

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No: 10
Address: Twyford Stores High Street Twyford Winchester Hampshire SO21
1NH

Parish/Ward Twyford

Proposal Description: Variation of condition no. 7 of planning permission W16469 (opening
hours)

Applicants Name Mr R W Sellars & Mr S P Cooper

Case No: 05/01670/FUL

W No: W16469/06

Case Officer: Mr Dave Dimon

Date Valid: 4 July 2005

Delegated or Committee: Committee Decision

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

Site Factors: Twyford Conservation Area

Conservation Area
Civil Aviation

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Site Description

- Twyford Post Office occupies a corner site on the junction of High Street and Hazeley Road Twyford.
- A rear extension has been permitted that accommodates a tea room in the basement.
- The rear garden has been turned into a tea garden.
- The side wall of No1 High Street abuts the tea garden.

Relevant Planning History

- **W16469** Single storey side extension, change of use of basement from storage to tea-room, bakery and delicatessen with tea garden and new boundary wall - Twyford Post Office High Street Twyford Winchester Hants SO21 1NH - Application Permitted - 25/05/2000
- **W16469/01** First floor side extension - Twyford Post Office High Street Twyford Winchester Hants SO21 1NH - Application Permitted - 24/05/2002
- **W16469/02** (AMENDED DESCRIPTION) Extend seating area and associated works, removal of Condition 08 of planning permission W16469 and Condition 07 of planning permission W16469/01 and retention of water feature - Twyford Post Office High Street Twyford Winchester Hants SO21 1NH - Application Permitted - 24/10/2002
- **W16469/03** External fire-escape staircase to rear. - Twyford Post Office High Street Twyford Winchester Hants SO21 1NH - Application Withdrawn - 07/11/2002
- **W16469/04** (AMENDED DESCRIPTION) Change of use of first floor flat to Hairdressing Salon (Class A1) - Twyford Stores High Street Twyford Winchester Hampshire SO21 1NH - Application Permitted - 27/10/2003
- **W16469/05** Variation of condition no. 7 of planning permission W16469 (opening hours) - Twyford Post Office High Street Twyford Winchester Hampshire SO21 1NH - Application Refused 28/04/2005.

Proposal

- As per Proposal Description
- This application seeks to extend the opening hours from 6.00pm until 11.00pm Monday to Saturday inclusive

Consultations

Engineers:Highways:

- No highways objection.
- Parking associated with the use already occurs on Hazeley Road. The application to extend the opening time is unlikely to intensify the number of parked vehicles at any one time but if permitted will extend the hours of demand for parking in Hazeley Road.
- This may lead to the displacement of some vehicles which park there during the evening. Therefore, the extension of opening hours does not introduce a new hazard but simply extends the time when vehicles may wish to park on Hazeley Road.
- According to accident data provided by HCC only one accident has occurred in the vicinity of the Post Office during the past 5 years, which was not attributable to the operation of the uses at the Post Office site. Three other accidents have occurred on the B3335 junction with Finches Lane but all appear to have been attributable to drivers inattention to turning vehicles at the junction.
- Mindful of the above, it will be difficult to prove that sufficient demonstrable harm will occur as a result of this proposal to successfully sustain a highway reason for refusal if challenged at appeal.

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Environmental Health:

- I have examined the proposals in detail and would like to recommend refusal. I am aware that the premises currently serve alcohol which alters my opinion about the potential likely behaviour of users of the café in the evening. There is a strong potential for noise and disturbance arising from the use of the garden in the evenings.

Representations:

Twyford Parish Council

- Object unless following criteria are met:
 1. Temporary permission for 12 months to allow the impact on parking and neighbours amenities to be assessed.
 2. That the extension of hours be restricted to Mr Cooper and Mr Sellers personally.
 3. That the extension of hours be limited to three named days (Thursday, Friday, Saturday) only.
 4. The extension of time to apply only inside the café premises.
 5. That the time applicable to the terraced area be extended only to 9pm on three days a week (Thursday, Friday, Saturday).
 6. Adequate visual and acoustic treatments to be carried out to the terraced area to reduce the impact of noise on neighbouring properties.

13 letters of representations have been received.

11 Representations support the application.

- The use is a valuable local facility, and would provide choice for an evening meal now that only one pub remains open in the village.
- Garden could only be used for evening meals in summer months when lots going on so noise would not be a problem.
- The facility provides valuable local employment.
- Parking would mostly be at a time when Post Office closed.

Two neighbours object to the application.

- The intensified use at the Post Office / Bean Below already gives rise to much more parking problems, including on the pavement opposite both by delivery vehicles and customers.
- This adds to the noise disturbance and with the use extending until 11pm this would prevent children from sleeping.
- The café, although permitted to open until 6pm, presently closes at 4pm.
- The proposed extension of opening hours would just exacerbate the erosion of residential amenities for close neighbours.
- The proposed increased use is contrary to previous assurances given at the time of the original application for the tea room/garden use.
- Proposal likely to result in a licensed restaurant use and lead to pressure to further expand the area of the building used for such purposes.
- Noise disturbance would be seriously worsened by virtue of a different clientele consuming alcohol, their coming and going and by staff cleaning up after 11pm.

Relevant Planning Policy:

Hampshire County Structure Plan Review:

- EC1, S2, UB3, R1, E16, T4

Winchester District Local Plan

- FS.1, EN.5, EN.15, EN.16, T.9,

Winchester District Local Plan Review Deposit and Revised Deposit:

- SF.5, SF.1, SF.2, DP.3, DP.15, T.4,

Supplementary Planning Guidance:

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- None

National Planning Policy Guidance/Statements:

- PPS 1 Delivering Sustainable Development
- PPG 13 Transport
- 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
- Comments on representations

Principle of development

- The Structure Plan allows for the development of commercial/business uses in the settlements, provided that there is no harm to 'interests of acknowledged importance'
- The Local Plan allows for extended/improved facilities and services within settlements, subject to compliance with Policy EN.5.
- However, the Local Plan Review is more specific about the provision of 'A3' class uses in the major settlements, although Twyford is not a major settlement.
- SF2 WDLPR seeks to ensure that housing near to a proposed A3 use does not suffer undue disturbance, whether by noise from inside the building or disturbance generated outside.
- This policy, although introduced primarily to control public house development within the major settlements, is stated to apply to all A3 uses but the 2005 Use Classes Order has now introduced separate A4 and A5 uses that relate to drinking establishments and hot food takeaways respectively.
- The principle of this modestly sized development is therefore not contrary to policy as such but it is appropriate that its impact on neighbours is considered under the provisions of DP3 of the WDLPR.

Impact on character of area

- The main issues are highway safety and the amenities of nearby residents.
- Traffic generation and parking in Hazeley Road has been a problem for many years.
- Drivers tend to park as close as possible to the Post Office doors and thereby interfere with the free flow of traffic in Hazeley Road.
- However, there are no yellow lines here and the road is wide enough that two-way traffic is still possible at a slow speed.
- Parking by clients of the café use does tend to be longer than for those visiting the shop.
- There is no parking provision available other than on street and it extends along Hazeley Road towards the surgery where the road is narrow and into Dolphin Hill opposite the site.
- The Highway Engineer has raised no objections.

Residential Amenities

- A previous application for much the same proposal was refused under delegated powers in April this year. That application sought evening opening until 11.00pm Monday to Saturday and until 10.30pm on Sundays. This application differs only in that it excludes Sunday opening.
- The Environmental Protection Officer (EPO) has raised objection on grounds of potential noise disturbance to neighbours.
- The Parish Council and two immediate neighbours object on noise grounds.
- In 2000, when the tea rooms/garden were proposed the EPO raised no objection, subject to time restrictions.

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- This was reflected in Condition 7 of W16469, which requires that they have to close at 18.00 hours. This condition was repeated on subsequent permissions relating to the additional businesses on the site.
- At that time the applicant's agent suggested that 'the use of the café shall be limited to the hours 8am to 6 pm'.
- He also stated 'it is not our clients intention to sell alcohol for consumption on the premises'.

Comments on representations

- It is understood that the Post Office now has a liquor licence and the times applied for in this application conform with the stated opening hours. The A3 use that exists does not exclude the sale of hot meals.
- Noise from the tea gardens is not likely to be a nuisance to neighbours during the permitted hours, as the ambient noise level on these busy roads is quite high.
- However, after 6pm traffic levels reduce and Twyford is relatively quiet in the late evening.
- It is believed that the amenities of those nearby will suffer as a result of noise disturbance
- The Parish Council suggests six stipulations but the LPA has to consider the application as submitted.
- To allow the extension of hours would be contrary to Policies EN5(vii), EN.15 and EN.16 of the adopted Local Plan.

Recommendation

REFUSE – subject to the following refusal reason(s):

Conditions/Reasons

01 The extension of opening hours, as proposed, is contrary to Policies EC1, UB3 and E16 of the Hampshire County Structure Plan Review and Policies FS1, EN5, EN15 and EN16 of the Winchester District Local Plan, and would be likely to prejudice Proposals SF5, SF1, SF2, DP3 and DP15 of the Winchester District Local Plan Review, in that it would be detrimental to the amenities of adjoining and nearby residential occupiers, as a result of potential for increased noise disturbance.

Informatives

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

Hampshire County Structure Plan Review: EC1, S2, UB3, R1, E16, T4

Winchester District Local Plan Proposals: FS1, EN5, EN16, T9

Emerging Development Plan- WDLP Review Deposit and Revised Deposit: SF5, SF1, SF2, DP3, DP15, T4