

DELEGATED OFFICER REPORT

Application Ref: F/23/96293

Site Address: 11 MARKET STREET, EASTLEIGH, SO50 5RH

Case Officer: Alexandra Stone

Description: Change of use from retail (Class E) to hot food takeaway (Sui Generis) including external alterations

Particular Site Constraints?	Yes ☒	No ☐
- Within Urban Edge		

Planning History?	Yes ☒	No ☐
Z/06279/003/00 – Refuse Planning Permission – 05/06/1979 Change of use of ground floor retail shop and first floor storage to use of ground floor for building society offices and accommodation on first floor Z/06279/004/00 – Permit – 03/04/1981 Installation of new shop front A/06279/005/00 – Consent to The Advert Display – 03/04/1981 Illuminated individual lettering affixed to fascia		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	<u>12A High Street (Summarised):</u> Concerns regarding refuse and rats.		
Parish Council:	No Comment/No Objection		
Hampshire County Council:	In regard to application F/23/96293, having reviewed the information contained within the application pack, there would be no objection to the proposals from a highway perspective.		
Environmental Health:	I have reviewed the additional submissions made (Acoustic Report Report No: 252/Rep 1/Rev 1/Mar 2024) and note its findings; indicative that there should be a low risk of noise impact from the plant. The odour assessment submitted concludes that there should be a high level of odour control. This is based upon a different assumption regarding the distance to the closest residential use of 'less than 20 metres' than was used in the acoustic report. Customer noise can be a feature late at night from such uses at the front of the premises. Use after 23:00 hours may constitute late night refreshment and require a premises licence from EBC; consideration for granting such a licence should be based in part upon the risks of public noise nuisance.		

Site Visit:	Yes ☒	No ☐
Details:		

Policy:
National Planning Policy Framework National Planning Practice Guidance Development Plan: <u>Eastleigh Borough Local Plan 2016-2036</u> 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.

Assessment:

Site & surroundings

The application site comprises of a two-storey Class E retail unit located to the south of Market Street within the Town Centre.

Proposal

The application proposes the change of use from retail (Class E) to hot food takeaway (Sui Generis) including external alterations to the frontage.

The application proposes to reposition the doorway to be more central of the building with window either side.

The proposed extraction flue would be located in the middle to the rear of the building, measuring approximately 3.8m above the single storey aspect of the roof.

Principle

The application site falls within the urban edge, whereby the general principle of development is considered acceptable. The application site also falls within Eastleigh Town Centre Primary Shopping Zone thus engaging policy DM22 of the Eastleigh Borough Local Plan (2016-2036).

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 Eastleigh Town Centre 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 of the addition of an extraction flue located to the lower rear roof which would remain unseen from public vantage points therefore not to be considered harmful in appearance.

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) 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 application, The Councils Environmental health and Pollution teams were consulted as part of the application. They reviewed the submitted noise report which set out that there should be a low risk of noise impact from the plant.

It is noted the neighbours were of a sufficient separation distance and that there were similar noise emitting uses within the vicinity therefore it is considered unlikely that plant noise would pose a significant risk and the odour assessment concludes that there would be a high level of odour control.

An odour assessment was also submitted, this sets out that a high level of odour control would be required to ensure minimal adverse impact. As a result of the nature of the proposals the operating hours proposed are 11:00am to 12:00am Monday – Saturday, closed Sunday. These operating hours seem to be consistent with the neighbouring units.

Highway safety & parking

Within policy DM13 of the Eastleigh Borough Local Plan (2016-2036), it states 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. As the application site is within Eastleigh Town Centre, there is a large amount of parking available such as the Swan Centre car park and within Market street/ High street. In addition, there is the use of public transport via train/ bus.

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:

Recommendation:

PERMIT ☒**REFUSE** ☐

Comments ...