

DELEGATED OFFICER REPORT

Application Ref: F/23/96275

Site Address: 11 ST JOHNS CENTRE, ST JOHNS ROAD, HEDGE END, SOUTHAMPTON, SO30 4QU

Case Officer: Rachael Morris

Description: Retrospective conversion of Hot Food Takeaway (Sui Generis) to Hairdresser/Barber shop (Class E)

Particular Site Constraints?	Yes ☒	No ☐
- Eastleigh Town, District and Local Centres and Neighbourhood Parades - Within the urban edge		

Planning History?	Yes ☒	No ☐
- Z/26776/000/00 - Construction of shops, offices, church and maisonettes together with servicing and car parking – Grant outline – Apr 1985 - Z/26776/003/00 - Erection of shops, offices and associated parking – Permit – May 1985 - Z/26776/005/00 - Erection of 7 shops and a kiosk – Approve reserved matters – Jul 1985 - Z/31006/000/00 - Change of Use to Pizza Takeaway (Class A3) – Permit – May 1989 - Z/31006/001/00 - Conversion of Roof Space to Form a Flat Above Shop with Front and Rear Dormers – Permit – Feb 1994		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	None		
Parish Council:	No Objection		
Planning Policy:	The principle of the change of use from a Sui Generis takeaway to a Class E hairdresser is considered to be an acceptable use within the boundary and retail frontage of Hedge End District Centre. With regards to the development falling under Class E, a condition to restrict the proposal from changing to some of the sub classes in Class E should be given consideration. The use of restrictive conditions can help to minimise potential impacts upon the Borough's sequentially preferable locations such as the existing town, district and local centres. In light of the changes to the Use Class Order and the creation of Class E, it is considered that restrictive conditions can still be used in the interests of making sound planning judgements based on material planning considerations. In order to manage any future potential changes to the unit and to minimise future potential impacts such as upon the vitality and viability of the centre and general amenity, consideration should be given to inserting a condition which would restrict any future changes of the unit to those within Class E except for those falling within E(g)(i), E(g)(ii) and E(g)(iii). It is further considered that this would help to provide sufficient flexibility for future changes of use in Hedge End District Centre in accordance with the intentions of Policy DM22, Changes of use in retail frontages in Eastleigh town centre, district centres, local centres and neighbourhood parades. The Planning Policy supports this change of use proposal whereby the above noted condition should be considered for the purposes of protecting the viability and viability and wider amenity of Hedge End District Centre. The Planning Policy supports this change of use proposal whereby the above noted condition should be considered for the purposes of		

	protecting the viability and viability and wider amenity of Hedge End District Centre.
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Site Visit:	Yes ☒	No ☐
Details: 20/12/2023		

Policy:

National Planning Policy Framework Planning Practice Guidance

Development Plan:

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM11, DM14 and DM22.

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment:

The development is considered acceptable and complies with policies DM1, DM11, DM14 and DM22 from the 2016-2036 local plan, in that:

Principle

- The development is within the urban edge where the principle of development is acceptable.
- Policy DM22 states that within the ground floor of the district centres, a change of use or redevelopment involving the loss of a 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; must demonstrate that:
 - a. the new use retains an active ground floor frontage;
 - b. it does not adversely affect amenity of an area or the appearance of the frontage; and
 - c. it does not have a negative impact on the provision of services or on the sustainability of a key shopping area.

Change of use

- The change of use to barber from hot food takeaway will create a Class E use but will result in the loss of a sui generis use.
- In accordance with policy DM22, the barbers will retain an active frontage to the ground floor and does not adversely affect the amenity of the area.
- The design and layout respect the character and appearance of the locality. The barber/hairdresser use suits the district centre where barbers are already seen.
- The development would not be an overdevelopment of the site as there would be no additional floorspace created. In addition, there are car parks in the local vicinity, the closest of which provides 2 hours free parking.
- A restrictive condition is to be imposed to limit the use within Class E which offers a broad spectrum of uses. The condition will include the use under Class E except for those falling within E(g)(i) (Offices to carry out any operational or administrative functions), E(g)(ii) (Research and development of products or processes) and E(g)(iii) (Industrial processes). This will help to provide sufficient flexibility for future changes of use in accordance with the intentions of Policy DM22 but also protect the vitality and viability and wider amenity of Hedge End District Centre.

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.
The development accords with guidance set out in the 'Quality Places' SPD in that there will be no unacceptable impact on the amenity of the neighbouring properties in terms of loss of privacy, light or outlook. The use will be converted from a hot food takeaway that is usually expected to create more noise and odour disturbance than that of a hairdressers/barbers. However, opening hours will still be restricted, due to nearby residential amenities.
- The advert is not assessed here in this application. This could benefit from deemed consent. If this includes illumination, then advertisement consent would be required.

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.

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:

Recommendation:

PERMIT ☒

REFUSE ☐

Comments ...