

**DELEGATED OFFICER REPORT:****Application Ref:** F/24/97705**Site Address:** BOORLEY GREEN COMMUNITY CENTRE, 121 WALLACE AVENUE, BOTLEY, SOUTHAMPTON, SO32 2RQ**Case Officer:** Clare Martin**Description:** Partial change of use of building from community centre (Class F2) to cafe (Class E(b))

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| <b>Particular Site Constraints?</b> | <b>Yes</b> <input type="checkbox"/> | <b>No</b> <input checked="" type="checkbox"/> |
| Details:                            |                                     |                                               |

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| <b>Planning History?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Yes</b> <input checked="" type="checkbox"/> | <b>No</b> <input type="checkbox"/> |
| <ul style="list-style-type: none"> <li><u>O/12/71514</u> - Outline application with all matters reserved (except for access) for the demolition of golf driving range shelter and groundsman's equipment store and the development of 1400 homes with access from Winchester Road and Maddoxford Lane (with upgrades to the Winchester Road/Woodhouse Lane Junction and approaches and Maypole Roundabout, construction of Sunday's Hill Bypass and approaches, extension to existing hotel (including new conference and leisure facilities, 44 no. new bedrooms and car parking), creation of new local centre (incorporating energy centre, pub, assisted living accommodation, retail and employment floorspace, including change of use of Braxells Farm House to employment), primary school, multi purpose community building, sports and open space facilities including play areas, allotments and Multi-Use Games Area, and changing facilities, together with construction of roads, footpaths (including diversion of Footpath No. 2) and cycle ways, and pumping stations. (Amended description following amended plans received 11/12/2012). This application is the subject of an Environmental Impact Assessment. – <u>Granted (November 2023)</u></li> <li><u>R/16/79470</u> - Reserved matters application (pursuant to outline planning permission O/12/71514 which was subject to an Environmental Impact Assessment) for the erection of 889no. dwellings, community building, multi-use games area, land for use as allotments, open space, road infrastructure, pedestrian and cycle links, foul and surface water drainage networks, associated landscaping, car parking, changes to levels, boundary treatments and diversion of Botley Footpath Number 2 – <u>Approved (October 2017)</u></li> </ul> |                                                |                                    |

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| <b>Publicity:</b>     | <b>Letters</b> <input checked="" type="checkbox"/>                                                                                                                                                                                                                                    | <b>Site Notice</b> <input checked="" type="checkbox"/> | <b>Newspaper</b> <input type="checkbox"/> |
| Representations:      | <u>1 letter of support</u><br>A café would be a wonderful addition to Boorley Green                                                                                                                                                                                                   |                                                        |                                           |
| Transport Officer:    | <u>No objection</u> , given the scale of the proposed development, the existing provision of parking, and that the layout will not be changed.                                                                                                                                        |                                                        |                                           |
| Environmental Health: | <u>No objection</u><br><br>I have no particular concerns about the use a café. However, I note that Use Class E(b) has wider application than this. You may wish to limit the use to that of a café by condition.<br><br>The proposal has no contaminated land or air quality impacts |                                                        |                                           |

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| Parish Council: | <p>Bursledon Parish Council is the Applicant for the scheme and has the following additional comments:</p> <p>The design and access statement submitted with the application failed to note the planning condition applied to the building regarding opening times. Planning App: O/12/71514; the opening times were set at 0700 to 22hrs Mon-Thurs, Sunday and Bank Holidays; 0700hrs to 23:00hrs Fri and Sat.</p> <p>The lease we will issue to any prospective tenant will contain those opening restrictions.</p> <p>I noted the comments of Environmental Health regarding extraction systems for the kitchen. The kitchen extraction system is internal, using carbon filters. The kitchen will have no deep fat frying equipment because our insurers would require additional insurance and safety measures. All cooking appliances will be electric so there will be no open flame type cooking.</p> <p>The purpose of the change of use is to provide premises for a café and meeting place for the local community.</p> |
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| <b>Site Visit:</b>                      | <b>Yes <input checked="" type="checkbox"/></b> | <b>No <input type="checkbox"/></b> |
| Details: Site visit carried out 26/7/24 |                                                |                                    |

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| <b>Pre-commencement Conditions:</b> | <b>Yes <input type="checkbox"/></b> | <b>No <input checked="" type="checkbox"/></b> |
| Details:                            |                                     |                                               |

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| <b>Legislation:</b>                                                                                                                                                                                                                                                                                                                 |
| <p>Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-</p> <p><i>"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."</i></p> |

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| <b>Policy:</b>                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>National Planning Policy Framework</b></p> <p><b>Planning Practice Guidance</b></p> <p><b>Development Plan:</b><br/>The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM7, DM11 &amp; DM36.</p> <p><b>Supplementary Planning Documents:</b><br/>Quality Places</p> |

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| <b>Proposal:</b>                                                                                                                                                                                                                                                                                                                                              |
| <p>The community centre was constructed as part of the Boorley Park housing development and includes the provision of a commercial kitchen and café area to be used as part of the centre. The Parish Council would like to deliver this facility as an independent commercial café, which will replace a coffee truck currently operating from the site.</p> |

The proposed café has a floor area of 133m<sup>2</sup>, which will include the use of the smaller hall/ function room at the western end of the building as well as the commercial kitchen/ storage area. The café will operate within the community centre opening times set out within the original planning permission. These are 07.00 – 23.00 Friday & Saturday and 07.00 to 22.00 Monday to Thursdays, Sundays & Bank Holidays.

No internal or external alterations are required for the café and the main 181m<sup>2</sup> hall at the eastern end will be retained in a community use.

#### **Assessment:**

##### **Principle**

The site is within the urban edge where the principle of development is acceptable, subject to the proposal according with the relevant planning policies.

##### **Community Facility**

While the cafe will involve the loss of the smaller hall, the proposal will retain the main hall at the opposite end of the building and there are other alternative community facilities within the immediate locality. Furthermore, the commercial café would contribute to the locality in that it will provide a place for locals to meet and would be complementary to the community groups using the main hall. As such the proposal is considered to comply with Policy DM36.

A condition will be used to ensure that the development is retained as a café, rather than being allowed to change into another class E use (commercial, businesses and services)

##### **Residential Amenity**

The café will operate within the existing agreed time limits of the community centre, so is unlikely to generate additional noise and disturbance over and above the existing community centre use.

In terms of odours, the café is not intending to use deep fat frying to cook food and carbon filters have been fitted to the extraction system at the site. As such the proposal should not result in unacceptable cooking odours.

##### **Parking and Highways**

A car park is provided at the site for the community centre use and there is additional parking at the sports pavilion a short distance away. However, It is anticipated that most customers will be local and therefore can walk or cycle to the site.

##### **Other Considerations**

No internal or external alterations are required for the café and so the development will not have an impact on the character or appearance of the locality. There will also be no adverse impact upon trees or other natural features worthy of retention and no likely significant impacts on the SPA.

#### **Equalities Act:**

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 (1) 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, development plan and 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 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 Adopted Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2 and DM3 of the Adopted 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.

#### **Conclusion:**

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| Recommendation: | <b>PERMIT</b> <input checked="" type="checkbox"/> | <b>REFUSE</b> <input type="checkbox"/> |
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| Comments ... |
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