

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 13 January 2005

Item No: 04
Address: 81A St Cross Road Winchester Hampshire SO23 9RE

Parish/Ward Winchester Town

Proposal Description: Change of use from convenience food store to take-away fish and chip shop

Applicants Name Mr P A Teague

Case No: 04/02582/FUL

W No: W03534/01

Case Officer: Mrs Julie Pinnock

Date Valid: 18 October 2004

Delegated or Committee: Committee Decision

Reason for Committee: 4 or more representations contrary to the Officer's recommendations have been received

Site Factors: Winchester Conservation Area

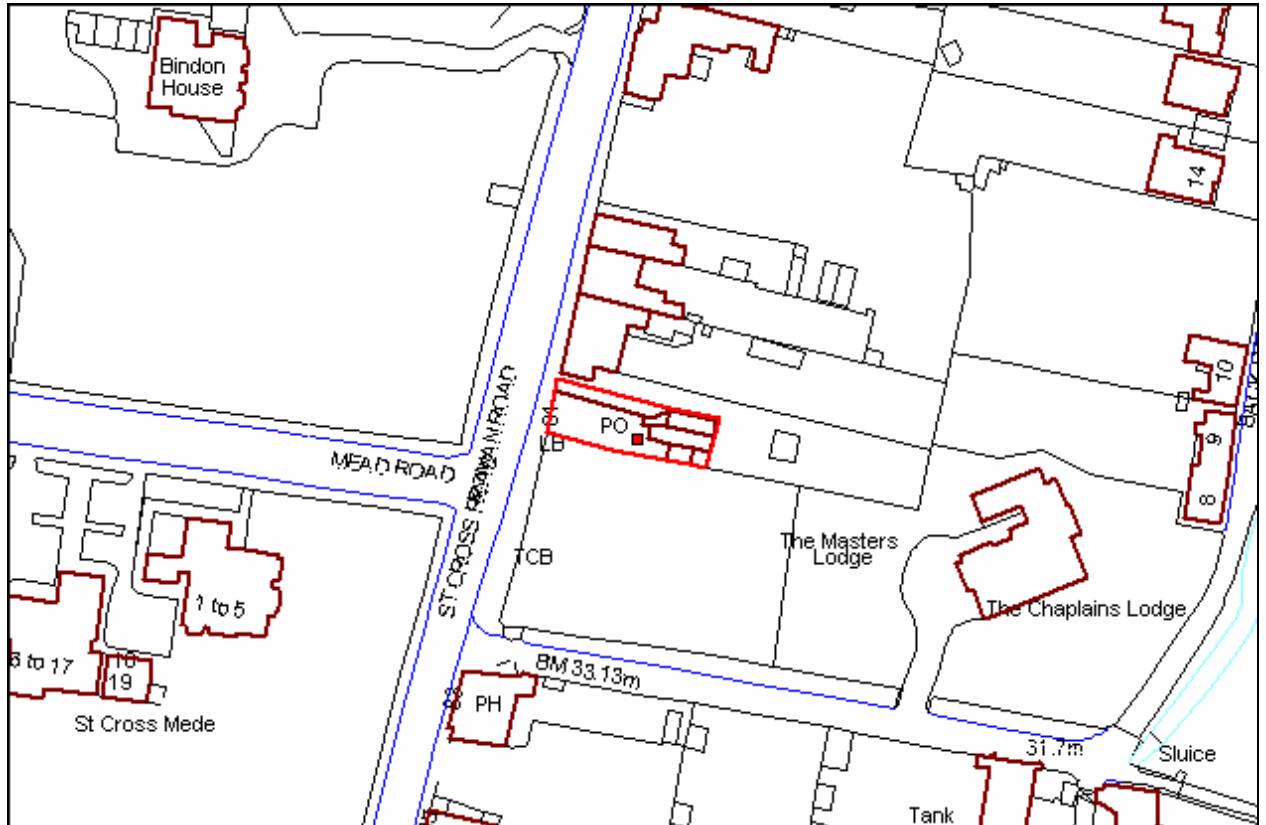
WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 13 January 2005

SITE LOCATION PLAN

Case No: 04/02582/FUL **W No:** W03534/01

Address: 81A St Cross Road Winchester Hampshire SO23 9RE

Proposal Description: Change of use from convenience food store to take-away fish and chip shop



Site Description

- 81A St Cross Road is a detached two storey building on the east side of the road
- It is white painted render with a tiled roof
- Historically the ground floor has been used as a post office and more recently as a shop
- Although currently the premises is vacant
- The site has vehicular access to the rear served to the north side of the shop
- This access is shared with the occupiers of 79 St Cross Road

Relevant Planning History

- W03534 - Construction of new shop front - 81A St Cross Road Winchester Hampshire SO23 9RE - Application Permitted - 20/03/1978
- W03534/01 - (Amended Description) Non-illuminated fascia sign and hanging sign also window decals St Cross Post Office 81 St Cross Road Winchester Hampshire SO23 9RE - Application Permitted - 01/11/1994
- W03534/02 - 1 No: non-illuminated fascia sign; 1 No: non-illuminated double-sided sign – pending consideration

Proposal

- As per Proposal Description

Consultations

Conservation:

- No objection - provided that the proposal does not involve any changes to the external appearance

Engineers:Highways:

- No objection – comments on the proposed opening hours of 5pm, which coincides with main evening peak traffic flow leaving the city, and ideally would prefer this restricted to after 6pm, however given that the existing retail use has no restriction it may be difficult to insist on this
- It could be argued that a fish and chip shop in this location is sustainable as it will reduce the need for local customers to drive to other parks of Winchester
- Mindful of the above comments, do not think could sustain a highway reason for refusal at appeal

Environmental Health:

- No objection - satisfied that the proposed system will, if correctly installed as per the specification, and subsequently serviced and maintained, minimize potential odour nuisance to nearby residents arising from the use of this premises

Estates

- No objection – no surprise that bigger chains have pulled out as the stores do struggle – comment that at least it is to be retained as a ‘shop’, albeit a fish and chip shop so retail has not been entirely lost

Representations:

City of Winchester Trust:

- It is regretted that a food store does not appear to be viable in this position. However, the Trust has no objection to the proposed change of use, providing it can be ensured that nearby residents will not suffer from any cooking smells that arise and measures are taken to control any rubbish resulting from the change

Letters of representations have been received from 17 Neighbours, including a petition signed by 23 local residents

- Object on following grounds:

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 13 January 2005

- The Bell Inn serves lunchtime and evening meals and have a car park and possible to order fish and chips for take away
- Road safety - limited parking/illegal parking
- People will park in the few places available in St Cross, near bus stop and by light controlled pedestrian
- Location close to historic Church and Hospital of St Cross which attract visitors from far and wide could be detrimental to the environment
- Environmental pollution – noise, smell and rubbish will detract from character of conservation area and affect amenities of local residents
- Concern over opening hours – risk of late night disturbance
- Restricted nature of take away business would not serve the best interests of many elderly people in St Cross who benefit from an adequately stocked convenience shop which the village has been without since Alldays closed
- Increased vandalism of cars – fish and chip shop would increase pedestrians and therefore likelihood of vandalism
- No need – already two or more (Wavell Road and Stanmore and Bell Inn)
- Impact to local trade – Bell Inn has a strong community value – a nearby fish and chip shop would probably harm business
- Fish and Chip shop is likely to have bold neon-lit signs
- Area would welcome a well run corner shop, sub post-office, newsagent etc
- Takeaway in an area where no other shops exist to compliment such a use
- 1 support in principle (although does raise concerns over parking issues)

Relevant Planning Policy:

Hampshire County Structure Plan Review:

- UB3

Winchester District Local Plan

- EN.5, HG.7, HG.20

Winchester District Local Plan Review Deposit and Revised Deposit:

- DP.3, HE.5, HE.14, SF.1, SF.2

Supplementary Planning Guidance:

- Parking Standards 2002

National Planning Policy Guidance/Statements:

- PPG 1 General Policy and Principles
- PPG 23 Planning and Pollution Control
- PPG 24 Planning and Noise

Planning Considerations

The main considerations in respect of this application are:

- Principle of development
- Impact on the character of the area/spatial characteristics/street scene
- Residential amenities
- Highways
- Comments on representations

Principle of development

- The site is situated within the settlement boundary of Winchester within the Conservation Area.
- The adopted local plan has no specific policies which deal with A3 uses, therefore applications must be considered on their merits
- Policy SF.1 of the emerging local plan allows for A3 uses within town and village centres

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 13 January 2005

subject to a range of criteria.

- This is re-inforced in policy SF.2 which allows A3 uses within Winchester provided it does not cause undue disturbance to nearby residential properties or lead to disturbance away from the premises; the development would not harm the character and, if within the Conservation Area, would preserve or enhance its character; provides adequate provision for the disposal of litter, including recycling.

Impact on character of area

- The only change externally will be the provision of a flue to the rear of the site adjacent to the southern boundary.
- It is not considered that the flue or change of use of the premises affects the character of the conservation area.

Residential amenities

- The site is situated along the southern side of St Cross Road, with a terrace of three residential units to the north, and a public house to the south
- There is a vehicular access to the north side of the site which serves the application site and 79 St Cross Road
- Originally it was proposed to locate the flue to the north elevation, which would have been visible to the occupiers of 79 St Cross Road
- Environmental Health raised concerns over the proposed flue and this location, and following discussions between the applicant and Environmental Health amended plans were submitted which re-located the flue to the rear of the site adjacent to the southern boundary
- Environmental Health are satisfied that the revised proposal is acceptable and that the proposed means of extraction will if installed as per the specification and subsequently served and maintained, minimise potential odour nuisance to nearby residents

Highways

- The highway engineer has no objection to the proposal, although has raised slight concern over the opening hours and would prefer to see the premises open from 6pm (although he does not insist on this)
- The applicant has advised that he wishes to open 11.30 a.m. to 1.45 p.m. and 5.00 p.m to 9.30 p.m. Monday to Saturday and closed on Sundays
- It is not considered reasonable to restrict the openings hours to 6pm, the existing premises could open all day and into the evening without control, although it is recognised that the nature of the use is different to a retail unit

Comments on representations

- The key issues that are of concern to local residents can be summarised as highway safety, noise as a result of opening hours, smell and litter
- The highway engineer has looked carefully at the highway issues and is satisfied with the proposal
- The concerns relating to noise, smell and litter have been considered in detail by the Environmental Health Officer, who is satisfied with the proposed means of extraction
- Whilst Officers recognise local residents fears the applicant has satisfied both the highway engineer and Environmental Health Officer
- It is suggested that a condition requiring details of the provision of refuse bins for the disposal of rubbish be imposed to ensure that any rubbish produced as a result of the take-away is disposed of appropriately

Recommendation

APPROVE - subject to the following condition(s):

Conditions/Reasons

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

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

02 The premises shall only be open to the public between 11.30 a.m. to 9.30 p.m. on Mondays to Saturdays and at no time on Sundays or recognised public holidays.

02 Reason: To safeguard the amenities of occupiers of nearby properties.

03 Details for the provision of refuse facilities for the disposal of rubbish shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved details shall be fully implemented before the use hereby approved is commenced.

03 Reason: In the interests of the amenities of the area.

Informatives

01. 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.

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

Hampshire County Structure Plan Review: UB3

Winchester District Local Plan Proposals: EN.5, HG.7, HG.20

Emerging Development Plan- WDLP Review Deposit and Revised Deposit: DP.3, HE.5, HE.14, SF.1, SF.2