

DELEGATED OFFICER REPORT

Application Ref: F/22/93802

Site Address: Barclays Bank PLC, 113 Winchester Road, Chandler's Ford, Eastleigh, SO53 2ZA

Case Officer: Summer Sharpe

Description: External alterations to include installation of extractor duct and condensing unit (rear elevation) to facilitate Café (Class E), addition of awnings and fenestration alterations.

Particular Site Constraints?	Yes ☒	No ☐
- Within urban edge - Chandler's Ford: Fryern Arcade - Airport safeguarding zone - HRA: SAC, SPA, Ramsar & River - Nutrient Neutrality		

Planning History?	Yes ☒	No ☐
Planning App no.	Proposal	Decision
A/22/93865	Consent to display 1no. non-illuminated retractable awnings, 3no. vinyl signs and 1no. projecting sign.	Under consideration
A/10/67707	Display of 2no. illuminated fascia signs and 1no. illuminated projecting sign.	Permitted (September 2010)
F/06/57274	Replacement of 4no. air conditioning units at rear.	Permitted (September 2006)

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	<u>1no. Support Comment:</u> Chander's Ford needs something like this, my family and I would visit here regularly should this go ahead and I think it would be the kickstart Chander's Ford needs to bring a bit of life back to the centre of town.		
Parish Council:	None received.		
EBC Environmental Health:	<u>Comments 11 January 2023 (following the receipt of a Noise Report)</u> The Noise Impact Assessment Report has been revised to include for office use (window is about 2m distance from the flue). Assuming windows are closed by the occupiers of the offices, the sound insulation provided by these probably reduces noise inside the office to an acceptable level when the fan is on medium setting. <u>Comments 19 December 2022</u> A condition limiting the speed of the fan would satisfy concerns with regard to the nearby dwelling. Additional information would be required in terms of the office with regard to noise and odour. <u>Comments 13 December 2022 (following the receipt of additional information):</u> This is a professional report on assessment of noise at the nearby dwelling flat (20m) and uses empirical measurement information from a similar Josies' premises. With the fan on medium setting, our noise limit of the Rating Level being at least 5dB(A) below background is demonstrated to be complied with. On a high setting there would be exceedance.		

	The rooms in the dwelling facing or having opening windows towards the planned Josies' premises are apparently for kitchen or bathroom, which can be less noise sensitive. Not using the fan on high setting as is practice in the similar Josies' premises apparently is good because it has demonstrable effect in lowering noise emission. Whether the applicant would prefer to 'hard' limit fan speed or introduce 5dB more of noise control depends on need or functional operation. Either are acceptable. Queries/ concern with regard to the offices above the site and their means of ventilation. <u>Comments 22 November 2022 (following the receipt of additional information):</u> Additional information on odours, fumes, noise and flue details are required. <u>Comments 18 November 2022 (following the receipt of additional information):</u> Additional information, surveys and demonstration required. <u>Comments 16 November 2022 (following the receipt of additional information):</u> Concerns were raised with regard to proximity of dwellings/ nearby buildings. The noise level should be 5 decibels or less than background sound. Vibration isolating mountings to prevent vibration in the ductwork and components radiating as audible sound. Additional information is required in this regard. <u>Comments 27 October 2022 (following the receipt of additional information):</u> Additional information in relation to extraction systems is required. <u>Comments 17 October 2022:</u> Subject to satisfactory demonstration of a kitchen system, flue and other plant or equipment design, we do not object. Please require a planning condition for these to be approved prior to commencing operation on the premises. Such systems are ordinarily feasible, but I must point out the flue discharge point shown on drawing number 09-02 dated 9 September 2022 is not acceptable. We advise the applicant to employ a professional kitchen systems designer and refer to the EMAQ+ publication "Control of Odour and Noise from Commercial Kitchen Exhaust Systems" and our requirement for the Rating Level of noise emissions to be at least five decibels below the background sound level at dwelling or similarly occupied spaces. For commercial type uses, the applicant should refer to BS8233 "Guidance on sound insulation and noise reduction for buildings" and consult with the occupier on its type of use and sensitivity to noise.
EBC Licensing:	None received.
Hampshire Highways:	<u>Comments 15 November 2022 (following amendments):</u> Subject to a condition securing the external seating as shown on the plans this would be acceptable.

	<u>Comments 12 October 2022</u> No objection in principle (subject to minor amendments to plans and conditions). Access: access into the site is to remain unchanged, with pedestrian movements taken from the footway running along the site frontage (Winchester Road), and vehicle access provided to the rear in the shared private car parking areas. This current situation works well for the existing and neighbouring units and as such its continuation is acceptable. Site Layout: The internal site layout has no impact on the highway, however it is noted that externally tables and chairs are proposed. Whilst the 3 tables/ 12 seats directly adjacent to the site building are acceptable, where adequate footway space is trained for passing pedestrians, the 2 tables/ 8 chairs located adjacent to Winchester Road need to be removed from plans for highway safety reasons. The 2 tables/ 8 chairs are located within the visibility splay required for vehicles exiting the side road to the east of the site building and as such would be obstructive to the view of drivers looking to the right when exiting into oncoming traffic. It would be requested that a suitably worded condition be applied (should permission be granted), stipulating that no tables or chairs shall be placed beyond a 2m distance from the building structure frontage. Parking: whilst parking is for EBC to assess, it is noted that there appears to be adequate parking available within the wider Fryern Arcade, which is time restricted to ensure good levels of turnover. There are also 6 spaces located directly to the rear of the site, though it is understood that a least one of these will be lost for bin storage. In terms of cycle parking 2 hoops are proposed which will provide for 4 cycles. The case officer may wish to investigate to whether this can be increased in line with the EBC parking standards requirements. Servicing: servicing arrangements are not specified, however due to the nature of the proposed use (café), it would be anticipated that deliveries would be primarily undertaken by transit style/ sized vehicles which could adequately park and unload in the area to the rear. In terms of refuse collections, it would be anticipated that this would be from the rear of the site, utilising the side road to the eastern boundary as with neighbouring units. Whilst this may cause some delay to other following vehicles, this will be minimal in time and frequency, and alternative vehicle routes out onto Brownhill Road are available.
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Policy:

National Planning Policy Framework

National Planning Practice Guidance

Development Plan:

Eastleigh Borough Local Plan 2016-2036

Policies: S1 (Delivering sustainable development), S2 (Approach to new development), DM1 (General development), DM11 (Nature Conservation), DM13 (Transport), DM14 (Parking), DM21 (New retail development), and DM22 (Changes of use in retail frontages in Eastleigh town centre, district centres, local centres and neighbourhood parades).

Supplementary Planning Documents:

Quality Places; Residential Parking Standards.
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Site Visit	Yes ☒	No ☐
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6 October 2022.

Assessment:

<u>Site & Surroundings</u>

The application site relates to an end of terrace building, occupying a corner plot, to the north of Winchester Road. The building is finished in red facing brick work with large fenestration at ground and first floor level, with a mansard roof above which accommodates offices. To the immediate north of the site is a small hard standing for parking provisions serving the unit. Further north and east are other parking provisions. The site and wider surroundings fall within the Chandler's Ford: Fryern Arcade centre, whereby there are a mixture of commercial uses nearby.

<u>Proposal</u>

The application proposes external alterations to include installation of extractor duct and condensing unit (rear elevation) to facilitate Café (Class E), addition of awnings and fenestration alterations.

<u>Principle</u>

The application site falls within the urban edge, whereby the general principle of development is considered acceptable. The application site also falls within the Chandler's Ford: Fryern Arcade shopping area thus engaging Policies DM21 and DM22 of the Eastleigh Borough Local Plan (2016-2036). Policy DM21 sets out that new retail development will be permitted in the defined centres provided that it is compatible with the role and retail character of the centre. Policy DM22 relates to changes of use in retail frontages in centres. This sets out that where a proposal relates to the change of use within the ground floor of the core shopping zone, primary and secondary shop frontages involving the loss of Class E use, community or leisure/ cultural uses under Classes E and F or sui generis uses including pubs, drinking establishments and hot food takeaways, proposals 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 upon the provision of services or on the sustainability of a key shopping area.
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The application would change the use of the site from a bank (Class E) to a café/ restaurant (Class E). Following the introduction of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, uses within Class E do not need planning permission to change to another use within the same Class E classification. Therefore, the use from bank to café will not be considered within this application. The sole considerations comprise the alterations required to facilitate this change of use: extractor duct/ condensing units/ other external alterations.
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The Chandler's Ford shopping area comprises a mixture of uses; cafes, shops, pubs etc. therefore the proposed use and its associated external alterations are considered to be compatible within the surroundings which comprise a mixture of uses, thus being acceptable in principle, subject to the following considerations.

<u>Design</u>

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of urban areas, take full and proper account of the context of the site including the character, appearance and land
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uses of the locality or neighbouring, and be compatible in terms of mass, scale, layout density, design and siting.

The external alterations comprise the installation of extractor duct and condensing unit, these would be located on the northern elevation (rear). These elements are considered to appear utilitarian in terms of their design, however they are not uncommon within an area characterised by other commercial units. It is also acknowledged that these elements would be visible from public vantage points, however given that there are other examples within the vicinity, their appearance is not considered to be harmful.

The addition of awnings to the southern elevation are considered to be appropriate with regard to their size and siting. The fenestration alterations to the eastern elevation are considered fairly minimal. From a site visit this type of development was visible within the surrounding vicinity, therefore the proposals would not appear out of context.

To conclude, the proposals are considered to be acceptable in accordance with the abovementioned policy and would therefore be acceptable.

Impact upon Neighbouring Amenities

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.

Due to the nature of the proposals, the Council's Environmental Team have been consulted. Initially they advised that the flue discharge point on the originally submitted plans was not acceptable. However, subject to satisfactory demonstration of a kitchen system, flue and other plant equipment (secured via a condition worded prior to first commencement of use) they would not object. They raised concerns about the impact the proposals may have on neighbouring residential units. Clarification was provided by the applicant and information from council tax which concluded that the units above the application site were in use as offices. However, there are residential units above the co-op (next door) and some residential above the units within the Fryern Arcade.

The LPA sought additional information from the applicant to ensure that the extraction system details were resolved prior to the granting of planning permission. As per Paragraphs 55-58 of the National Planning Policy Framework (NPPF) conditions should only be imposed where they are: necessary to make the development acceptable, related to the development, and fairly and reasonably related in scale and kind to the development. The LPA consider the extraction system to be fundamental to the acceptability of the proposals, and it would not be reasonable to condition this information if it was not possible for the necessary equipment to satisfy environmental health officers.

As such, the applicant provided additional noise reports (the most recent: Josie's Wine Bar and Restaurant 213 Winchester Road, Chandlers Ford – Noise Impact Assessment Report 248/Rep 1/Rev 1/Jan 2023).

The extraction system would be located on the rear of the host building. The proposal would adjoin part of the second floor of the unit, which is occupied by offices. The Agent has sought confirmation from the freehold owner of this part of the site who is agreeable to the extraction system proposed. The Agent has also advised that the office windows above are kept shut as internally there is reliance upon mechanical ventilation. Furthermore, the windows for the office specifically serve a storage area. So, even if they were open, it would not have such an adverse impact as that area (storage) is not as sensitive (when compared to the main office) thus not requiring a higher level of protection. Therefore, this relationship with the offices above would be acceptable, in terms of both noise and odour.

In terms of residential neighbours, the report notes that the closest impacted residential would be approx. 20m away from the site, separated by a reasonable distance (being situated within the Fryern Arcade). Previously Environmental Health raised concern with the noise in regard to fan speed and its potential to exceed 5dB. The updated report (Jan 2023) confirms that the noise levels would be compliant with the necessary British Standards Criteria, even when the fan is on the maximum setting, and therefore restricting as previously requested by Environmental Health would be unreasonable.

It should also be noted that the use would only operate during the daytime (operating hours are recommended to be conditioned). In addition, it should be acknowledged that the surrounding area comprises a mixture of uses, some of which include extraction systems, and therefore there is likely to be a degree of disturbance during daytime hours. However, the application site would not operate after 17:00, and therefore the neighbouring dwellings would be protected at night-time which is considered more sensitive.

Further and in terms of odour, the agent has confirmed that the majority of the food prepared/ served are breakfast/ sandwiches (predominantly cooked on induction hobs/ convection oven), meaning that there is limited deep-frying. It is therefore not considered that there would be adverse odours released as a result of the proposals.

Overall and to conclude, the noise report (Jan 2023) submitted, concludes that the necessary standards would be met, and as such the proposals would be considered acceptable in this regard.

Highway Safety & Parking

Policy DM14 of the Eastleigh Borough Local Plan (2016-2036) requires development to provide off-highway parking which is adequate in terms of highway safety / traffic management.

Due to the nature of the proposals, the Local Highways Authority (LHA) have been consulted. They noted that access would be acceptable, remaining unchanged, and parking would be acceptable, utilising the spaces to the rear of the site and the existing shared private car park serving Fryern Arcade.

They raised concern with the layout of external seating, and the amount of cycle parking provisions. The layout of the external seating has since been amended, whereby the LHA are now agreeable, however they have requested that the seating be conditioned so as not to have an adverse impact upon the highway network and pedestrian movement. In terms of cycle parking provisions there would be 4no. spaces provided by 2no. cycle loops, which is, on balance, considered to be acceptable given the sustainable location.

In terms of refuse and servicing, whilst limited information has been provided the LHA has not raised an objection. It is therefore recommended that a condition be imposed securing deliveries within the operating hours of the unit.

Other Matters

Please note that whilst the external seating has been considered within this application, a separate highways licence would need to be obtained for the siting of tables and chairs on the highway. An informative will be included to advise the applicant.

Equalities Act:

Section 149 of the Equalities Act 2021 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.

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 and development plan 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 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 and 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 limit impacts on climate emissions as a result of the development or its use.

Conclusion:

This application is recommended for approval, subject to conditions.

Recommendation:

PERMIT ☒

REFUSE ☐