

11/02309/FUL



Legend



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Organisation	Winchester City Council
Department	Development Services
Comments	
Date	30 November 2011
SLA Number	00018301

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No: 6
Case No: 11/02309/FUL / W04357/13
Proposal Description: Change of use to mixed A1/A4
Address: 73 Parchment Street Winchester Hampshire SO23 8AT
Parish, or Ward if within Winchester City: St Bartholomew
Applicants Name: Ms Brandwood
Case Officer: Mr Simon Avery
Date Valid: 11 October 2011
Site Factors: Winchester Conservation Area
Recommendation: Application Permitted

General Comments

This application is reported to Committee because of the number of objections received.

Site Description

No 73 is located on the east side of Parchment Street fairly near to St Georges Street. It is within the Primary Shopping Area for the city. There are a number of commercial properties at this end of Parchment Street but going to the north the street becomes primarily residential. The building is two storeys in height. Its authorised use on both floors is for retail, but it is currently vacant. To the rear is a courtyard that contains a portable building that was used as office and storage. The site is within the Conservation Area.

Proposal

The proposal is to change the use of the premises from a shop (A1) to a mixed use consisting of an Italian Delicatessen on the ground floor (A1) with a seated area on the first floor for the consumption of wine (A4).

Relevant Planning History

W04357: Change of use of first floor from residential to office - Refused - 11/01/1979
W04357/01: Construction of new shop front - Permitted - 12/01/1988
W04357/02/LB: Removal and replacement of shop front - Permitted - 18/01/1988
W04357/03: Display of fascia sign - Permitted - 19/01/1988
W04357/04: Change of use from A1 to A3 for use as sandwich bar/coffee shop - Permitted - 26/06/1990
W04357/05: Two storey and single storey rear extension, new shopfront and internal and external refurbishment - Permitted - 02/10/2000
W04357/06: Two storey and single storey rear extensions, new shop front, internal and external refurbishments - Permitted - 28/02/2002
W04357/07: Siting of one portacabins - Permitted - 16/05/2002
W04357/08A: Illuminated shop fascia sign - Refused - 16/05/2002
W04357/09: Demolition of existing rear extension and replace with two storey rear extension - Refused - 01/04/2004
W04357/10LBCA: Demolition of existing extension and garden wall - Permitted -

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

10/06/2004

W04357/11: Demolition of existing rear extension and replace with two storey rear extension - Withdrawn - 31/05/2005

W04357/12LBCA: Demolition of existing rear extension and replace two storey rear extension - Withdrawn - 31/05/2005

Consultations

Environmental Health:

There are no adverse comments to make concerning the application.

Economic Development

Support: The Economic Strategy 2010 to 2020 identifies retail as one of the key industries in Winchester's economy. Character shops differentiate Winchester's retail offer from major retailing outlets. Currently Parchment Street is an area of specialist shopping. An Italian delicatessen would help to strengthen the Street's offer to ensure the specialist, quality image is maintained. The Winchester Business Improvement District (BID), which represents the views of local businesses, also support the proposal. The BID has worked with the new owners of Toscanaccio to introduce them to the other local businesses. The BID's aim is to build up a network of high quality traders working together. This has been well received by the neighbouring businesses.

Representations:

City of Winchester Trust:

The Trust has no comment to make on this application.

Neighbour Representation

13 letters of objection:

- The majority of Parchment Street is residential, and having a late opening bar with a licence to sell alcohol would cause disturbance to the nearby residents.
- Many of the properties in Parchment Street have young families or more mature people living in them.
- Lack of parking provided to serve the development.
- Increase in antisocial behaviour, crime, vandalism, littering and noise disturbance.
- Permission would set a precedent for other similar applications, altering the character of the street, to the detriment of residents and the attractive speciality shops.
- The hours of business, until 10.00pm, are out of keeping with neighbouring businesses, which are predominantly shops.
- Planning Policy SF3 states that bars should not be permitted if they are likely to cause undue disturbance.
- There are no proposals for sound proofing.
- Similar conditions to those that Dominos were given should be imposed to restrict deliveries on Parchment Street.
- The change of use at first floor will lead to pressure for extended hours along with change of use to A4 for the full property.
- This application is contrary to Policy DP3 (vii) of the local plan, which directs A3 to parts of the town where few people live.
- There is no evidence of a need for this deli and winebar.
- No noise assessment has been submitted.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Relevant Planning Policy:

South East Plan 2009

- CC6, BE6

Winchester District Local Plan Review

- DP3, DP11, HE4, SF1, SF2, SF3, SF5

National Planning Policy Guidance/Statements:

- PPS1, PPS4, PPS5

Planning Considerations

Principle of development

This site is within the settlement of Winchester where retail and leisure development is supported by Policies SF1 to SF3.

Policy SF3 has criteria which require that A4 uses should not cause undue disturbance to nearby residential properties or harm the character of the area. These issues are discussed in more detail below.

Policy SF5 seeks to prevent the loss of shops to A4 uses within the Primary Shopping Area. However, this only applies to the ground floor of such premises and in this case, the intention is to retain the A1 retail use on the ground floor.

Impact on character of area

The use of the premises is to remain primarily as a shop, and therefore there would be little change from the permitted use. In fact, as the premises are currently vacant, bringing them back into use would be of benefit to the vitality of the area. It is therefore not considered that this partial change of use would not have any harmful impact on the character of the area.

The proposal does not include changes to the shopfront, although re-painting of signage is referred to in the Design and Access statement. While re-painting may not require consent, alterations to the shopfront or new signs would, and a separate application would be required. However, this does not form part of this application, and only the change of use is being considered.

Impact on residential amenity

Concern has been raised by local residents about disturbance arising from the winebar on the first floor. However, this A4 use will only operate in association with the retail use on the ground floor. This retail use is proposed to be a boutique selling wine and deli produce. The first floor A4 use would allow customers the opportunity to sample these goods up to 9pm at night and 10pm on Fridays and Saturdays. This is considered to be a low-key use and as this is the commercial end of Parchment Street, near the city centre, such an enterprise is considered to be acceptable.

However, given the number of residential properties on Parchment Street, a condition is attached (condition 2) to ensure that the A4 use can only operate as an ancillary enterprise to the boutique and to prevent any music or live entertainment in association with the winebar. In the circumstances it is not considered that there would be any unacceptably harmful impact on residential amenity.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Highways/Parking

The proposal will remain primarily as a shop which is its current use. Therefore it is not anticipated that there would be any additional highway impacts. In this city centre location, with a number of public car parks nearby, it is not considered that the A4 use would result in any parking congestion.

Other matters raised in letters of representation

Anti-social behaviour such as crime, vandalism or littering would be dealt with by other legislation.

There is no requirement for the applicant to provide evidence of the need for the boutique and winebar.

No noise assessment has been submitted with the application. This would only be required if plant and machinery were being installed. There is no indication that this is the case, but to cover this eventuality, a condition (condition 4) is attached requiring details to be submitted for approval if any extraction or air conditioning units are to be installed.

In terms of the proposal setting a precedent, any future applications for A4 uses along Parchment Street would be assessed on their own merits, looking carefully at the nature of the enterprise being proposed. It is therefore not considered that this proposal would set a precedent.

Recommendation

Application Permitted subject to the following conditions:

Conditions/Reasons

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be used for A1 use on the ground floor and A4 use on the first floor and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification). The A4 use shall be ancillary to the A1 use on the ground floor and shall not be run as a separate enterprise. There shall be no music or live entertainment in the premises in association with the uses hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To restrict the use of the premises in the interests of highway safety and local amenity.

3 The use hereby permitted shall only open to customers from 0800 to 2100 Sunday to Thursday and 0800 to 2200 on Friday and Saturday.

Reason: protect the amenities of the occupiers of nearby properties.

**WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA**

4 Before air conditioning/refrigeration/extraction equipment is installed and operated on the premises, a full acoustic report (with a scheme of attenuation measures) shall be submitted and approved in writing by the Local Planning Authority. The equipment shall be installed and maintained in accordance with the approved scheme.

Reason: To protect the amenities of the occupiers of nearby properties.

Informatives

1. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

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

Winchester District Local Plan Review 2006: DP3, DP11, HE4, SF1, SF2, SF3, SF5
South East Plan 2009: CC6, BE6

3. The applicant is advised that if the premises are to be used for the sale or supply of alcohol, the provision of regulated entertainment (live or recorded music, dancing, plays, films, sporting events etc) or the provision of hot food between 2300 and 0500, they may be required to apply for a Premises Licence under the Licensing Act 2003. For further information contact the City Councils Licensing section on 01962 848 188.