HOUSEHOLDER PLANNING APPLICATION REPORT Ref No. X/14/74047

DESCRIPTION	Variation of condition 1 of planning permission Z/11349/005/00 to change the opening hours of 12-2pm and 17.30-11pm to 8am to 11pm.
ADDRESS	Fanellis Pizza, 8 Bournemouth Road, Chandler's Ford, Eastleigh, SO53 3DB

SITE VISIT DATE	30/4/2014
ARE PLANS ACCURATE?	No plans submitted except location plan.
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	Yes

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	• The application is proposing the variation of a previous planning consent to vary the opening hours
TOPOGRAPHY	• NA
TREES	• NA
BOUNDARY TREATMENT	• NA
SITE CHARACTERISTICS	• The application site contains a two storey building within a parade of terraced properties • A pizza shop occupies the ground floor with residential on the first floor
CHARACTER OF LOCALITY	• The immediate surrounding area contains a two storey terraced building which is part of a parade of shops

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
Z/11349/005/00	Relief from condition 2 of planning permission 11349/3	Granted 26/8/1998
Z/11349/004/00	Change of use of first floor to residential	Granted 18/6/1996
Z/11349/003/00	Change of use to hot food takeaway (a3)	Granted 18/6/1996

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
None received	

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
CFD	No objection

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Established Residential Area Shopping Area 139.TC; District and local centres 133.TC; Changes of use to non-retail 140.TC; Upper floors 141.TC; Change of use to A3, A4 or A5 in shopping areas 142.TC

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

Eastleigh Borough Local Plan Review (2001-2011), saved policies 59.BE; 133.TC; 139.TC; 141.TC; 142.TC

Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014, DM1 (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'

Supplementary Planning Guidance : Quality Places (2011)

CHARACTER APPRAISAL AREA

Chandler's Ford and Hiltingbury Character Area

SPECIAL POLICY AREA

NA

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework

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, street scene and character of the area

COMMENT ON CONSULTATION RESPONSES

None received

COMMENT ON REPRESENTATIONS RECEIVED

None received

PLANNING OBLIGATION/CONSIDERATIONS

Not applicable

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

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.

Impact on the Character and Appearance of the Area

The applicants are applying for the variation of planning permission to extend the opening hours. The shop operates as a take away pizza business and currently the business operates 12-2pm and 17.30-11pm Monday to Thursdays, and between 12-11pm Friday, Saturday and Sunday.

The applicants are now wanting to sell sandwiches and baguettes in the morning thus this application to vary the opening times to 8-11pm.

The shop is part of a small parade of shops which includes a butchers, convenience store and other take aways. There are also shops opposite which include a hairdressers and a sandwich shop.

It is not considered that varying the opening hours will not have an adverse impact upon the character of the surrounding area and is therefore considered acceptable.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Residential Amenity

Had this proposal related to opening the business until later in the evening, there may have been concerns with this. However as it is proposed to open at 8am to sell sandwiches and baguettes it is not considered that this would result in undue harm to the amenity of neighbouring occupiers. Furthermore no objections have been received regarding the variation of hours.

Nature conservation

The proposal is not considered to result in a likely significant impact on a European Protected site (SPA,SAC or Ramsar). HRA (Habitat Regulations Assessment) screening was not required for this development as it falls outside the designated zone of impact.

OTHER MATERIAL CONSIDERATIONS

Also of relevance is the 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.

CONCLUSION

The variation of opening hours would not result in undue harm to the character or appearance of the surrounding area or indeed to the amenity of nearby residents in accordance with Eastleigh Borough Local Plan Review (2001-2011), saved policies 59.BE133.TC; 139.TC; 141.TC; 142.TC, and the Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014, policy DM1.