

DELEGATED OFFICER REPORT

Application Ref: F/22/93287

Site Address: 44b MARKET STREET, EASTLEIGH, SO50 5RA

Case Officer: Alex Webb

Description: Change of use from Class E to sui generis tattoo and piercing studio.

Particular Site Constraints?	Yes ☒	No ☐
Nature Conservation NE - SSSI Impact Risk Zones HRA Screening Criteria (SAC, SPA, Ramsar) Aviation safeguarding - Airport Safeguarding Zones Sewers - SW Sewers2m Buffer		

Planning History?	Yes ☒	No ☐
PN/21/89818 - Change of use of ground floor rear storage area from Retail (Use Class A1) to Residential (Use Class C3) – Prior Approval Refused 16/04/2021		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	None		
Parish Council:	No Comment/No Objection		
Pollution Control	No comment or objection		

Site Visit:	Yes ☒	No ☐
05/09/2022		

Policy:
National Planning Policy Framework Planning Practice Guidance
Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Special Policy E3, Strategic policies S1, S2 and S4; and Development Management policies DM1, DM11, DM13, DM14 and DM22.
Supplementary Planning Documents: Quality Places; Character Area Appraisals.

Assessment:
The site is one half of the ground floor of a two storey end of terrace building. The property is amongst a row of commercial properties, including barbers, a salon, shops and an estate agents. The first floor and rear half of the ground floor are in a residential use. There is a rear service parking area which appears to potentially serve properties located on both Market Street and Leigh Road. However, it is uncertain as to whether this also serves 44b Market Street. In any case, the servicing of this unit is likely to require smaller vehicles due to its small size which could easily park within nearby proximity to either the front or back of the property. The site is located within the urban edge and surrounded by commercial properties. It is sustainably located within a highly accessible area in the town centre with good pedestrian and cycle links to nearby facilities and access to buses and the train station. The application site is currently vacant and unoccupied, it was previously occupied by 'Phone junction' a mobile phone repair and sales shop, Use Class E.

Policy E3 supports the regeneration of Eastleigh Town Centre and changes of use must meet policy DM22. DM22 states that a change of use of the ground floor within the core shopping zone and primary frontages of Eastleigh Town Centre must demonstrate that the new use retains an active ground floor frontage, does not adversely affect amenity of an area or the appearance of the frontage; and does not have a negative impact on the provision of services or on the sustainability of a key shopping area.

The development is considered acceptable and complies with policies DM1, DM11, DM13, DM14 and DM22 in that:

Principle

- The development is within the urban edge where the principle of development is acceptable.
- the new use would retain an active ground floor frontage, would not adversely affect amenity of an area or the appearance of the primary frontage; and would not have a negative impact on the provision of services or on the sustainability of the core shopping zone and in accordance with DM22.

Design, layout and proposed use

- The design of the change of use from a shop (Class E) to ground floor a tattoo and piercing studio (Class sui generis) is suited to the building in terms of its form, scale and appearance.
- The development would not be an overdevelopment of the site.
- It is anticipated that the change of use would result in little or no change to the current vehicle movement, which is acceptable in this instance. The premises is sustainably located within a highly accessible area in the town centre therefore it is not considered the application would have a detrimental impact to the highway network.
- The proposed internal layout would make efficient use of space.
- The opening hours would be 10:00-17:00 Mon-Fri and 10:00-17:00 on Saturdays.
- The proposed would be in accordance with policy DM22 as the active shopfront to the ground floor would be retained. The proposed suis generis use would also be in accordance with the uses that are expected within the core shopping zone.

Other material considerations

- There will be no adverse impact upon trees or other natural features worthy of retention.
- There are no likely significant impacts on the SPA.
- This planning permission does not convey the right for the development to encroach over, under or on land, which is not within your ownership, without the consent of the landowner.
- The proposed advertisement would need to be assessed under an advert application and as such as not been assessed under this application.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and adopted local plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted local plan, as is an assessment of climate impacts.

The NPPF aims for the need for housing to be met, and policy S2 of the Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2 and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts on climate emissions as a result of the development or its use.

Equalities Implications:

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications

Conclusion: For reasons set out above, the application is recommended for permission.

Recommendation:	PERMIT ☒	REFUSE ☐
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Comments ...
