

DELEGATED OFFICER REPORT

Application Ref: F/24/96659

Site Address: 109 Winchester Road, Chandler's Ford, Eastleigh, SO53 2GH

Case Officer: Summer Sharpe

Description: Change of use from Sui Generis (laundrette) to Class E (restaurant), including extraction system and air conditioning unit.

Particular Site Constraints?	Yes ☒	No ☐
• Within urban edge • Chandler's Ford: Fryern Arcade • Airport safeguarding zone		

Planning History?	Yes ☒	No ☐
Planning App no.	Proposal	Decision
EAB0797200000	Installation of shop front	Permitted (February 1973)
A/24/96662	Non Illuminated Sign to Fascia	Under consideration

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	None received.		
Parish Council:	None received.		
EBC Environmental Health:	No objection subject to conditions. The proposal is for a Class E restaurant, located directly beneath residential dwellings. From the information supplied we understand that an air conditioning unit along with a fan extracting cooking air from the kitchen, are to be installed at the rear of the property at ground floor level. The restaurant is described as a pancake restaurant, with the activities on site to include: grilling and reheating food and making pancakes, it is stated that there will be no deep fat frying. Operational hours are given as: 9am to 8pm Monday to Saturday, and 10am to 5pm on Sundays and Bank Holidays. Some information on the noise output of the extract fan is included, however it is not clear which fan unit is being referred to as two different units are indicated. The number of covers in the restaurant is not given. Whilst the potential for odour to be generated by the activity is not high, the low level vent will not disperse odour effectively. No odour assessment has been included nor odour control proposed in the application. Industry guidance, EMAQ 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems', indicates that an odour assessment should be carried out to establish the necessary type of odour control required. It follows a hierarchical approach with the preferred option being that the exhaust stack should be extended to above the roof ridge or eaves of the residential flats above and filtration included. Where this is not achievable and a lower vent height proposed, then a higher level of odour control is likely necessary. No information or assessment for the air condition unit noise is provided nor an assessment of noise impact from either the air conditioning or extract fan. We are aware that the previous use was as a dry cleaner, albeit some time ago, and that some noise and potentially odour would have been apparent, we would highlight that dry cleaning operations are regulated under the Pollution Prevention and		

	Control Act 1999 and as such, subject to strict regulatory controls over emissions to air. On the basis of the nature of the cooking on site and times of operation given, and the previous use of the site we do not object to the proposed development. We do recommend that conditions are imposed with respect to control of noise from equipment, and on odour or other emissions to air from kitchen activities. We would however highlight that whilst recommending conditions that the submission of supporting information in the form of noise and odour reports will likely to be necessary to demonstrate a satisfactory level of control will be achieved, and that external modifications are likely necessary which may be relevant in planning terms, e.g. above eaves level exhaust stack, installation of external plant.
EBC Licensing:	None received.
Hampshire Highways:	No objection. Access: remains unchanged and is acceptable. Parking: is available in the time restricted Fryern Arcade adjacent, as well as the public parking to the rear of the library approx. 200m north-east. Trip Rates: it is not anticipated that trip rates will be significantly different to the previous use, once elements such as linked, pass-by and diverted trips (trips that would otherwise be making a similar trip on the local highway network but to another provider) are taken into account.

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), DM8 (Pollution), 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.

Site Visit	Yes ☒	No ☐
17 January 2024.		

Assessment:

Site & Surroundings

The application site comprises a two-storey mid-terrace building, to the north of Winchester Road. The application site adjoins the neighbouring unit (currently occupied by The Co-Operative), whereby there is a shared canopy over the frontage. The building is finished in red facing brick work with large fenestration at ground and first floor level, and windows at first floor level. To the north of the site are some parking provisions, which are connected to the wider Fryern Arcade 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.

Proposal

The application proposes the change of use from Sui Generis (laundrette) to Class E (restaurant), including extraction system and air conditioning unit.

The application proposes 1no. extraction system which would be located on the rear (north) elevation. This would measure approx. 2m by 1.5m, and would be situated 3.3m above ground level.

The 1no. air conditioning unit would measure approx. 1.6m by 2m, and would project approx. 0.3m from the northern elevation, and would be situated approx. 5.2m above ground level.

Principle

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.

The application would result in the change of use of the site from a laundrette (Sui Generis) to a restaurant (Class E). To enable this change of use, there would also be the installation of extraction system.

The applicant has advised that the laundrette ceased to trade December 2021. Council Tax records also confirm this, and therefore it can be reasonably assumed that the site was vacant since that date. Given the location of the site within the Fryern Arcade Centre, it is highly desirable for units to be occupied and to be within a viable use. Furthermore, the proposals would provide some employment opportunities (8no. full time and 4no. part time jobs). As such the change of use would be considered acceptable in principle.

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.

Design

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 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.

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 Health Team have been consulted. They noted that there could be residential development within close proximity (above the Co-Operative). They also noted the nature of the proposed restaurant use and the types of food provided, methods of cooking, as well as the operating hours.

They advised that some information with regard to noise output had been provided, however it was not clear, and the number of covers was not given. It was also noted that there was potential for odour to be generated, however this was not considered to be high. The proposed low level vent was not considered to be able to disperse odour effectively, and no odour assessment had been provided. No information or assessment for the air condition unit noise has been provided nor an assessment of noise impact from either the air conditioning or extract fan.

They did advise that on the basis of the nature of the cooking on site, times of operation given, and the previous use of the site they would not object to the proposed development. However, this would be subject to conditions ensuring control of noise from equipment and odour/ other emissions to air as a result of kitchen activities. Whilst conditions can be imposed, additional supporting information is likely to be necessary to demonstrate a satisfactory level of control will be achieved, and that external modifications are likely.

As such, and subject to appropriate conditions in relation to noise and odour, the proposals are considered to be acceptable, thus would not have an adverse impact upon the amenities of nearby neighbouring properties.

Highway Safety & Parking

Policy DM13 of the Eastleigh Borough Local Plan (2016-2036) requires that development is or could be well served by public transport, cycling and walking and it includes measures which minimise its impact on the existing highway network. Policy DM14 of the same Plan requires development to provide off-highway parking which is adequate in terms of highway safety / traffic management. These policy provisions are consistent with the requirements of the NPPF and in particular those of paragraphs 108 and 109.

Due to the nature of the proposals, the Local Highways Authority (LHA) have been consulted. They raised no objection, noting that access would remain unchanged and would be acceptable, and parking would be acceptable, utilising the car park serving Fryern Arcade, as well as noting that there are other nearby parking provisions. They also made comment on trip rates advising that these are unlikely to be significantly different to the previous use and therefore the proposals would be acceptable in this regard.

In terms of refuse and servicing, whilst limited information has been provided it is noted that the application site is served by the Fryern Arcade car park and has an allocated parking area whereby these activities could be undertaken without having an adversely harmful impact upon the wider surroundings. It is however recommended that delivery

times be conditioned, but this would be in relation to the impact it could have upon neighbouring amenities.

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 ☐