

CFH – Chandlers Ford and Hiltingbury Local Area Committee Wednesday 28 June 2017.

Application Number: F/17/80436
Case Officer: Gary Osmond
Received Date: Thursday 20 April 2017
Site Address: 1 The Central Precinct, Winchester Road, Chandler's Ford, SO53 2GA
Applicant: Mr R Beal
Proposal: Change of use of ground floor bank (A2 use) to micro pub (A4 use)
Recommendation: PERMIT

CONDITIONS AND REASONS

- 1 The development hereby permitted shall be implemented in accordance with the following plans numbered: 01, F/17/80393, E-AP-431-02 Rev A. Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 The development hereby permitted shall start no later than three years from the date of this decision. Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 3 The use hereby permitted shall not be open to customers until the sound insulation between the premises and flats above have been improved by the installation of 100 to 150mm thick mineral wool with a density of 60kg/m³ above the entire suspended ceiling or alternative works as shall be agreed in writing by the Local Planning Authority have been installed. The improved construction comprising the existing suspended structure as described in the Airtight Noise Check dated 3rd August 2017 submitted to the Local Planning Authority and the approved improvement works shall unless otherwise agreed in writing by the Local Planning Authority thereafter be maintained. Reason: To protect the amenities of occupiers of the above flats.
- 4 Details of any fixed plant or machinery to be installed to the exterior of the premises shall be supplied to the Local Planning Authority for approval in writing prior to installation. Details shall include specific plant or machinery description and identification, noise emission and details of the proposed location for the plant or machinery. Reason: To protect the amenities of neighbouring occupiers.
- 5 Unless otherwise agreed in writing by the Local Planning Authority, the use hereby approved shall only be open to customers between 10:00 hours and 23:30 hours on any day. Reason: To protect the amenities of neighbouring

occupiers and the surrounding area.

- 6 Unless otherwise agreed in writing by the Local Planning Authority, no live or recorded music shall be played at any time inside or within the external areas of the premises. Reason: To protect the amenities of neighbouring occupiers.
- 7 Drinks shall not be permitted to be taken outside the building after 22:00 hours on any day. Reason: To protect the amenities of neighbouring occupiers.
- 8 Any external seating and/or tables shall not be permitted to extend beyond the area covered by the frontage canopy. Reason: To ensure that the footway is not obstructed.
- 9 Deliveries and the collections of waste or other material from the site shall only take place between the hours of 09:00 hours to 17:00 hours Monday to Saturday except on a public holiday when no such activity shall occur. No such activity shall take place on Sundays. Reason: To protect the amenities of neighbouring occupiers.
- 10 The disposal of waste from the premises shall only take place between the hours of 09:00 hours and 17:00 hours Monday to Saturday except on a public holiday, and 10:00 hours to 16:00 hours on a Sunday or a public holiday. Reason: To protect the amenities of neighbouring occupiers.

Note to Applicant: In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

Report:

This application has been referred to Committee by Councillors Mr & Mrs Broadhurst, and Holden-Brown.

Description of Application

1. The application seeks consent for the change of use of the former HSBC bank (Use Class A2) to a Micropub (Use Class A4).
2. A micropub according to the Micropub Association is defined as “a small freehouse which listens to its customers, mainly serves cask ales, promotes conversation, shuns all forms of electronic entertainment and dabbles in traditional pub snacks.”
3. The applicant is local to Chandler’s Ford and intends to open an independent establishment specialising in locally produced ales and craft beers, and to

provide the area with an alternative to the mainly brewery run pubs in the local area.

Site Characteristics and Character of Locality

4. Unit 1 sits at the northern end of the parade of retail units fronting onto Winchester Road and previously formed one half of former bank which closed at the end of 2015. The unit has since been refurbished and has been vacant for a number of months.
5. Central Precinct is a 1960s mixed development of retail and commercial units, together with residential properties on the upper floors. Whilst fronting onto Winchester Road the precinct has been struggling for a number of years, with empty units being a regular occurrence.
6. The immediate surrounding area is relatively mixed, with an industrial use to the rear of the precinct, a further shopping parade to the south along Bournemouth Road, close to a railway station and on a main bus route. To the north and opposite the site to the west is mainly residential development.

Relevant Planning History

7. Other than various advertisement consents for the previous A2 bank use, the only other planning permission relating to Unit 1 was in Jul 2016 for replacement shop fronts (Planning Ref: F/16/78610).

Representations Received

8. At the time of writing a total of 59 representations have been received, of which 53 are in support. The vast majority of these are from people local to Chandler's Ford but others have been received from Eastleigh and Southampton. Most welcome the idea of a new drinking establishment which is independent and different to the brewery controlled pubs which currently serve the area.
9. Those objecting to the proposal have raised the following issues, concerns and objections:
 - Noise and disturbance
 - Late opening
 - Already have pubs in the area
 - Antisocial behaviour
 - Not a suitable use next to residential properties
 - Extra traffic
 - Parking issues
 - Obstruction of the pavement by tables and chairs
 - Smells and fumes
 - Devaluation of property

Consultation Responses

10. **Head of Environmental Health** – Based on the results of the submitted internal noise survey and noise assessment report no objection is raised provided conditions relating to additional sound insulation, opening hours, music, deliveries and servicing, external plant and use of the external seating area are included as part of any planning approval.
11. **Chandler’s Ford Parish Council** – No comments received.

Policy Context: Designation Applicable to Site

- Within Built-up Area Boundary
- Within Established Mixed Use Area

Development Plan Saved Policies and Emerging Local Plan Policies

- Eastleigh Borough Local Plan Review 2001-2011 saved Policies: 29.ES, 59.BE, 100.T, 104.T, 133.TC & 139.TC
 - Submitted Eastleigh Borough Local Plan 2011-2029, July 2014 Policies: DM1, DM19, DM20, DM23, DM24 & CF1
12. The Submitted Local Plan comprises: the Revised Pre-submission Eastleigh Borough Local Plan 2011 - 2029, published February 2014; and the Schedule of Proposed Minor Changes, submitted to the Secretary of State in July 2014.

Supplementary Planning Documents

- Supplementary Planning Document: Quality Places (November 2011)
- Supplementary Planning Document: Planning Obligations (July 2008, updated 2010)

National Planning Policy Framework

13. The National Planning Policy Framework (NPPF) supports and encourages sustainable development which is considered to have three roles, economic, social and environmental. Paragraph 8 of the NPPF states that “These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.”

14. Also of relevance are paragraphs 17, 19 and 23. Paragraph 17 states that one of the twelve core principles of the NPPF is that planning should “proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.” Paragraph 19 states that “The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.” Paragraph 23 states that planning “should be positive, promote competitive town centre environments and set out policies for the management and growth of centres”.

National Planning Practice Guidance

15. Where material, this guidance should be afforded weight in the consideration of planning applications.

Policy Commentary

16. The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to planning policy and the principle of that proposed, its impact upon the character of the wider area, noise, disturbance and amenity, parking and highway related matters, as well as servicing.

Comment on Consultation Responses and Representations Received

17. A detailed response to the main issues raised is given below. With regards to concerns relating to the devaluation of neighbouring residential properties, while an acknowledged concern for those affected, this is not a material planning consideration and cannot be used as a reason to either approve or refuse an application.

Assessment of Proposal: Development Plan and / or Legislative Background

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"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."

19. In this case policy issues for consideration include:

Policy and Principle

20. The application site lies within the urban edge where the basic principle of development is considered to be acceptable, with any formal planning

approval being based upon the exact nature, design and impact of that proposed being considered appropriate and in accordance with the relevant Local Plan policies and Supplementary Planning Documents. The most relevant policy in this case is saved Policy 59.BE of the Local Plan which requires development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials, layout, design and siting. It also requires a high standard of landscape design, a satisfactory means of access and layout for vehicles, cyclists and pedestrians, to make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, and noise and fumes. Also of relevance is Policy DM1 of the Submitted Eastleigh Borough Local Plan 2011-2029, July 2014, which essentially reiterates the above requirements.

21. Also of relevance are saved Policies 133.TC and 139.TC which relate to development and changes of use within identified district, village and local centres and neighbourhood parades. Policy 133.TC requires any development within these identified areas to meet a number of criteria, all of which are intended to ensure that the nature and commercial coherence of the centre is not undermined. Policy 139.TC allows for changes of use within local centres provided those uses are 'A' class uses and sets a limit of no more than 35% non-A1 uses. Based on the last study of local shopping parade occupancy (Town Centres, Local Centre & Shopping Parades – Details of Occupancy September 2016) The Central Precinct stood at an occupancy rate of over 65% non-A1 retail uses. However, the last use of the unit was as a bank, an A2 use, meaning that the proposed change to an A4 use would not result in any further loss of A1 retail uses within the precinct. As such the principle of that proposed is acceptable. Notwithstanding this, an assessment still needs to be made as to whether the impact of that proposed is likely to result in any unacceptable harm to neighbouring occupiers, uses and the character of the wider area.

Area Character

22. A number of those who have commented upon the application and raised concerns have highlighted that there are already a number of drinking establishments in the local area, and are of the view that no more are required. It is acknowledged that Chandler's Ford already has a number of pubs, some reasonably close to the application site. However, it is not the role of the planning system to control the number of such establishments or to restrict commercial competition between them, although it does need to ensure that such proposals are appropriately located and will not cause unacceptable harm to the locality.
23. While on the face of it this may not appear to be the most obvious of locations for such an establishment, a micropub by its nature does not require the size of unit traditionally associated with a normal public house or bar/restaurant. They are intended to be smaller and more intimate venues to enjoy a drink and meet likeminded people in an open and friendly atmosphere, not

dissimilar to a coffee shop or café, uses which would not necessarily raise any concern in this location.

24. The Central Precinct and the surrounding area is already a well-established mixed use area, where retail, commercial and residential uses sit side by side. The precinct already has a number of restaurants and a takeaway which are open into the later hours. In terms of sustainability the site is well located fronting one of the main routes through the area and is conveniently positioned next to a bus stop and very close to Chandler's Ford Railway Station. There is nothing therefore to suggest that such a use would not sit well within the existing local context, provided the amenities of the area are protected.

Noise, Disturbance and Amenity

25. The main objections from those against the proposal are related to concerns of increased noise, disturbance and antisocial behaviour, with existing problems being used as an example. These include past problems with youths congregating in the car park next to the precinct and along the footpath through to Meon Crescent late into the evening, shouting, playing loud music and fighting. The noise of those leaving the existing restaurants in the precinct has also been given as an example, as have car headlights shining into the rear of properties in Regent Road. However, it has been acknowledged that these problems have become less frequent in recent years through better enforcement of the parking regulations and closure of the adjacent public toilets.
26. Saved Policy 29.ES relates to the protection of noise sensitive uses, such as residential properties, and states that "Industrial or commercial development which would result in any noise-sensitive premises being subject to a loss of amenity by means of an excessive increase in noise and/or vibration exposure, will not be permitted."
27. The examples cited above are associated with existing uses or are just a result of the site's location as a convenient spot to meet. There is nothing to suggest that the proposed micropub would in any way add to these existing issues provided reasonable controls are applied and the premises is managed appropriately. Given the nature of clientele such a use would appeal to, it would not be in the applicant's best interests to allow antisocial behaviour which would give the establishment a poor reputation and which could result in his alcohol licence being revoked.
28. The Head of Environmental Health has been consulted on the application and is satisfied that with suitable controls the proposal will not result in any unacceptable harm to neighbouring uses or local residents. The principle environmental health concern raised was for occupiers of the flats which are situated above the unit and the transfer of noise from the bar area to the upper floors. Following an initial holding objection a noise survey and impact assessment was submitted to establish if the proposed use would result in any harm to the amenities of occupiers. The results of this assessment have

demonstrated that the existing construction of the floor/ceiling between the unit and flat above will provide a reasonable degree of sound insulation, however, not to the extent that no unacceptable disturbance would result. As such it has been recommended that some additional sound insulation in the form of 100-150mm of mineral wool insulation above the existing suspended ceiling be installed. This would then provide sufficient mitigation and protection for occupiers of the flat from general noise associated with the proposed use, i.e. customers talking. However it would not be sufficient to protect against additional noise sources such as live or recorded music being played in the bar area. It is for this reason that a condition preventing the playing of live or recorded music is recommended, together with a requirement for the additional sound insulation to be fully installed prior to the micropub opening to customers.

29. In addition to these recommended conditions, further conditions relating to opening hours, when customers can use the small outside seating area, details of any external plant, and when deliveries and collection of waste can be undertaken are also recommended. These conditions have been discussed with the applicant who has confirmed that they are happy to accept them as part of a planning approval.
30. Whilst the concerns and fears of those commenting on the application are acknowledged, there is nothing to suggest that the proposed use would result in any unacceptable disturbance to immediate or nearby neighbours and uses. A comprehensive assessment of the information provided and has been undertaken by Development Management and Environmental Health Officers who are satisfied that with appropriate controls and restrictions the proposed micropub can operate without resulting in any unacceptable impact to the amenities of those occupiers or the wider area. As such the application is considered to accord with the requirements of saved Policies 29.ES and 59.BE of the adopted Local Plan.

Parking and Highway Issues

31. Some concern has been raised that the proposed use would result in increased traffic movements to and from the site, which would add to concerns of noise and disturbance. While acknowledged, it is not expected that the proposed use and the majority of the likely clientele would drive to the micropub. Notwithstanding this, there is ample parking available at the precinct which is privately managed by the landlords.
32. Also as has been highlighted above, the site is well located in terms of sustainability, being adjacent to a main bus route and bus stop, as well as a two minute walk from Chandler's Ford Railway Station. These would provide easy alternatives for customers to use rather than having to drive, although it is expected that the majority of customers would live locally and could walk to the premises.

33. In terms of parking and highway matters it is not envisaged that the proposed use will result in any issues of concern and would accord with saved Policies 100.T and 104.T of the adopted Local Plan.

Servicing

34. Although not specifically raised as an issue by those commenting on the application, how the unit will be serviced does need to be given some consideration. Being located at the end of the parade and immediately adjacent to the main car park, as well as having a rear service door, deliveries can be made to the unit without resulting in any obstruction of the car park or access to any neighbouring units. Given the modest size of the unit there is limited space for the storage of stock, which could result in an increased number of deliveries. However, most suppliers will be local and will utilise smaller delivery vans. A condition is also recommended to restrict deliveries to the unit during normal working hours, so as to limit disturbance to neighbours.
35. It is also recommended that waste collections/disposal from the unit also be limited to these same normal working hours, again to prevent disturbance to neighbouring occupiers.

Other Material Considerations:

Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014

36. Reference needs to be made the Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014. However very little weight can be given to these policies as, although the Submission Local Plan has not been withdrawn the Council has confirmed that it has decided to prepare a new local plan which will cover the period up to 2036. With regards to this application, the new policies essentially echo those of the current plan and are not considered to affect the recommendation put forward.

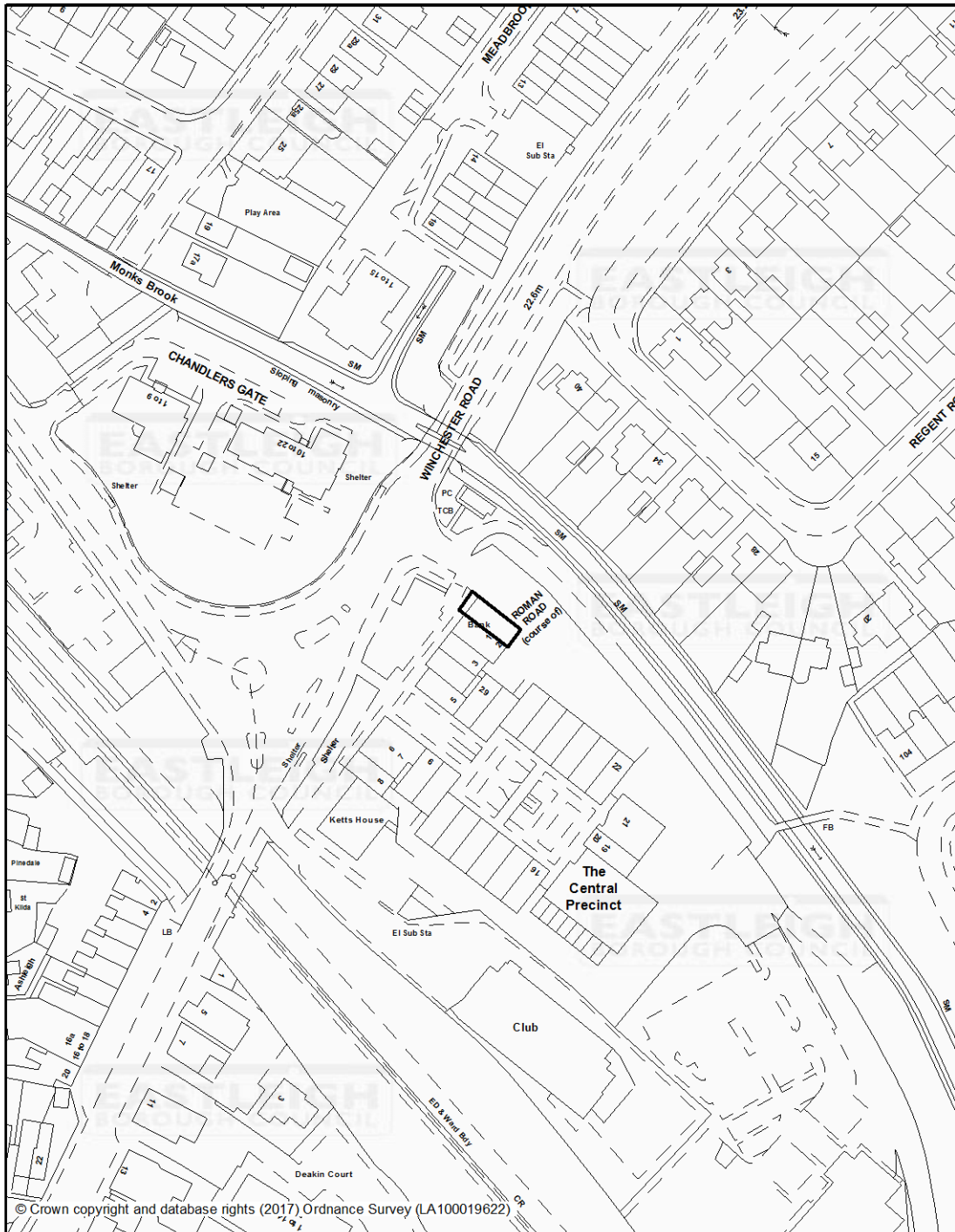
Planning Obligations/Considerations

37. With regards to planning obligations, only contributions towards sustainable transport measures could be requested. However, in this instance the trips associated with the proposed A4 use would be no greater than the previous A2 use, if not less. As such no contributions are considered necessary in this instance.

Conclusion

38. Following detailed discussions with the applicant and a comprehensive assessment by council officers it is considered that with appropriate restrictions and controls, which can be secured thorough conditions, the proposed change of use of the former bank to a micropub would be acceptable in planning terms and would meet all of the necessary requirements of the relevant saved policies of the adopted Eastleigh Borough

Local Plan Review (2001-2011). As such the application is recommended for approval subject to the conditions set out above.



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F/17/80436

Title:
Unit 1 Central Precinct,
Chandler's Ford

Scale:
1:1250
Map Ref:
SU4320NW
Date:
22/08/2017

