

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA 29 March 2007

*Winchester City  
Council*  
Planning Department  
Development Control

## Committee Decision

**TEAM MANAGER  
SIGN OFF SHEET**

<b>Case No:</b>	06/03738/FUL	<b>Valid Date</b>	24 January 2007
<b>W No:</b>	02460/08	<b>Recommendation Date</b>	14 March 2007
<b>Case Officer:</b>	Mr Nick Fisher	<b>8 Week Date</b>	<b>21 March 2007</b>
		<b>Committee date</b>	<b>29 March 2007</b>
<b>Recommendation:</b>	<b>Application Refused</b>	<b>Decision:</b>	<b>Committee Decision</b>

<b>Proposal:</b>	Combined use of ground floor of premises as class A1 shop and class A5 hot food takeaway ; installation of new shopfront with two separate entrances to internally subdivided retail floorspace and customer waiting areas
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<b>Site:</b>	Santoi Hambledon Road Denmead Waterlooville Hampshire
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Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
<b>N</b>	<b>N</b>	<b>N</b>	<b>Y</b>	<b>N</b>	<b>Y</b>	<b>Y</b>

<b>DELEGATED ITEM SIGN OFF</b>		
<b>APPROVE</b> Subject to the condition(s) listed	<b>REFUSE</b> for the reason(s) listed	
	Signature	Date
<b>CASE OFFICER</b>		
<b>TEAM MANAGER</b>		

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**Item No:** 16  
**Case No:** 06/03738/FUL / W02460/08  
**Proposal Description:** Combined use of ground floor of premises as class A1 shop and class A5 hot food takeaway ; installation of new shop front with two separate entrances to internally subdivided retail floorspace and customer waiting areas  
**Address:** Santoi, Hambledon Road, Denmead, Waterlooville, Hampshire  
**Parish/Ward:** Denmead  
**Applicants Name:** Mr Fasu Miah  
**Case Officer:** Mr Nick Fisher  
**Date Valid:** 24 January 2007  
**Site Factors:** Tree Preservation Order  
**Recommendation:** Application Refused

**General Comments**

This application is reported to committee because of the number of letters of support received.

The application follows the previous submission of three applications to change the use of the shop to: a restaurant with takeaway facilities (refused and subsequently dismissed at appeal), a hot food takeaway (withdrawn), and for the retention of a shop to be used during daytime and a takeaway during the evening (withdrawn).

**Site Description**

The property subject to this application is located within the identified Primary Shopping Area of Denmead and settlement boundary. The property is a vacant A1 Retail unit. In the past the unit has been used as a soft furnishers shop and equestrian shop.

The building is a two storey, semi detached; brick built premises located within a parade of retail / commercial uses. Above the premises is a first floor flat. The building is served by a garden area to the rear. There is substantial forecourt area outside of the shop used for short term parking, but with no formal layout.

There are a mix of commercial uses within the parade including, A1 shops, A2 professional services, A3 cafes, A4 Restaurant and A5 hot food takeaways.

**Proposal**

It is proposed to change the use of the existing A1 retail unit, to a mixed use of A1 Delicatessen selling cold Indian food and spices (20sqm of floor space), and a separate A5 Indian takeaway (13sqm of floor space). This is to be achieved by internally subdividing the unit, to form two separate public areas, with private access to both units for staff. The applicant intends to use two separate public accesses, through the introduction of an additional door. The applicant has stated that both uses would be dependent on each other.

It is not proposed to change the use of the first floor flat. It is understood that should consent be granted the applicant will take control and use it for staff accommodation.

**Relevant Planning History**

**W02460** Erection of extension to provide storeroom and change of use of garage to shop and installation of new shop front - Denmead Village News Hambledon Road Denmead Waterlooville Hampshire PO7 6NU -

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Application Permitted - 03/09/1976

**W02460/01** Alterations and extensions to shop premises - Denmead Village News Hambledon Road Denmead Waterlooville Hampshire PO7 6NU - Application Permitted - 04/10/1977

**W02460/02** Change of use of first floor from residential to offices - Denmead Village News Hambledon Road Denmead Waterlooville Hampshire PO7 6NU - Application Permitted - 28/10/1985

**W02460/03** Extension to existing shop storage outbuilding - Santoi Hambledon Road Denmead Hants PO7 6NU - Application Permitted - 28/03/2002

**W02460/04** The erection of a timber outbuilding to be used as a retail outlet for equestrian goods - Santoi

Hambledon Road Denmead Hants PO7 6NU - Application Permitted - 15/08/2002

**W02460/05** Change of use from retail shop to restaurant with takeaway facilities - Santoi Hambledon Road

Denmead Waterlooville Hampshire PO7 6NU - Application Refused - 13/01/2005 – subsequently dismissed at appeal 16/0805.

**W02460/06** Change of use to hot food takeaway on ground floor (use class A5) - Santoi Hambledon Road Denmead Waterlooville Hampshire PO7 6NU - Application Withdrawn - 04/10/2005

**W02460/07** Retention of A1 shop use with change of use A5 takeaway use for evenings (RESUBMISSION) - Santoi Hambledon Road Denmead Waterlooville Hampshire PO7 6NU - Application Withdrawn - 13/06/2006

### Consultations

Environmental Health: Commercial Team – No objection at this stage regarding food and health and safety matters. These matters are covered by separate legislation.

Environmental Health: Environmental Protection – Some concerns regarding the potential for odour nuisance from the premises, however the Officer is satisfied that if the details regarding fume and odour extraction are installed and maintained properly, the proposed use will not have a detrimental impact upon the amenity of nearby neighbours.

Forward Plans: The Forwards Plan team consider that the proposed change of use will not have a detrimental impact upon the planned improvements to the forecourt area. With regard to planning policy, policies SF1 and SF5 are relevant. Policy SF5 attempts to protect A1 retail uses from significant loss or losses within the districts retail centre.

Although a mixed A1 / A5 use is being proposed the proposal is contrary to policy SF5. The policy states that within 25 metres of the frontage no more than 20% of the ground floor uses should be non A1 retail uses. It is the case that there are more than 20% non A1 retail units within 25 metres and this application will further damage the balance of commercial / retail uses.

The Forward Planning team manager considers that the introduction of a further non A1 uses will affect the overall balance and vitality of the centre. The proposal is therefore considered to be contrary to planning policy.

Environment Agency: No comment made.

Highways Officer: Considers that the application does not contain significant highway issues and is unlikely to impact upon highway safety.

Southern Water: No adverse comment.

Building Control: No objection, however Building Regulations consent is required.

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Hampshire Constabulary Crime Prevention Design Adviser: No objection. Advices that the retail unit requires certain upgrades to walls and windows to improve security.

**Representations:**

Denmead Parish Council: The Parish Council raise no objections to the scheme provided that Winchester City Council's Environmental Protection Officers are satisfied that the development will not have a detrimental impact upon the amenity of the occupiers of nearby properties. Members of the Parish Council would like to see a condition placed upon the development restricting hours of use.

Mark Oaten MP :- writes on behalf of constituents to the express their concern regarding the change of use.

14 letters received objecting to the application for the following reasons:

- Potential for noise pollution / disturbance due to the activity (especially within the evenings) associated with such a use.
- Potential for odour nuisance especially during the summer when windows are open.
- Loss of a village retail unit.
- Increase in traffic generation and congestion.
- Likely increase in car parking problems within the area
- Likely increase in litter
- Potential for the attraction of vermin.
- Potential for nuisance in relation to the storage of commercial waste.
- Addition of further takeaway uses within the centre of Denmead.
- Potential for an increase in crime and vandalism.
- Doubts raised regarding the future of the proposed A1 retail / delicatessen element.
- Concerns regarding the likelihood of the applicant establishing a restaurant at the site.

25 letters of support received. (15 letters appear to be circular letters)

- The proposal creates activity in the evenings.
- There is land between the application site and nearby dwellings.
- The proposed use will not create overlooking.
- The proposed development will create new jobs and revenue within Denmead.
- The proposed unit will create an additional amenity for an expanding town.
- Empty premises within the centre of Denmead appear to be neglected
- The existing restaurants / Takeaways do not cause existing odour problems.
- The applicant intends to install extensive filters and silencers
- There are existing takeaway / hot food retailers in Denmead
- The village centre is dilapidated and requires new businesses.
- It is unlikely that the proposed use will create vandalism or criminal activity.

**Relevant Planning Policy:**

Hampshire County Structure Plan Review: UB3

Winchester District Local Plan Adopted 2006: DP3, DP10, DP11, DP12, T2, T3, SF1, SF2, SF5

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPS 6 Planning for Town Centres

PPG 23 Planning Policy Statement 23 – Planning and Pollution Control

Supplementary Planning Guidance

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Other Planning guidance

**Planning Considerations**

- Principle of Development;
- Design Layout;
- Impact upon the character of the area;
- Impact upon neighbour's amenity.
- Highways and Parking.

Principle of development

The proposed development is contrary to policy SF5 of the Adopted Local Plan, which seeks to retain at least 80% of the uses within the prime shopping area for A1 retail uses to protect the overall vitality and viability of the prime retail area. At the current time there are 10 non A1 uses within the prime shopping area (this includes mixed A1 / non A1 uses) and 13, A1 retail uses (this also includes mixed uses). It is therefore the case that approximately 43% of the existing units are non A1.

Policy SF5 states that when assessing the impact of the development the authority will have regard to the proportion of retail frontages within 25 metres either side of the unit, being non A1 retail.

At the present time within 25 metres either side of the unit there are a Fish and Chip Takeaway (A5), Bank (A2), Bakery with Café (A1 and A3), Gents Hairdresser (A1), Newsagents (A1) and Florist (A1). Of the seven uses approximately 43% are non retail uses, which is significantly higher than the desirable 20% limit as specified in the supporting text to SF5. Within this context the partial loss of an A1 retail unit and introduction of an A5 Hot Food Takeaway is considered to have a detrimental impact upon the retail attractiveness / vitality and viability of the prime shopping area and is therefore contrary to policies SF2 and SF5.

Allowing this application could also set an undesirable precedent that could further erode the viability of the prime retail area.

Design/layout

The external alterations to the shop front (i.e. introduction of an additional door) are considered to be acceptable.

Impact upon the character of the area

The proposed A5 use is considered to have a detrimental impact upon the vitality and viability of the prime retail area.

It is considered that the proposed external alterations to the shop front will not have a detrimental impact upon the appearance of the building or that the activity associated with both the A1 and A5 will not have a detrimental impact upon the character of the area.

Impact upon residential amenity

With regard to odour / fume extraction, the type of cuisine proposed will require the highest level of extraction equipment available. The applicant has submitted details of the extraction system that he intends to use and the Environmental Health Officer considers that with correct installation and maintenance, the system will effectively minimise odour pollution to acceptable levels.

With regard to noise disturbance in the evening caused by general activity and vehicle activity, the applicant is proposing that the A5 element of the business operates until 21:30 hours

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Sunday – Thursday and until 22:00 hours on Friday and Saturday evenings.

It is therefore the case that the proposed use would not have a significant detrimental impact upon the amenity of the occupiers of dwellings in close proximity to the site.

Highways/Parking

With regard to highways matters the proposed development is considered to be acceptable.

**Recommendation**

Application Refused for the following reason / reasons

1 The proposed development would be contrary to the town centre, shopping and facilities policies (policies SF2 and SF5) of the Winchester District Local Plan Review 2006 in that it would:

- result in a net loss of retail floor-space, and the introduction of further non A1 uses within the Prime Shopping Area of Denmead and thus will adversely affect the vitality, viability and retail attractiveness of area.

**Informatives:**

1 The Local Planning Authority has taken account of the following development plan policies and proposals:-

Hampshire County Structure Plan Review: UB3, S2.

Winchester District Local Plan Adopted 2006: DP3, DP10, DP11, DP12, T2, T3, SF1, SF2, SF5.