

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No: 01
Address: Westgate Colour Centre11 Upper High Street Winchester Hampshire
SO23 8UT

Parish/Ward Winchester Town

Proposal Description: Change of use of ground floor from A1 (retail) to A3 (restaurant)

Applicants Name World Earley Enterrises Ltd

Case No: 05/01588/FUL

W No: W05348/04

Case Officer: Elaine Patterson

Date Valid: 1 July 2005

Delegated or Committee: Committee Decision

Reason for Committee: At the request of a councillor

Site Factors:
Conservation Area
Within 50m of Listed Building

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Site Description

- The site comprises the ground floor of 11 Upper High Street. This a 4storey building including a basements, in the Winchester Conservation Area and within the Winchester Town Centre as defined in the Local Plan Review.
- No.12 to the north is in use as an A3 restaurant with existing flats above. No.11 has display, offices and stores on the upper floors.
- Access into No.11 is from the front on Upper High Street only.

Relevant Planning History

- W05348/03 Two storey rear extension to rear of 11 and 12 Upper High Street; retention of existing restaurant and flats/studio apartments and conversion of no.11 Upper High Street from retail to residential to create 2 no: one bedroom, 3 no: 2 bedroom and 1 no: studio flats including alterations to front elevation. Refused March 2005. Appeal Lodged.

Proposal

- As per Proposal Description.
- The Use Classes Order changed on 21 April 2005, hot food takeaway is now a separate use class A5. There is no permitted change from the proposed use here for a restaurant (use class A3) to a hot food takeaway (use class A5).
- The planning agent has written a letter of support, stating the applicant is still in negotiation concerning prospective tenants. It is hoped that the space will be taken by Charles House Fusion as additional accommodation. As noted A3 does not include takeaway.

Consultations

- Highways Engineer:
- No highways objections.
- The site is located in an area of high accessibility. The peak hours of the restaurant are likely to be outside the peak hours of other business uses.

- Environmental Health:
- No adverse comments but require a condition to ensue fume extraction is agreed. Also please add Informative for hours of construction and no materials to be burnt on site.

Representations:

City of Winchester Trust: No comments received.

Neighbour Representation = 5 objections

- This is a residential area
- Late opening/bars could cause problems whereas the type of restaurant already existing is no problem.
- Parking for residents will become worse with customer parking.
- Delivery lorries already visit the neighbouring restaurant daily and sometimes twice daily.
- The existing restaurant offers takeaway and people double park, this will increase further.
- Noise will increase from customers and when bins are put out.
- There would be an increased nuisance from cooking smells.

Relevant Planning Policy:

Hampshire County Structure Plan Review: UB3

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

Emerging Development Plan- WDLP Review Deposit and Revised Deposit: DP.3, HE.5 and Proposal RD08.09

Planning Considerations

- Principle of development and Impact on character of area
- Neighbours amenity

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Principle of development and Impact on character of area

- The proposed restaurant use is acceptable in principle in this location which is within the defined Town Centre.
- There are no proposed alterations to the shopfront, therefore there is considered to be no impact on the character of the conservation area. A condition has been added to ensure details of the shopfront are submitted before the change of use commences.

Neighbours amenity

- With regards parking, the Highways Engineer has raised no objection to this proposal.
- The established use of the application site is as a shop, which would have generated traffic movements for deliveries and customers.
- The restaurant cannot change use to a hot food takeaway without a separate planning permission.
- Hours of operation will be controlled.
- Details of the proposed flue have been requested.

Recommendation

APPROVE:

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 11.00 p.m. on Mondays to Saturdays and 11.30 a.m. to 10.00 p.m. on Sundays or recognised public holidays.

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

03 Details of the provisions to be made for the storage and disposal of refuse from the premises shall be submitted to, and approved in writing, by the Local Planning Authority before the development hereby permitted is commenced.

This provision shall be fully implemented in accordance with the approved details before the premises are occupied.

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

04 Any proposed alterations to the shop front shall be submitted to and approved by the Local Planning Authority in writing before the change of use the premises commences.

04 Reason: In the interests of the visual amenity of the area.

05 Details of the means of extraction of fumes from the premises shall be submitted to and approved in writing by the Local Planning Authority, including its position and colour of the flue and shall be installed and operational before the use hereby permitted is commenced, and thereafter maintained and operated in accordance with the approved details.

The equipment shall be installed to suppress and disperse odours and fumes and give appropriate noise attenuation.

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05 Reason: To ensure that adequate provision is made to dispell smells and in the interest of the amenities of local residents and the visual amenity 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

Emerging Development Plan- WDLP Review Deposit and Revised Deposit: DP.3, HE.5 and Proposal RD08.09

03 All work relating to the development hereby approved, including works of demolition or preparation prior to operations, shall only take place between the hours of 0800-1800 Monday to Friday and 0800-1300 Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

03 Reason: To protect the amenities of adjoining properties during the construction period.