HOUSEHOLDER PLANNING APPLICATION REPORT Ref No. F/13/73514

DESCRIPTION	Single storey rear extension to kitchen, new entrance porch at side, new extractor flue and provision of outdoor seating area (Amended Design)
ADDRESS	Badi Mirchi Indian Restaurant, 190 Leigh Road, Eastleigh, SO50 9DX

SITE VISIT DATE	
ARE PLANS ACCURATE?	Yes
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	Yes

THE SITE AND ITS SURROUNDINGS	
DETAILED DESCRIPTION OF APPLICATION	• The application is seeking amendments to the previously approved scheme (F/12/70203) • The amendments relate to replacing the pitch roof on the approved single storey rear extension with a flat roof, and a double door to the single storey rear extension
TOPOGRAPHY	• Flat and level
TREES	• There are no trees on site that would be affected
BOUNDARY TREATMENT	• The boundary treatment consists of a fence which is approximately 1.6 metres high
SITE CHARACTERISTICS	• 1920s public house on a prominent corner plot in an attractive 'Arts and Crafts' style with decorative timber framing and carved detailing. The building retains much of its original character but has been let down by • Unsympathetic additions to the rear and external spaces.
CHARACTER OF LOCALITY	• Most surrounding properties are residential dwellings but the site is on a main road with many other uses in relatively close proximity.

RELEVANT PLANNING HISTORY		
REFERENCE	DESCRIPTION	DECISION
F/12/70203	Single storey rear extension to kitchen, new entrance porch at side, new extractor flue and provision of outdoor seating area.	Approved February 2012
F/11/69135	Single storey rear extension to kitchen, new entrance canopy at side, out door tabled area at front with low level fence screen and function marquee in rear garden.	Withdrawn November 2011

RELEVANT PLANNING HISTORY		
REFERENCE	DESCRIPTION	DECISION
Z/12475/006/00	Extension to car park.	Approved Dec 1987
Z/12475/004/00	Alterations.	Approved April 1982
Z/12475/003/00	Re-site store.	Approved 1976
Z/12475/002/00	Car park.	Approved 1973
850	Hotel.	Approved 1927

REPRESENTATIONS RECEIVED	
SOURCE	SUMMARY OF CONTENT
None received	

CONSULTATION RESPONSES	
CONSULTEE	SUMMARY OF RESPONSE
None received	

POLICY CONTEXT
DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Adjacent to established residential properties Building of Local Importance

DEVELOPMENT PLAN SAVED POLICIES, EMERGING LOCAL PLAN POLICIES AND SPD'S
Eastleigh Borough Local Plan Review (2001-2011) 59.BE Policy DM1 of the Revised Draft Eastleigh Borough Local Plan 2011-2029 Supplementary Planning Guidance : Quality Places

CHARACTER APPRAISAL AREA

Eastleigh Character Area

SPECIAL POLICY AREA

NA

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework

Of particular relevance to this application is *Section 7: Requiring good design* which stipulates that good design is a key aspect of sustainable development and is indivisible from good planning; that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment; and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it

NATIONAL PLANNING POLICY GUIDANCE

functions.

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

NA

COMMENT ON REPRESENTATIONS RECEIVED

NA

PLANNING OBLIGATION/CONSIDERATIONS

Not applicable

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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."

Development Plan Policies

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 OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

MATERIAL CONSIDERATIONS

This application is seeking amendments to a previously approved scheme; F/12/70203. The amendments relate to the approved single storey rear extension, which was proposing a pitched roof, this is now proposed to be a flat roof, and the door proposed to the rear of the single storey rear extension to be a double door.

The following assessment was made on the previous application, which is still considered relevant. Although no comments or objections have been received, those received regarding the previous application have been included as they are still of relevance.

Principle *– The application site lies within the urban edge where the general principle of development is acceptable, with any formal planning approval being based upon the exact nature, design and impact of that proposed being considered appropriate and to accord with the relevant local plan policies. The main policies in this instance are saved Policy 59.BE and 175.LB of the Eastleigh Borough Local Plan Review (2001-2011).*

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Policy 175.LB relates specifically to buildings of local importance of which No.190 Leigh Road is one. This policy states that 'Development which would have a detrimental impact on a building of local importance or its setting will not be permitted.'

Layout & Design *– The application is split into three parts, the single storey kitchen extension to the rear, a new porch to the side door from the car park, and an enclosed external seating area to the front of the building onto Leigh Road.*

The rear extension raises no concerns in terms of its form, scale or design as it essentially follows an existing rear addition to the building. The extension is mainly required in order to greatly improve the food preparation and kitchen facilities for the restaurant which at the moment are inadequate.

The current side entrance onto the car park is now used as the main entrance to the restaurant rather than the original main front door onto Leigh Road. While concerns have previously been expressed that it is a great shame that the original main entrance is no longer to be used as such, the LPA have little or no control over this, as the change of use from a pub to the restaurant did not require planning consent. Concerns were also expressed that the previously proposed new porch was not sympathetic or respectful to this building of local importance. It was for this reason and others that the last planning application was withdrawn.

This latest application proposes a much more appropriate porch which better reflects the style, character and appearance of the main building. The dark stained timber detailing and rendered infill panels of the main building have been reflected in the design, as have the plain clay tiled roof. This is considered to be much more in keeping with the building and to accord with both saved Policy 59.BE and 175.LB of the local plan. However, a condition requiring samples of materials is recommended.

The final part of the application is for an external seating area to the front of the building onto

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Leigh Road. This seating area would be enclosed by a 1.2 metre high timber fence and include areas of planted landscaping. While the idea of having an external seating area next to such a busy main road is still not quite understood, the proposed landscaping, etc would be a significant improvement over the present rather sorry looking area of paving slabs.

***Amenity** – The main issues in terms of amenity are disturbance caused to neighbouring residential properties in terms of disturbance through noise and odours. In planning terms there is little which can be done to prevent noise from the restaurant, other than to place some controls and restrictions on the mechanical extraction systems. Opening hours, etc cannot be controlled through planning legislation as the change of use from a pub to the current restaurant did not require consent. However, this can be controlled via licensing legislation.*

One neighbour has already raised concerns with regards to cooking smells coming from the premises but this is most likely due to the original mechanical extraction system for the pub not being able to cope with the increased level of use. While a concern, the Head of Environmental Health has raised no objection but has requested that details of extraction and odour neutralising equipment be submitted and agreed in writing by the LPA. Their recommended condition has been included but the wording adjusted to better reflect the current situation, i.e. the restaurant already being in use.

***Parking & Highway Issues** – The Head of Transportation and Engineering has raised no objection to the proposed frontage seating area, although has requested a condition to confirm the exact position of this new front boundary fence. This is to ensure that it does not impinge on proposed junction improvements, which will include new pedestrian and cycle provision.*
The position of the fence as shown also follows the line of existing front boundaries to properties along Leigh Road.

***Street Scene & Area Character** – In terms of the street scene, the refurbishment of the building which has already been undertaken is welcomed, as are the proposed improvements to the frontage area, which presently does nothing to enhance the site. While further improvements to the parking area would be welcome, this is not part of the planning application submitted. Overall, the proposed works are considered acceptable and a will be a continued enhancement of this prominent site.*

The proposed alterations are still considered acceptable. As the proposed single storey rear extension would be located to the rear of the property, the proposed flat roof and proposed double doors are considered acceptable amendments which would not have adverse harm to the character and appearance of the existing building, or indeed upon the residential amenity of neighbouring occupiers.

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.

CONCLUSION

The proposed single storey rear extension to kitchen, new entrance porch at side, new extractor flue and provision of outdoor seating area, as amended, are considered acceptable would not have adverse harm to the character and appearance of the existing building, or indeed upon the residential amenity of neighbouring occupiers, in accordance with 59.B.E of

CONCLUSION
the Eastleigh Borough Local Plan Review (2001-2011).