

DELEGATED OFFICER REPORT:**Application Ref:** X/24/98662**Site Address:** TESCO SUPERMARKET, HAMBLE LANE, BURSLEDON,
SOUTHAMPTON, SO31 8GN**Case Officer:** Clare Martin**Description:** Variation of condition 3 of planning permission F/24/97128 to allow the
takeaway to operate between the hours of 1000 and 2100 on Sundays.

Particular Site Constraints?	Yes ☐	No ☒
Details: None		

Planning History?	Yes ☒	No ☐
F/24/97128 - Siting of a container with canopy for the sale of food and drink as a takeaway (sui generis).		

Publicity:	Letters ☐	Site Notice ☐	Newspaper ☐
Representations:	<u>One letter of objection (38 Woolwich Close)</u> - Longer duration of noise pollution, traffic and food smells - Extra litter. - Not notified of planning application		
Environmental Health (Pollution)	<u>Additional information needed</u> The site is located within an Air Quality Management Area (AQMA). Extended operating hours may lead to additional vehicle trips, contributing to nitrogen dioxide and particulate matter levels, particularly during peak evening times in an already sensitive AQMA. The cover letter prepared by Redline Planning (dated 18/12/2024) indicates that the require extended operation hours on Sunday intended to meet customer demand. However, the application does not provide details on the anticipated increase in vehicle movements or propose any mitigation measures to address the potential impact on air quality. To adequately assess this application, we request the applicant provide further information, including an estimate of the additional vehicle movements expected during the extended hours and any proposed measures to mitigate the potential air quality impacts.		
Environmental Health (Pollution)	There should be no increase in the noise envelope as commented on in the original approval and thus no impact on the Noise Sensitive Receptor, being the residential houses in Hamble Lane. It is of note there have been recent complaint regarding cars racing in the store's car park whilst it is closed, it may be the increased opening hours of the takeaway will exacerbate this noise nuisance/antisocial behaviour. As this is a common problem for car park owners, I would suggest that Tesco's introduce a Noise Management Plan [they will have a national policy] to combat this issue.		
Parish Council:	No response		

Site Visit:	Yes ☒	No ☐
Details:		

Pre-commencement Conditions:	Yes ☐	No ☒
Details:		

Legislation:
Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:- <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>

Policy:
National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are <u>Strategic policies:</u> S1 (sustainable development) & S2 (approach to development <u>Development Management Policies</u> DM1 (general development), DM8 (pollution) & DM13 (access). Supplementary Planning Documents: None

Proposal:
Planning permission was granted in September 2024, for the siting of a container next to Tesco superstore for use as a food and drink takeaway. Condition 3 restricts the opening hours of the takeaway to that of the main superstore, to limit the developments impact upon the locality with the site generally being quieter outside of Tesco's trading hours. The container has now been occupied by Pizza Express who wish to operate between the hours of 12:00-21:00 Monday to Wednesday, 12:00-22:00 Thursday- Saturday and 12:00-21:00. For the most part, Pizza Express will operate within the trading hours of the superstore. The only exception being on a Sunday when Tesco's closes at 16:00, and Pizza Express at 21:00, some five hours later.

Assessment:
Principle The site is within the urban edge where the principle of development is acceptable, subject to the detailed matters according with the relevant planning policies. Noise The hot food takeaway is at the far western side of the car park, approximately 130m from the nearest dwellings (at Devonshire Gardens) behind dense tree screening. At this distance the customer noise and car movements associated with the proposed opening hours until 21:00 should not cause an unacceptable noise impact.

While it is understood that there have been complaints about cars racing within the store car park during closing times, Pizza Expresses extended Sunday opening hours is unlikely to further exacerbate this issue and a planning condition can not be imposed to resolve an existing problem on the site.

No objection has been raised by the Environmental Health Officer on noise grounds.

Air Quality and Transport

The increased Sunday opening hours will result in additional vehicular trips, which is estimated to be around 25 customers over the five hours. This is a very modest number of vehicular movements compared to that of the Tesco Extra store and the proposal is not considered to have a significant impact on the highway network or on air quality within the locality.

Furthermore, the Tesco store ceases trading at 4pm in line with Sunday trading restrictions. This means that vehicle movements in the area reduce significantly after store closure, with a corresponding reduction in the effects on the AQMA. It is highly unlikely that the proposed trips to the Pizza Express between 1600-2100 will therefore result in any significant adverse effects on the AQMA to merit mitigation.

Other Considerations

- The proposed extension in opening hours will have no additional impact upon the character and appearance of the locality.
- There will be no adverse impact upon trees or other natural features worthy of retention.
- There are 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:		
Recommendation:	PERMIT ☒	REFUSE ☐
Comments ...		