

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel 11 December 2012
 Planning Application Report of the Planning and Development Manager**

Application address: 31A Manor Farm Road SO18 1NN			
Proposed development: Change Of Use From Retail (Use Class A1) To Cafe (Use Class A3).			
Application number	12/01632/FUL	Application type	FUL
Case officer	Andy Amery	Public speaking time	5 minutes
Last date for determination:	18 December 2012	Ward	Bitterne Park
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr White Cllr Baillie Cllr Inglis

Applicant: Renata Pilipczuk	Agent:
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Recommendation Summary	Conditionally approve
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the existing mix and balance of uses in the Local Centre have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, REI6 and REI7 of the City of Southampton Local Plan Review (March 2006) and CS3 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The application seeks to change to the use of a currently vacant former retail unit at ground floor level within a semi-detached two storey building the upper floor of which comprise a hairdressers and a residential flat.
- 1.2 The site is located within the Bitterne Triangle Local Centre close to the junction with Manor Farm Road and Bond Road. The local centre comprises a mix of retail units, hot food take-aways, cafes and other services at ground floor level with residential units above and at the rear. On-road parking is provided to the front of commercial units on the eastern side of The Triangle to serve the Local Centre. Given increasing demands for parking in the area, additional parking has in recent years been laid out along Bond Road and Cobden Bridge.

2. Proposal

- 2.1 The application seeks to change the use of a vacant former retail unit to a Cafe/Coffee shop.
- 2.2 The hours of use as applied for are 8am to 4pm Monday to Friday and 8am to 3pm on Saturdays.
- 2.3 No external alterations are sought as the existing shopfront can be retained and used.
- 2.4 An extract flue is proposed towards the rear of the building.
- 2.5 A refuse bin is shown to be located in the side passage.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

4.0 Relevant Planning History

- 4.1 04/01888/FUL: Erection of a roof extension to the front and rear roof slopes

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (enter date) and erecting a site notice (enter date). At the time of writing the report **18** representations have been received from surrounding residents.

5.2 **SCC Highways** - Raise no objections

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are:

6.2 Principle of Development

Policy REI6 states that, 'development proposals will be permitted in local centres if the use falls within A1, A2, A3, A4 or A5'.

Policy REI7 states that, 'proposals involving classes A3, A4 and A5 will be permitted in local centres provided that conditions can be imposed to prevent an adverse impact on local amenities by reason of noise and cooking smells.

Policy CS3 identifies that local centres need to be able to cater for the 'day to day' needs of the community it serves.

The proposal complies with the above policy criteria and is therefore acceptable in principle.

Conditions have been suggested that limit the opening hours, provide adequate refuse storage and handle cooking odours.

6.3 Impact on other local traders and the Local Centre

It should be noted that the impact on the trading levels of similar uses is a matter for the free market to determine rather than the planning system.

It is the role of the planning system to ensure policies and decision making facilitate the maintenance of a healthy mix of uses which support the day to day needs of the local community.

The Local Centre currently provides a wide range of commercial uses of which A1 retail remains the largest single use group complemented by a mix of other services and uses including cafes, restaurants, beauty treatment, dentist, funeral director, hot food take aways and estate agents.

The introduction of a further cafe use will not unduly affect this balance and will have the positive impact of bringing a vacant unit back into use.

6.3.1 Parking

Parking to serve the Local Centre is provided along Manor Farm Road, Bond Road and Cobden Bridge. Typically units do not have their own parking spaces for customers.

6.3.2 Other amenity issues

Conditions can be imposed to minimise the impact of the change of use on local amenity and includes controlling opening hours, refuse storage and systems to manage cooking odours.

7.0 Summary

7.1 The use is compliant with the range of uses stated as being appropriate for a local centre. The local centre retains a healthy mix of uses which continues to serve the day to day needs of the local community. Competition for trade between similar uses is a matter for the free market to dictate not the planning system. The use of the ground floor unit will bring back into use a unit that has been empty for almost a year to be benefit of the character and visual quality of the local centre.

8.0 Conclusion

The proposed change of use to a cafe is compliant with the existing policies for development in Local Centres and with appropriate conditions controlling the hours of use, refuse storage and extract equipment for cooking odours no harm will be caused to the character and amenity of the area.

Local Government (Access to Information) Act 1985 Documents used in the preparation of this report Background Papers

AA for 11/12/12 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition - Change of use

The use hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990(as amended).

02. APPROVAL CONDITION - Hours of Use - food/drink establishments [Performance Condition]

The A3 cafe use hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:
Monday to Saturday: 0730 hours to 22.00 hours (7.30am to 10.00pm)
Sunday and recognised public holidays: 11.00 hours to 22.00 hours (11.00am to 10.00pm)

Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

Reason:

To protect the amenities of the occupiers of existing nearby residential properties.

03. APPROVAL CONDITION - Extract Ventilation - control of noise, fumes and odour [Pre-Commencement Condition]

No commercial cooking shall take place unless and until the approved extract ventilation system including the external flue required to mitigate the fumes and odours from the cooking process has been fully installed and operated in full working order.

Reason:

To protect the amenities of the occupiers of existing nearby properties.

04. APPROVAL CONDITION - Refuse - on site storage [Performance Condition]

Provision shall be made within the site for the adequate storage prior to disposal of all refuse associated with the site. Except for collection day no refuse shall be stored to the front of the building or on the shared path at the side of the building.

Reason:

In the interests of the visual amenities of the surrounding area.

05. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

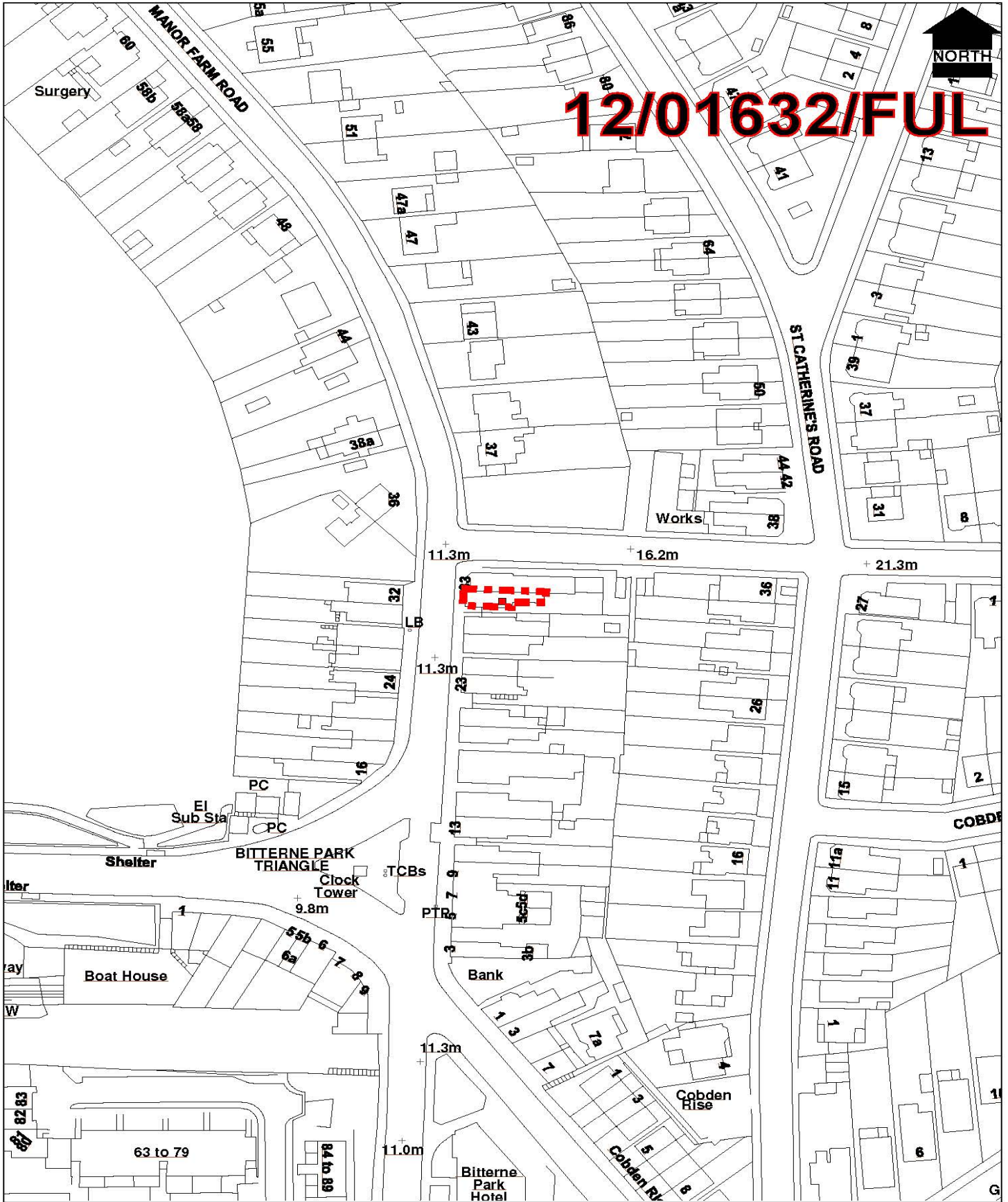
POLICY CONTEXT

Core Strategy - (January 2010)

CS3 Promoting Successful Places
CS13 Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

SDP1 Quality of Development
REI6 Local Centres
REI7 Food and Drink Uses (Classes A3, A4 and A5)



12/01632/FUL

Scale : 1:1250

Date 28 November 2012

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