

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

**Item No:** 04  
**Address:** Santoi Hambledon Road Denmead Waterlooville Hampshire PO7  
6NU

**Parish/Ward** Denmead

**Proposal Description:** Change of use to hot food takeaway on ground floor (use class A5)

**Applicants Name** Mr Kaz Smith

**Case No:** 05/01564/FUL

**W No:** W02460/06

**Case Officer:** Lorna Hutchings

**Date Valid:** 23 June 2005

**Delegated or Committee:** Committee Decision

**Reason for Committee:** Parish Council submitted representations contrary to officer  
recommendation

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

**Site Factors:**

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**Site Description**

- Existing brick built premises in central Denmead currently with a retail use although the property is vacant but was previously a soft furnisher with an equestrian retail element permitted in a shed to the rear.
- The property is set in a parade of shops which also have a fish and chip takeaway and a restaurant and another takeaway further around the corner from the main parade.
- Above the premises is a residential flat which has use of the garden; other premises also have residential flats above although some have been converted to offices.
- There is a wide area outside the parade used for short term parking but with no formal layout and with several entrance / exit points onto the main highway. This area is subject to an environmental improvement scheme.

**Relevant Planning History**

- W02460/03 Extension to existing shop storage outbuilding, permitted 28.03.2002.
- W0460/04 Timber outbuilding for retail outlet for equestrian goods, permitted 16.08.2002.
- W04060/05 Change of use from retail shop to restaurant with takeaway facilities, refused 13/01/2005 Appeal dismissed 16/08/2005.

**Proposal**

- Change of use from A1 to hot food take away (A5) on ground floor.

**Consultations**

Engineers:Highways:

- No objections.

Environmental Protection:

- Recommend refusal – concerned regarding potential from noise disturbance and effects of odour on neighbouring residential accommodation. Only very limited information addressing previous material concerns. A full plan of odour abatement system should be shown on plans and details of flue location etc. Not made clear what level of control of odour will be achieved and no acoustic attenuation measures supplied. There are private residences near the site. The very highest level of fume extraction is required. Considerable disturbance from customers arriving and leaving in vehicles. All resulting in loss of amenity.

**Representations:**

Denmead Parish Council

- Supports the proposal provided the fume extraction system meet British Standards in the interests of residential amenities.

Letters of representations have been received from 7 Neighbours – Objecting.

- Safety of pedestrians due to more parking, parking already at capacity, no need, too many food outlets already on this road, retail shops are needed, erosion of atmosphere, noise, especially late night, smell, rubbish, highway safety, unsociable behaviour, vermin, appeal already dismissed,
- 2 petitions in support, 1 of 96 signatures - no grounds given
- 1 of 26 signatures – no parking problems as other commercial premises are generally closed after 5pm and the property is vacant.
- Mark Oaten MP – requests that the concerns of Mr and Mrs Patilla be taken into account, and adds his own concerns that the shop should be retained as a retail unit rather than be allowed to become a food outlet.

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**Relevant Planning Policy:**

Hampshire County Structure Plan Review:

UB3, S2.

Winchester District Local Plan

H1, EN5, T9, S17

Winchester District Local Plan Review Deposit and Revised Deposit:

DP3, H2, SF2, SF4, T1.

Supplementary Planning Guidance:

- Movement, Access, Streets and Spaces
- Parking Standards 2002

National Planning Policy Guidance/Statements:

- PPS 1 Planning for Sustainable Communities.
- PPS 6 Town Centres and Retail Developments
- 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
- Residential amenities
- Highways
- Comments on representations

Principle of development

- In the adopted local plan there are no policies restricting the change of use proposed however due to the net loss of retail over the years in the main settlements, a new policy is introduced in the revised local plan, which puts into effect the advice set out in Structure Plan Policy S2 and also reflects up to date government advice in PPS6 Planning for Town Centres, to prevent the loss of retail to non retail including A3 (including the new class A5) in the newly identified Primary Shopping Area of Denmead. This policy has significant weight as there is only one general objection to it but not relating specifically to Denmead and therefore it is included as a specific reason for refusal in principle.
- SF2 allows for A3 uses in Denmead outside of the primary retail frontage.
- The previous proposal for change of use from retail to A3 was very recently supported at appeal and so refusal on this ground is again recommended.
- The Inspector recognised the contribution the proposal could make to the area providing services outside normal hours. However having regard to the existing proportion of non-retail to retail uses in the primary shopping frontage on Hambledon Road, in his view, the loss of a further retail unit would not benefit or maintain the vitality, viability and retail attractiveness of the area and would conflict with proposal SF.4.

Impact on character of area

- A large extension was previously proposed to the rear of the site; this has now been omitted and the change of the use of the existing building has no further impact on the character of the area.

Highways

- Highway Engineers have no concerns with the proposal as it is recognised that the use would be in greatest demand in the evening when the other retail premises would be closed, minimising traffic. No reason for refusal was previously recommended for W02460/05.

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Residential amenities

- Whilst the application omits the seating area in the rear garden which was a materially harmful source of noise in the previous application, the Inspector noted that a significant proportion of customers would likely arrive in vehicles and park in the area directly outside the premises and that customers of a take-away would be more likely to arrive and depart within a shorter space of time. In his view these comings and goings at night would inevitably result in noise and disturbance from the stopping and starting of engines, slamming of doors and general conversation which would be difficult to control and would add to the late night disturbance of neighbours affecting the immediate neighbours.
- In addition, the Inspector supported the reason for refusal on loss of amenity due to smell and recognised that it is not always possible to eliminate cooking smells completely leaving a residual odour which can linger and become a source of annoyance, particularly likely where residents live in close proximity to a restaurant or hot-food takeaway.
- Very minimal and inadequate details have been supplied to try and address this issue, and therefore given what the Inspector and Environmental Protection consider, a reason for refusal is recommended in this respect, including noise issues relating to vehicle movements to the front which would be intensified with a take away use.

Comments on representations

- The comments made in the letters noted above have been addressed in the main text of this report.

**Recommendation**

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

**Reasons**

01 The proposed development would be contrary to the environmental policies of the Adopted Winchester District Local Plan (EN5) and the design and shopping and facilities policies of the emerging Winchester District Local Plan Revised Deposit (DP3, SF2) in that it would;

-represent development that would have an adverse effect on the amenities of occupiers of adjoining residential properties due to noise and olfactory disturbance (smell) as the take away use would result in a high number of customers arriving and leaving the site and as no details of an odour abatement method have been submitted to address refusal reasons identified in the previous application.

02 The proposed development would be contrary to the shopping and facilities policies of the emerging Winchester District Local Plan Revised Deposit (SF4) in that it would;

- result in a net loss of retail floorspace within the Primary Shopping Area of Denmead and thus will adversely affect the vitality, viability and retail attractiveness of it.

**Informatives**

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

Hampshire County Structure Plan Review: UB3, S2.

Winchester District Local Plan Proposals: H1, EN5, T9, S17.

Emerging Development Plan- WDLP Review Deposit and Revised Deposit: DP3, H2, SF2, SF4, T1.