

132 Stockbridge Rd, SO22 6RN



Winchester
City Council

14/01045/FUL



Legend

Scale: 0 0.01 0.02 0.04 KM

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Organisation	Winchester City Council
Department	Winchester GIS
Comments	Not Set
Date	06/08/2014
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WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No: 4
Case No: 14/01045/FUL / W11026/05
Proposal Description: Change of use from A1 to A3
Address: 132 Stockbridge Road Winchester Hampshire SO22 6RN
Parish, or Ward if within Winchester City: St Paul
Applicants Name: Sourfire LTD
Case Officer: Richard Whittington
Date Valid: 14 May 2014
Site Factors: Within settlement boundary
Recommendation: Application Permitted

General Comments

This application is reported to Committee because of the number of representations received contrary to the officer's recommendation.

Site Description

The application site is an empty A1 shop unit of traditional appearance occupying an end of terrace position within the defined settlement boundary of Winchester.

The premises is located opposite a local service centre consisting of a long established row of commercial premises providing retail, café, office, restaurant and takeaway services with parking in front, approximately 50m from the Town Centre Boundary, as defined by the Winchester District Local Plan Review 2006.

The shop is set back from the road with an unused garden to the rear and residential accommodation above and to both sides and rear.

Proposal

The proposal is to change the use of the premises from A1 (retail) to A3 (restaurant) to establish an independent pizza restaurant with ancillary take away use (10% to 20 % of trade.)

A small area of seating is proposed to the front of the premises within the curtilage of the premises, the use of which is proposed to be limited in terms of hours.

The garden to the rear does not form part of the application and the surrounding garden boundary treatment is proposed to be augmented by 2m high close boarded fencing.

Relevant Planning History

96/02316/FUL - Conversion of ground floor dwelling to shop showroom with new bow window, alterations to form new shop with flat above - new rear conservatory. Application Permitted 6th November 1996.

97/00993/AVC - Externally illuminated fascia and projecting hanging sign. Application Permitted 31st July 1997.

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Consultations

Head of Environmental Protection:

No objection – and advises the following:

'I am satisfied that the proposals are acceptable for the pizza café/takeaway use. However, I would not wish to see permission granted that allows for unrestricted future A3/A5 use, which could subsequently result in higher odour and noise impacts on nearby residential premises.

I would recommend that a suitably worded condition is included limiting the type of A3 use proposed, as well as some restrictions on hours of use and equipment present. It is understood that the operation proposed will not require the use of air conditioning, external refrigeration units or extract ventilation and this should be conditioned through an appropriate condition.' Conditions 2, 3 and 4.

Engineers: Highways:

No objections subject to removal of dropped footway crossing and erection of low boundary wall. Conditions 5 and 6

Representations:

City of Winchester Trust: 'No comment'

6 letters received objecting to the application and 1 letter of 'comment only' for the following reasons:

- Detrimental to surrounding residential dwellings due to noise, cooking smells and long hours of opening.
- Parking is difficult in the area.
- Deliveries and collections will cause congestion and noise.
- Loss of privacy of neighbouring property and rear gardens.
- Bins will attract vermin

Reasons aside not material to planning and therefore not addressed in this report

- Parking on zig-zag lines in front of the premises is illegal and will block views of the crossing.
- No need for an A3 use in this location.

Relevant Planning Policy:

Winchester District Local Plan Review

DP3, DP11

Winchester Local Plan Part 1 – Joint Core Strategy

DS1, CP6, CP8,

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Supplementary Planning Guidance

West Fulford and Oram's Arbour Neighbourhood Design Statement.

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ther Planning guidance

Winchester District Economic Strategy 2010-2020

Planning Considerations

Principle of development

This site is outside of the Primary Shopping Area and therefore the loss of retail use to an A3 use is acceptable in principle, provided that the proposed use does not have an unacceptable impact on neighbouring properties in accordance with policies DP3 and DP11 of WDLPR 2006.

The proposal would be beneficial in terms of economic development and accord with policies CP6 and CP8 of LPP1. The Winchester District Economic Strategy 2010-2020 identifies retail and tourism as two of the five main sectors of the economy of the Winchester District in addition to one of the main priorities: to increase employment opportunities for local people and to encourage business opportunities that provide jobs near to people's homes.

West Fulford and Oram's Arbour Neighbourhood Design Statement states:

'The potential for improving the shops in Stockbridge Road and the area behind them should be explored to enhance the value of the much appreciated services to local families, while avoiding undue disturbance to neighbours from traffic and noise.' p.17

The recent changes to permitted development under the amended Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 Class D, allow the current A1 shop to change to an unrestricted A3 restaurant or Class A5 (hot food takeaway) use and any land within its curtilage for a period of 2 years without the need for planning permission, provided that the local authority is notified and subject to the other conditions and criteria therein. This would not require restrictions to opening hours, restrictions to outdoor seating to the front or rear; or require the reinstatement of the dropped kerb or other changes which can be controlled through this application.

Design/layout

The external appearance of the shop remains largely unchanged by the proposals, notwithstanding any future signage in association with the proposed business.

In accordance with the advice from the highways engineer, a low wall is to be constructed at the edge of the curtilage of the shop and the boundary with the pavement within where it is proposed to place several tables and chairs for outside seating.

No additional external ventilation or flues are required.

Impact on character of area and neighbouring property

The character of the immediate area consists of a parade of commercial premises opposite the site (some with residential flats above) and residential dwellings either side of the application premises.

Given the proximity to surrounding neighbouring properties the issues of noise and cooking smell are principal considerations.

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The proposed pizza oven is of traditional wood burning construction to be vented through the existing internal chimney serving the property. No further ventilation or flues are proposed. Food is to be prepared in the existing basement of the property with pizza cooked in the wood burning oven within the restaurant (a feature of the proposed business) in view of the customers.

The preparation and cooking of pizza is classified as a 'low risk' cooking type as defined by the DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2005 Annex C: Risk Assessment for Odour in terms of odour. The existing chimney proposed to serve the wood burning pizza oven discharges above the ridge of the building, classified as moderate to good level of dispersion in the above DEFRA guidance. In light of this guidance, the kitchen operations would be small in scale and not result in odour problems or require any additional flues or ventilation, and so the impact on neighbouring properties would be acceptable. A condition is attached restricting the use to a pizzeria, as any other A3 use would need to be further considered in terms of potential noise and smell impact to adjacent local residents.

The proposal does not require extractor fans or associated plant; therefore the proposals will not generate noise over and above visiting clientele and staff. The hours of opening are proposed to be 8am – 10pm Monday to Friday; 8am – 11pm on Saturdays; and, 10am – 4pm on Sundays and Bank Holidays. The proposed external seating area to the front within the curtilage of the premises will be restricted to only be used between the hours 8am - 8pm. Conditions 3 and 4.

The rear garden is not proposed to be used in association with the business and a condition is recommended to prevent its use by staff or customers. (Condition 7) A close boarded fence of 2m in height is proposed to be erected around the perimeter of the rear garden, therefore there will be no views of the rear of neighbouring properties or their respective gardens afforded from within the application site and garden.

Highways/Parking

A row of on street public parking is available opposite the site. The site is located in a sustainable location on a main pedestrian route into and out of the City centre, surrounded by residential streets.

The site is well served by public transport, a bus stop is within 30m of the premises; the main railway station is approximately 250m from the premises.

A delivery bike is to be parked on the front of the premises, within the curtilage of the shop. A further bike is to be kept under at the station under agreement with the Railway station car park management.

Other Matters

Refuse and recycling bins are to be kept to the rear of the premises, accessed via the side entrance and kept in a enclosed screened area.

Recommendation

Application Permitted subject to the following condition(s):

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Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 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 for a pizzeria and ancillary takeaway use and no other A3 use as provided under 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) and no other purpose.
- 2 Reason: To protect the amenities of the occupiers of nearby properties from noise and odour.
- 3 The development hereby permitted shall only be open to members of the public between the hours of 8am – 10pm Monday to Friday; 8am – 11pm on Saturdays; and, 10am – 4pm on Sundays and Bank Holidays.
- 3 Reason: To protect the amenities of the occupiers of nearby properties.
- 4 The external seating area to the front of the premises is restricted to only be used between the hours 8am until 8pm.
- 4 Reason: To protect the amenities of the occupiers of nearby properties.
- 5 Prior to commencement of the use hereby approved the dropped footway crossing to the front of the premises is to be removed and full face kerbs installed.
- 5 Reason: In the interest of highway safety
- 6 Prior to commencement of the use hereby approved details of the low boundary wall to be installed to the front of the premises are to be submitted to and approved in writing by the Local Planning Authority. The wall is to be constructed in accordance with the approved details prior to the use hereby approved commencing.
- 6 Reason: In the interest of highway safety
- 7 The garden area to the rear of the premises is not to be used in connection with the use hereby approved without the prior written approval of the Local Planning Authority.
- 7 Reason: To protect the amenities of the occupiers of nearby properties.
- 8 Prior to commencement of the use hereby approved details of the proposed boundary treatment to the rear of the premises are to be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 8 Reason: To protect the amenities of the occupiers of nearby properties.

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9 No external, air conditioning, ventilation or refrigeration equipment shall be installed without the prior written consent of the Planning Authority.

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

Informatives:

1 In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service and,
- updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this instance the applicant was updated of any issues after the initial site visit.

2. 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.

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

Local Plan Part 1 - Joint Core Strategy: DS1, CP6, CP8,
Winchester District Local Plan Review 2006: DP3, DP11

4. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

5. During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

6. The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works can commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with. If works commence on site before all of the pre-commencement conditions are discharged then this would constitute commencement of

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development without the benefit of planning permission and could result in Enforcement action being taken by the Council.

The submitted details should be clearly marked with the following information:

The name of the planning officer who dealt with application

The application case number

Your contact details

The appropriate fee.

Further information, application forms and guidance can be found on the Council's website
- www.winchester.gov.uk.

7 A licence for the works to reinstate the kerb to the front of the premises is required from Hampshire County Council.