

DELEGATED OFFICER REPORT

Application Ref: F/24/97711

Site Address: Unit 3, Hedge End Retail Park, Southampton, SO30 4RT

Case Officer: Gary Osmond

Description: External and internal alterations to the existing Class E units, including revised access and new drive-through lane.

Particular Site Constraints?	Yes ☐	No ☒
- Within the urban edge - Established 'out-of-town' retail area		

Planning History?	Yes ☒	No ☐
F/13/73472 – Re-spray existing external window and door frames black and installation of 2no. external air conditioning condenser units to side – Approved Dec 2013		
F/13/73229 – Change of use of existing unit from retail (A1) to restaurant/café (A3) and addition of outdoor seating area at front – Approved Dec 2013		
Z/19545/019/00 – Approval of reserved matters: Erection of restaurant – Approved Dec 1988		
Z/19545/014/00 – Outline: Erection of restaurant – Approved Sept 1988		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	One representation received objecting to the proposals on the grounds of pedestrian safety, i.e. conflict between pedestrians and vehicles.		
Hedge End Town Council:	No Objection to a drive though subject to satisfactory pedestrian access and safety measures for crossing the drive through area. We note that safety issues have been addressed to prevent people reversing out of the existing parking spaces. There are also concerns that cars backing up may cause issues on Charles Watts Way. It was noted that delivery vehicles will now be utilising the same space as car parking.		
Hampshire Highways:	No objection. Updated information and amended plans have addressed previously raised concerns in relation to pedestrian movements, parking/delivery management, and traffic flows. Conditions requested relating to the need for a delivery/servicing management plan, provision of new footways and pedestrian crossing points, as well as cycle parking to be provided prior to the unit being brought into use.		
Trees:	No objection subject to works being undertaken in accordance with the submitted arboricultural report.		
Environmental Health (Pollution):	No objection subject to conditions requiring a contaminated land survey being undertaken and any necessary mitigation measures being implemented. No issues in terms of air quality.		

Environmental Health (Noise):	No objection. May wish to consider limiting hours of construction.
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Site Visit:	Yes ☐	No ☒
The application site and its surroundings are well known to the case officer.		

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 and S2; and Development Management policies DM1, DM2, DM8, DM11, DM13 and DM14. Supplementary Planning Documents: Quality Places; Character Area Appraisals; Trees and Development.
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Assessment: Site Context: The application site lies within a large 'out of town' retail estate which originally dates from the late 1980s. the building was originally built as a restaurant but was later converted for retail use and split into two separate units. Permission was granted in 2013 to change one of the units into two into a Starbucks coffee shop, which remains its current use. The building is the smallest within the estate but sits at the main entrance. In contrast to the large warehouse scale and form of the neighbouring units, the application unit has a tall pyramidal roof, which gives it a strong appearance. The site lies close to junction 7 of the M27 motorway, together with other large retail, commercial and office units in the locality. To the south of the site are residential properties which are separated from the site by parking areas and banks of trees. Proposals: The proposals are to revise the existing units – retail and café – to enlarge the coffee shop and create a drive-thru facility. This would be achieved by using part of the existing building's footprint to create a covered drive-thru lane to its southern side. The main entrance to the coffee shop would be moved to the western elevation and a new entrance created on the northern elevation for the new retail unit. The drive-thru lane would be directed in a clockwise direction around the rear of the building. Policy & Principle: The application site lies within the urban edge and an established retail/commercial area, where the basic principle of development is considered to be acceptable. However, and formal planning approval is dependent upon how well that proposed is considered to accord with the relevant policies and supplementary guidance of the adopted Eastleigh Borough Local Plan 2016-2036. In this instance the most relevant policies are considered to be DM1, DM13 and DM14. Policy DM1 requires all new development to be of a high standard of design which takes appropriate account of the context of the site and that of the surrounding area. It also requires any impact resulting from the development to be appropriately addressed or mitigated, as well as ensuring impact upon the amenity of neighbouring occupiers and uses is not adversely affected. The policy also requires natural features such as trees to be taken into consideration, as well as provide new landscaping where appropriate.

Policies DM13 and DM14 relate to issues of transport and parking. DM13 ensures that new development does not result in any adverse impact upon the local highway network and encourages more sustainable modes of transport. DM14 relates to ensuring an appropriate level of parking provision is provided to serve the development proposed.

Layout, Form, Scale & Design:

The general overall form and scale of the building will remain as it is, although internally the layout would be completely revised, including the creation of a drive-thru lane along its southern side. This would be within the existing building footprint, thereby creating a covered lane adjacent to the collection window. It was originally proposed that this would be an entirely enclosed lane. However, following concerns in relation to lighting, air quality and the attractiveness of using such a space, amended plans have been secured to open up the southern side of the building, albeit retaining the main roof over the lane.

In terms of external layout, six parking spaces along the northern edge of the existing building would be removed to make way for the drive-thru lane entrance and provide a new area of soft landscaping. The lane would continue around the building, utilising an existing walled service yard to the rear, then exiting into the parking area to the west of the building. Revisions to the existing parking bays along the western edge of the site would also be undertaken in order to provide replacement disabled parking spaces for those lost to the north.

Overall, that proposed is not considered to result in any harm to the character and appearance of the building, its immediate setting or that of the surrounding retail estate and therefore accords with the requirements of Policy DM1 of the adopted Local Plan.

Parking & Highways:

The proposals would result in the loss of eight parking spaces immediately around the building. However, given the number of spaces available within the wider retail estate, this is not considered to be an issue of significance.

The removal of the six existing spaces close to the entrance to the estate are considered to be an improvement in terms of pedestrian safety and that of vehicles entering the estate, as these spaces cause issues with vehicles backing out and causing a hazard to those crossing the parking bays. It is also proposed to provide new marked pedestrian crossing points over the new drive-thru lane and also to adjacent junction which serves the neighbouring NEXT superstore car park. That proposed would therefore result in an improvement in terms of pedestrian safety and movement through this part of the overall retail estate. A condition requiring these crossing points to be implemented prior to the drive-thru coming into operation is recommended.

In terms of vehicle movements associated with the proposed drive-thru, Hampshire Highways have now confirmed that they have no objection following the submission of further supporting information regarding expected movements and the number of customers expected to be using the drive-thru at any one time.

Further information has also been provided in relation to servicing of the unit, which would involve having to close off a number of parking bays in order to allow delivery vehicles to load and unload. Whilst not ideal, this is how the unit is already serviced and is not unusual for such uses. Having spaces out of use for considerable periods of time is also not in the applicant's interest, so this is unlikely to cause any additional impact upon adjoining uses. Notwithstanding, Hampshire Highways have requested a condition requiring details of a servicing management plan to be submitted and approved prior to the unit coming into use, which has been agreed in principle by the applicant.

Overall therefore, that proposed is considered to accord with the requirements of Policies DM13 and DM14.

Amenity:

The nearest residential properties are over 50 metres away from the application site and are separated by a bank of trees and a large car park. The unit is already in use as a coffee shop with unrestricted opening hours. Whilst the introduction of the drive-thru element will alter the use of the unit, it is not expected that any additional or adverse impact to the amenity of these residential properties will result from its day-to-day use. This is equally considered to be the case for neighbouring retail units.

Notwithstanding, there is the potential for construction works to cause some disturbance. As such, a construction hours condition is recommended.

Whilst the 2013 planning approval (F/13/73229) did not restrict operating hours, it did limit the approved planning use/s of the unit to retail and café, then Use Classes A1 and A3. The reason given for this restriction was to ensure the vitality of the retail area. This is still considered to be the case, and as such a similar condition is recommended, albeit updated to reflect the new use classes regime.

Trees & Nature Conservation:

There are a number of trees of note along the site frontage, which whilst not protected by any preservation order are nonetheless important natural features at the entrance to the retail estate. As such, it is considered important that they be retained and protected.

In order to create the new drive-thru lane, two smaller trees will need to be removed, and the lane would run through the root protection area of two further trees. Notwithstanding, the Council's Tree Officer has reviewed the proposals and supporting arboricultural information and has raised no objection provided the works are undertaken in accordance with the recommendations of the tree report. A condition requiring this is recommended.

With regards to other nature conservation issues, the site has very limited habitat or biodiversity value. Notwithstanding, the new area of soft landscaping to the site frontage could be used to provide some habitat improvement and biodiversity net-gain, albeit the development is exempt from this requirement.

Contamination:

Environmental Health's pollution response requests the submission of a land contamination survey, however, this is considered unnecessary. Whilst the site previously had an industrial use before the current retail park was constructed, all necessary measures in terms of mitigation should already have been undertaken. It is also the case that no significant ground works are proposed. As such, a contamination study is considered to be unnecessary.

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, 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 ☐
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For the reasons set out above, the application is recommended for approval subject to conditions relating to:

- Approved drawings
- Commencement within three years
- Materials to match
- Tree protection
- Construction hours
- Submission of delivery/servicing management plan
- Provision of pedestrian footways and crossing points
- Provision of cycle storage
- Approved use limited to mixed café/retail.