

DELEGATED OFFICER REPORT

Application Ref: F/23/94495

Site Address: 10A ST JOHNS CENTRE, ST JOHNS ROAD, HEDGE END, SOUTHAMPTON, SO30 4QU

Case Officer: Alex Webb

Description: Change of use from a nail salon (Sui Generis) to takeaway and food service (E(a)).

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

Planning History?	Yes ☒	No ☐
Z/28444/001/00 - Change of use to office – Refused 23/10/1985 F/18/84489 - Change of use from existing A2 (Estate Agent) to proposed Sui Generis (Nail Salon) – permitted 25/01/2019		

Publicity	Letters ☐	Site Notice ☒	Newspaper ☐
Representations:	None		
Parish Council:	Object as there are concerns that there are too many food and drink outlets in the area. There are concerns over health with the sugary aspect of the drinks. There are concerns about the increase in plastic waste in the village. The opening hours are not stipulated and there is concern about a potential increase in ASB with young people hanging about.		
Highways	No objection - adequate parking is afforded in the local area, primarily to the rear of the unit, and the site is also well linked to sustainable travel modes, being walking, cycling and bus travel as an alternative to the car.		
Pollution	The "Bubble Tea" shop and takeaway is mainly for hot and cold drinks and purchasing some food precooked or packaged. The premises set within a row of commercial or retail uses and the back of house which includes some plant and equipment looks towards car park. There being no apparent risk of impact to amenity within dwellings being distant and low or no emissions, we support the application . In terms of the proposed opening hours, the reasons emissions are low and the premises are located at a reasonable distance from sensitive receivers.		

Site Visit:	Yes ☒	No ☐
06/03/2023		

Policy:
National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Strategic policies S1, S2 and S4; and Development Management policies DM1, DM2, DM11, DM14 and DM21 and DM22. Supplementary Planning Documents:

Assessment:

The site consists of a single storey terraced building on the west side of St Johns Road within Hedge End District Centre and urban area. The proposal has a large window and pedestrian door to the front (north west) of the site and a fire exit to the rear (south east). The surrounding area consists mainly of commercial and community uses.

The change of use is sought from a nail salon (sui generis) to a Class E(a) use. The proposal is for the sale of hot and cold drinks including Bubble Tea with limited options for cold food such as sandwiches, but these would not be consumed on the premises. No internal or external alterations are proposed as part of the proposal. Refrigerator storage units and an induction hob would be installed.

Concerns have been raised in regard to the potential for the premises to be used as a hot food takeaway. As the food would cold in nature (sandwiches, wraps) the use would be Class E(a) however if any hot food were to be sold for takeaway, this would be a sui-generis use which would require planning permission. Concerns are also raised over the number of food and drink outlets in the area; however there remains a varied range of services within the centre. The other concerns over health, increase in plastic waste and potential increase in anti-social behaviour are not considered to be material planning considerations.

The development is within the urban edge and the established district centre of Hedge End where the principle of development is acceptable. The building is currently occupied by a Nail Salon. Policies DM21 allows for new retail development provided the new use is compatible with the role and retail character of the centre and Policy DM22 allows for the change of use in retail frontages in district centres provided it is demonstrated 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 it does not have a negative impact on the provision of services or on the sustainability of a key shopping area.

The proposed Class E (a) use is compatible with the role and retail character of Hedge End District Centre. The new use would retain an active ground floor frontage, would not adversely affect amenity of the area or appearance of the frontage. Whilst a Nail Salon (sui-generis) use would be lost, there are other Nail and Beauty salons in close proximity to the site. The proposal would not result in the loss of a Class E use. There are no other premises in the centre serving this type of product and therefore considered to provide a community benefit and enhance the vitality and viability of the centre. The proposal is not therefore considered to have a negative impact on the provision of such services or on the sustainability of the district centre.

There would be sufficient parking available in the locality to serve the business. In addition, there are bus services available with a bus stop immediately adjacent to the front of the site.

There would be minimal food and drink preparation on site and the cold food takeaway would be solely the sale of pre-made food. Therefore, there is no proposed unacceptable odours or noise generation anticipated from the site.

The opening hours currently are 10:00-19:00 Monday to Saturday. The applicant wishes to change these to be slightly shorter but allow for a limited amount of trading on a Sunday. As there are other premises open in the locality on a Sunday and the site is away from sensitive receivers, the proposed hours of 11:00-15:00 are considered reasonable. Therefore, there will be a condition for opening ranging from 10:00-18:00 Mon-Sat and 11:00-15:00 on Sundays.

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.
- Any 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 the reasons set out above, the application is recommended for planning permission subject to conditions.

Recommendation:

PERMIT ☒

REFUSE ☐

Comments ...