**REF. NO. «AltRef»**

## PLANNING APPLICATION REPORT

| | | |
|---|---|---|
| DESCRIPTION/ ADDRESS | - | Change of use of existing unit from retail (A1) to restaurant/café (A3) and addition of outdoor seating area at front<br>Unit 3 Hedge End Retail Park Charles Watts Way Hedge End Southampton SO30 4RT |

SITE VISIT DATE – 19/11/13

ARE PLANS ACCURATE? - Yes

HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? - Yes

**THE SITE AND ITS SURROUNDINGS**

| | |
|---|---|
| DESCRIPTION OF APPLICATION | As above. Most of the floor space is the café/ customer area with a small ancillary office and staff facilities to the rear. The premises will be open 24 hours and will have six employees.<br><br>Included in the proposal are two outdoor seating areas and a bike rack located at the front of the building. |
| FLOOR AREA | 212 square metres |
| TOPOGRAPHY | Flat |
| TREES | None affected |
| BOUNDARY TREATMENT | Open |
| SITE CHARACTERISTICS | Single storey detached building, which is split between three commercial units. There is a shared car parking area to the front and side of the building. |
| CHARACTER OF LOCALITY | The unit is part of a small collection of retail outlets within the larger Hedge End Retail Park. |

**RELEVANT PLANNING HISTORY**

| REFERENCE | DESCRIPTION | DECISION |
|---|---|---|
| A/13/73482 | Removal of existing advertisements & display of 1no. internally illuminated fascia sign, 1no. internally illuminated hanging sign & 1no. pole mounted sign. | Valid |
| F/13/73472 | Re-spray existing external windows & door frames black & installation of 2no. external air conditioning condenser units to side | Valid |
| Z/19545/31 | Demolition of existing retail warehouse and garden centre of 4827 square metres gross external area and replacement with 2 new retail warehouse units of 4352 square metres gross external area new entrance to courts retail unit alterations to car park and associated external works and landscaping | Permit June 81 |
| A/35683/002 | Display of internally illuminated fascia sign on north elevation | Consent |

**RELEVANT PLANNING HISTORY**

| REFERENCE | DESCRIPTION | DECISION |
|---|---|---|
| | | March 99 |
| F/12/71663 | Demolition of existing on-site buildings and erection of 8,310sqm (GEA) retail store with car park at rear and access off Charles Watts Way and construction of 41 dwellings with associated car parking, amenity space, landscaping, access off Turnpike Way and highway works, including improvements and modifications to existing footpaths and traffic calming measures on Turnpike Way.<br><br>*Land at Wildern Mill and part of Hedge End Retail Park, Charles Watts Way/Turnpike Way Hedge End* (adjacent to this unit) | Permit March 13 |

**REPRESENTATIONS RECEIVED**

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

**CONSULTATION RESPONSES**

| CONSULTEE | SUMMARY OF RESPONSE |
|---|---|
| Transportation & Engineering | <u>No objection</u><br><br>Adequate on-site vehicle parking exists on the site overall, and it is anticipated that this type of development will primarily be made up of linked trips when viewing the other retail opportunities on site.<br><br>There is however a need for cycle parking to be provided given its close proximity to residential areas of Hedge End, and the cycle route being implemented into site as part of the 'Next at Home' development. I would suggest the provision of a minimum four Sheffield type stands, providing parking for 8 cycles. These need to be added to plans in a suitable overlooked and convenient position. Additionally, no DC's are required, as the existing A1 use would be expected to produce more multimodal trips that the proposed A3.<br><br>The application site plan red line only outlines the building, but the detail plans show tables outside at from affecting the parking and pedestrian access arrangements to the rest of the Retail Park.<br><br>The pedestrian route at present dog legs around the frontage car parking spaces, this would be affected by the proposed external tables and chairs. The current arrangement could be improved by installing a new link footway with kerbing across the site frontage to connect up the footways each side of the frontage parking, so that walkers do not need to dog leg in front of the building through the seating area.<br><br><u>Comments on amended plans</u>:<br>I am happy with the proposed cycle parking location, being close to the entrance point and well observed. From the plans, there also appears |

**CONSULTATION RESPONSES**

| CONSULTEE | SUMMARY OF RESPONSE |
|---|---|
| | to be adequate space for pedestrian / buggy / wheelchair circulation around the cycles when parked up. The plans show the seating clear of the existing frontage path. |
| Planning Policy | <u>Holding Objection</u><br><br>The main issue I have with this proposal is that there's no evidence to show that the applicant has undertaken a sequential test, or even thought about the possibility of locations closer to Hedge End village centre. Whilst I can't think of any alternatives that would be more suitable and are available, the applicant ought to have looked into this matter in more detail and presented their findings, if only to meet the terms of the NPPF and our local plan.<br><br>This application is for the change of use of a vacant retail unit (Unit 3) at Hedge End retail park from A1 (retail) to A3 (restaurant/café) use. This retail park does not form part of any town, district or local centre that is defined within the Eastleigh Borough Local Plan Review, nor does it adjoin any of these centres. However, both the existing and proposed use are classified as main town centre uses, meaning that the proposed development should be considered as an out-of-centre proposal for these uses. Relevant policy and guidance is provided by the Eastleigh Borough Local Plan Review (2001-2011) (EBLPR) and the National Planning Policy Framework (NPPF). The emerging Revised Draft Eastleigh Borough Local Plan (2011-2029) is also relevant, although only very limited weight can be attached to its policies.<br><br>Policy 134.TC of the EBLPR concerns edge-of-centre and out-of-centre retail, leisure and other town centre development. Notwithstanding the supporting text for this policy, which states that applications for out-of centre development of more than 500sq.m must comply with its terms, policy 134.TC applies to all proposals for town centre uses in out-of centre locations and is therefore relevant for this proposal. This policy requires a sequential consideration of alternatives to the proposed location, as well as a consideration of site accessibility. With regard to issues of accessibility, criteria iv) of the policy requires that the new use would be genuinely accessible by a choice of transport modes and would reduce reliance on the car.<br><br>As well as providing areas for car parking, the Hedge End retail park has bus links to other parts of the borough and there are footpath connections between this part of the retail park and the local bus stops. It is nevertheless unlikely that this change of use would reduce reliance on the car. However, for a development of this scale and nature, these requirements must be considered in light of the facts that the existing building is relatively small, has an approved retail use and is currently vacant.<br><br>Although the application is supported by a brief design & access |

**CONSULTATION RESPONSES**

| CONSULTEE | SUMMARY OF RESPONSE |
|---|---|
| | statement, there is no evidence that the applicant has undertaken a sequential test in respect of their proposal, in order to demonstrate that there are no alternative sites or premises in more sustainable and sequentially preferable locations, that are also suitable, viable and available for A3 use (see policy 134.TC, criterion ii). It is not therefore possible to fully evaluate the proposal in terms of this policy. Further information on the other sites that have been considered for this development should therefore be provided in support of the planning application. As a minimum, I would expect that sites and premises within and on the edge of Hedge End village centre would have been considered as part of a sequential test for this proposal.<br><br>In addition to policy 134.TC, policy 104.T is an important consideration for this development proposal. This policy requires that adequate off street parking is provided to serve the development, up to the maximum standard that is included in Hampshire County Council's parking standards. Although the applicant's design & access statement suggests that the new use should not have any adverse impacts on traffic within the development or affecting local roads, this is only on the basis that the development would not involve an increase in floor space. Whilst the existing building is relatively small, the change of use could have a positive effect on the number of visitors, as reflected in Hampshire County Council's car parking standards, which suggest that a greater number of car parking spaces would be appropriate for eating and drinking establishments in comparison with non-food retail. It will be important to consider this proposal in the context of the current car parking provision and whether this would be sufficient to accommodate the proposed new use in addition to the existing retail uses. The Council's Transportation & Engineering unit could be consulted on this matter.<br><br>Other material considerations: the National Planning Policy Framework (NPPF)<br><br>Paragraph 24 of the NPPF supports the application of a sequential test in respect of this development proposal. As mentioned above, the applicant has not supplied any evidence of undertaking a sequential test for their proposal. It is not therefore possible to assess compliance with this part of the NPPF.<br><br>Overall, the proposal should be assessed in terms of the presumption in favour of sustainable development as defined in paragraph 14 of the NPPF. The potential adverse impacts relating to this proposal include the potential for detracting from the vitality and viability of Hedge End village centre (paragraph 23) and situating the new use in a location where it will not minimise the need to travel or maximise the use of sustainable transport modes (paragraph 34). At this stage, it is not possible to determine whether more suitable locations would be available for the new use in/on the edge of Hedge End village centre, and therefore in more a more sustainable location. Balanced against these considerations, this proposal would enable a more effective use |

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**CONSULTATION RESPONSES**

| CONSULTEE | SUMMARY OF RESPONSE |
|---|---|
| | of previously developed land (paragraph 17) and could support economic growth by enabling further investment in Hedge End retail park (paragraph 19). Although there is insufficient information to assess the proposal, it seems likely that if it were to meet the requirements of policy 134.TC and subject to resolving any parking-related concerns, the benefits of this proposal would outweigh its disadvantages.<br><br>Other material considerations: the Revised Draft Eastleigh Borough Local Plan (2011-2029) The Revised Draft Local Plan (2011-2029) is a consultation document and is currently subject to public consultation. It does not therefore carry significant weight for this proposal, although it is useful for highlighting the intended direction of future policy. In this regard, Policy DM19, Retail development broadly reiterates the requirement for a sequential test in out-of-centre locations and would require that the proposed development be sustainably located in terms of accessibility by modes of transport aside from the private car.<br><br><u>Conclusion</u><br>In the absence of information to demonstrate that a sequential test has been carried out in respect of this proposal, it is not possible to determine whether it complies with local and national planning policy. Further information should therefore be requested from the applicant. In addition, it will be important to consider whether any increase in parking requirements (however small) would raise significant concerns for the use of the existing car park. |
| Environmental Health | No objection |

**POLICY CONTEXT**

| DESIGNATION APPLICABLE TO SITE |
|---|
| Within Built-up Area Boundary |

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

Eastleigh Borough Local Plan Review (2001-2011): 59.BE, 104.T & 134.TC
Revised Draft Eastleigh Borough Local Plan 2011-2029: DM1 & DM11

**NATIONAL PLANNING POLICY GUIDANCE**

<u>National Planning Policy Framework</u>
Para 14 – presumption in favour of sustainable development
Para 19 – significant weight should be placed on the need to support economic growth through the planning system.
Para 34 – development should be situated in locations that minimize the need to travel or maximize the use of sustainable transport modes.

**POLICY COMMENTARY**

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

**COMMENT ON CONSULTATION RESPONSES**

The agent has now provided information on alterative sites that were considered. Consultees comments will be considered in assessment section

**COMMENT ON REPRESENTATIONS RECEIVED**

None received

**PLANNING OBLIGATION/CONSIDERATIONS**

None

**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."*

Policy 134.TC covers applications for retail, leisure or other town centre uses that are in an out of centre location. The policy requires that applicants demonstrate there is a need for the development, they have considered centre/ edge of centre locations, there will not be an adverse impact on the vitality and viability of nearby centres and the site is well served by a choice of transport means.

The policy covers large developments that have a floor space of 500m2 or more. As the proposal has a floor space of about half this (220m2) it is not considered necessary for the development to meet all of these requirements.

Policy 104.T states that planning permission will only be granted for appropriate development which provides adequate off-highway parking up to the maximum standard set out in respect of the accessibility of that development. When considering the level of parking appropriate for a retail or leisure development in or on the edge of a centre, the Council may consider parking provision additional to the relevant maximum standards, but only where it can be clearly demonstrated that it will serve the centre as a whole and assist the vitality and economic viability of the centre.

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.

**ASSESSMENT**

Principle

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**ASSESSMENT OF PROPOSAL**

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

The proposal is not for a new building, rather to convert the existing building from its permitted A1 retail use to an A3 coffee shop. The building is located within a large out of centre retail park and as such the permitted A1 retail use already competes with shops within the nearby Hedge End Town Centre. The proposed coffee shop is considered to have no greater impact than the existing retail use on the vitality and viability of the nearby town centre. In fact it could be argued that an A3 coffee shop would have less of an impact as these types of outlets primarily rely upon spill over trade from neighbouring shops rather than being the primary destination for customers.

Another consideration is that the site is located adjacent to a new 8,310sqm A1 retail unit, which is currently being constructed. The new retail unit is around 38 times the size of the application building and as such would have a much larger impact on the nearby town centre than the proposal. In addition the unit contains a small cafeteria and there are other cafes and fast food outlets within the wider retail park. As such the principle of A3 restaurants/ cafes has already been accepted within the locality.

Alternative Locations

The Council's Planning Policy Team has argued that a sequential test is required to establish whether a premise within or closer to the Hedge End town centre is available. In response the agent has provided information on available town centre units (1b & 5a Lower Northam Road) and why these do not meet the business requirements. The main reason being that the units are just too small for the business to operate in.

Moreover, a town centre location for the A3 coffee shop is not considered ideal as the health of the Hedge End Town Centre relies upon providing a wide A1 retail mix. The centre already has a number of eating outlets and as such a further coffee shop could harm this mix and may result in the loss of a retail unit. In fact Policy 137.TC restricts the amount of non A1 frontage within the primary shopping area to 20%, of which Hedge End Town Centre already has 42% in an non A1 use (according to a survey carried out in July 2013).

Economic

The building is or will shortly be redundant and there is no guarantee that a new A1 retail use will found in the short term. The proposal will bring the unit back into use and will provide jobs for six employees, which is comparable to an A1 retail use. As such the proposal can be seen as supporting the local economy, which is a key pillar of the National Planning Policy Framework.

Transportation

The building is within a reasonably sustainable location, where there are bus links to other parts of the borough. There are also nearby footpath connections and cycle routes, which are being further improved as part of the neighbouring retail and housing development. The proposal includes cycle stands at the front of the building to enable the use of more sustainable forms of transport. The proposal also provides adequate on-site vehicle parking and it is anticipated that this type of has no more vehicle trips than the existing A1 retail use.

Character and Appearance

The application includes two seating areas and a row of cycle stands at the front of the building. However, these are relatively small additions and can be accommodated on the existing hard standing without obstructing movement around the site. The application does not include any changes to the external appearance of the building, which fits in with the style of properties within the retail park.

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**ASSESSMENT OF PROPOSAL**

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Residential Amenity

The proposal is located within a retail park which is a reasonable distance from residential properties. As such the proposal is not considered to unacceptably affect the amenity of residential properties, by way of an increase in the levels of noise or disturbance.

**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**

The proposal is considered to comply with relevant Development Plan policies and is recommended for approval. A condition on opening hours is not considered necessary as the building is not close to residential properties and the opening hours have not been restricted for the neighbouring A1 retail store (which is under construction).