at the front with a shared staff parking area to the rear.
SITE CHARACTERISTICS	Small commercial/retail unit within a parade of shops.
CHARACTER OF LOCALITY	The site is within the main commercial/retail centre of Chandler's Ford.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
	No record of any previous planning history relating to this unit.	

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	In total 47 representations of support have been received.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Head of Regeneration and Planning Policy	No comments received.
Chandler's Ford Parish Council	No comments received.

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POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Established Commercial / Retail Area Within Identified District Centre (Fryern Arcade Primary Zone)

DEVELOPMENT PLAN POLICIES

Eastleigh Borough Local Plan Review (2001-2011) : 59.BE & 137.TC
Supplementary Planning Guidance : Residential Amenity in the Borough of Eastleigh

PLANNING POLICY GUIDANCE / STATEMENT

PPS 1 -- Delivering Sustainable Development
PPS 4 Planning for Sustainable Economic Growth

POLICY COMMENTARY

The above policies combine to form the criteria against which this application will be assessed with particular regard to the principle of that proposed, its layout, design and the street scene, impact on the amenity of neighbouring uses, as well as the character of the surrounding area.

COMMENT ON CONSULTATION RESPONSES

n/a

COMMENT ON REPRESENTATIONS RECEIVED

All representations received were in support of the application, stating that it is a well used café that also raises money for charity.

PLANNING OBLIGATION/CONSIDERATIONS

No planning obligations are considered necessary in this instance.

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."

The proposal is considered to comply with relevant Development Plan policies.

In this case policy issues for consideration include:

Principle – The application site lies within the urban edge where the basic principle of development is acceptable, with any formal planning approval being based upon the proposal complying with the relevant local plan policies. In this instance saved Policies 59.BE and 137.TC are the most relevant.

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ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Saved Policy 59.BE relates to issues of design, general amenity, context, character and impact, which will be discussed in more detail below. Policy 137.TC relates to changes of use within the Primary Zones of identified District Centres, the Fryern Arcade being one such centre. This states that changes of use or redevelopment of ground floor units which will result in the frontage length of non-A1 uses exceeding 20% will not be accepted. Presently non-A1 uses account for 22% of the total shopping frontage length, not including the application site which equates to 1% of the total frontage. Therefore, based on pure planning policy the change of use is not acceptable as non-A1 uses already exceeded the permissible percentage.

Layout, Design & Street Scene – In terms of layout, design and the street scene there are no major changes to the building other than signage. Bin storage and staff parking is to the rear. Given that this is the case there are no concerns in these respects.

Amenity – The site lies within the Primary Zone of the shopping centre where there are a wide range of other businesses and facilities. None of the immediate neighbouring uses are adversely affected by the café in terms of amenity due to the nature of the café, which generally sells coffee, sandwiches, cakes, etc and does not serve deep fried food meaning that there are no issues of odour or noise from extraction equipment.

Area Character – As has been mentioned above the application site lies within the main shopping area for Chandler's Ford which has a varied range of uses and facilities. There are a limited number of places to eat and the café does seem to provide a well used service that is generally lacking in the shopping area, as is highlighted by the substantial number of letters of support.

In pure planning policy terms the change of use is not acceptable. However, in this instance it is felt that an exception to policy is justified. The unit stood empty for at least six months before being taken on by the applicant in March 2010 and now provides a high quality business that is generally lacking in the area. The use also causes no harm to any neighbouring businesses and has even been supported by some for the increased trade which it has generated. While in policy terms it is unacceptable, in all other respects it raises no concerns and has helped to widen the range of facilities available within the shopping centre, adding to its vitality and the long term viability of the commercial centre.

OTHER MATERIAL CONSIDERATIONS

One of the main issues raised by supporters of the application is that the café is run by a charitable organisation which raises money for children's educational projects in Kenya and that if permission was not granted this would be a major loss of income for the charity. While the good work of the charity is recognised, it cannot be a consideration in determining the planning application as in planning policy terms it carries no real weight.

CONCLUSIONS

For the reasons given above, the application is recommended for approval subject to conditions.

REF. NO. «AltRef»