MINOR DEVELOPMENT PLANNING APPLICATION REPORT REF. NO. X/16/77891

DESCRIPTION/ ADDRESS	Variation of condition 13 of planning permission F/13/73591 to extend hours of opening to 07.00 to 23.00 Monday to Sunday 3 High Street West End Southampton SO30 3AA

SITE VISIT DATE	04/02/16			
ARE PLANS ACCURATE?	x	Yes		No. If not why not…….
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	x	Yes		No. If not why not…….

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	The application proposes to variation condition 13 of application F/13/73591. The condition currently restricts the opening hours from 07:30 to 23:00 Monday to Sunday, the application proposes to extend these opening hours to allow the use to be open from 07:00 to 23:00 Monday to Sunday.
TOPOGRAPHY	The site is level. Land immediately to the south is slightly higher than that of the site.
TREES	Given the nature of the proposal, which is to alter opening hours, it is not considered that any trees will be affected.
BOUNDARY TREATMENT	Low brick wall, vegetation along western boundary
SITE CHARACTERISTICS	The site consists of a single storey flat roof structure, which comprises two commercial units – Tesco and Sizzlers. The majority of the site is laid to hard standing and used for access and parking. The site operates an entry/exit system using two vehicular access points into Barbe Baker Avenue, the entrance being located closest to the junction of Barbe Baker Avenue and High Street and the exit point located further into Barbe Baker Avenue.
CHARACTER OF LOCALITY	The site is located at the junction of Barbe Baker Avenue and High Street and is separated from the High Street in part by a small access road which leads to Rosemount Court, a block of flats west of the site, and in part by a small grassed area.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
F/13/73591	Construction of single storey unit for flexible use as retail/restaurant/takeaway uses (A1, A3, A5) with associated car parking and altered access, yard and bin store, landscaping, following demolition of existing 2no. retail units	Granted 19/03/14
F/13/72993	Construction of single storey unit for flexible use as retail/restaurant/takeaway uses (A1,	Withdrawn 04/09/13

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
	A3, A5) with associated car parking and altered access, yard and bin store, landscaping, following demolition of existing 2no. retail units	
Z/16294/009/00	Alterations to shop front and new plant to rear	Granted 15/07/03
A/16294/010/00	New illuminated shop front fascia signs, two projecting bus stop signs, one vinyl panel sign and two free standing gantry sign	Consent granted 14/07/03
Z/16294/006/00	Installation of ATM cash machine in front elevation	Granted 19/09/97
A/16294/007/00	Display of one internally illuminated projecting sign, one illuminated logo panel, one information panel and one infill panel	Consent granted 07/10/97
Z/16294/004/00	Single storey replacement extension, new shop front and roller shutters and change of use of part of building to hot food takeaway	Granted 23/07/96
A/16294/005/00	Display of illuminated fascia sign	Consent granted 29/08/96
Z/16294/003/00	Single storey rear extension	Granted 20/01/1992
A/16294/002/00	Illuminated fascia sign	Consent granted 17/08/84
A/16294/001/00	Two illuminated signs	Consent granted 20/07/1978

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
None received	

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Head of Environmental Health	No objection
Head of transportation and engineering	No objection

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Established Residential Area

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

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Eastleigh Borough Local Plan Review (2001-2011) saved policy 59.BE
Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014, (the Submitted Local Plan) comprising: Revised Pre-submission Eastleigh Borough Local Plan 2011 - 2029, published February 2014; and Schedule of Proposed Minor Changes, submitted to the Secretary of State in July 2014, Policy DM1.
Supplementary Planning Guidance: Quality Places

CHARACTER APPRAISAL AREA

Hedge End, West End and Botley Character Area – 1970s/1980s terraced/detached (multi-family) development on a secondary/local thoroughfare/multi-headed cul-de-sac west of West End.

SPECIAL POLICY AREA

The site is not located within a special policy area

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework

The NPPF sets out a presumption in favour of sustainable development which lies at the heart of the Framework (para. 14). It also requires that development does not undermine quality of life, emphasizes the importance of good quality design, the creation of attractive places, as well as the ensuring of a good standard of amenity for existing and future residents (para. 17).

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, highway matters, trees, nature conservation, street scene and character of the area

COMMENT ON CONSULTATION RESPONSES

x	See below		Other……

COMMENT ON REPRESENTATIONS RECEIVED

x	None received		See below

PLANNING OBLIGATION/CONSIDERATIONS

Application F/13/73591 required a contribution of £8,030 (+ indexation) due to a small increase in multi modal trips. The alterations to the opening hours of the proposed use would not affect the planning obligation requirements. Therefore no further planning obligation requirements are associated with this current application.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

"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

Principle

The site is located within the urban edge where the basic principle of development is considered to be acceptable, with any formal planning approval being based upon the exact nature, design and impact of that proposed being considered appropriate and in accordance with the relevant Local Plan policies and supplementary planning documents and guidance.

Policy 59.BE of the Local Plan requires development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials, layout, design and siting. It also requires a high standard of landscape design, have a satisfactory means of access and layout for vehicles, cyclist and pedestrians, make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

The application is for the variation of condition 13 of application F/13/73591. The condition relates to the opening hours of proposed use, the application will consider the proposed variation to the condition, it is not a complete reconsideration of the application.

Assessment of proposals

As noted above, the current application seeks to vary condition 13 of planning permission F/13/73591 to alter the opening hours condition. The current condition restricts the opening hours from 07:30 to 23:00 Monday to Sunday. The application proposes to alter the condition to allow the use on the site to open from 07:00 to 23:00 Monday to Sunday.

The proposed alteration to the condition would allow the proposed use (flexible use operating as either retail (A1), restaurant (A3) or takeaway (A5)) to operate 30 minutes earlier than currently conditioned. Residential properties adjoin the site to the north and west and residential properties are located across the road to the east of the site. It is noted that the current user of the site (Tesco's) is open from 7am. Consultation has been carried out with the Councils Environmental Health Team and no objection has been raised to variation of condition. It is also noted that no objections to the proposal have been received from neighbouring properties. It is therefore considered that the alteration to the condition would not result in increased disturbance to the surrounding neighbouring properties. Therefore no objection is raised to the alteration to the condition and the proposal is considered to comply with policy 59.BE of the Local Plan.

OTHER MATERIAL CONSIDERATIONS

Also of relevance Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014. 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

It is recommended that planning permission be granted with a replacement condition to allow the use to be open from 07:00.