

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 3 July 2008

*Winchester City
Council*
Planning Department
Development Control

Committee Decision

**TEAM MANAGER
SIGN OFF SHEET**

Case No:	08/00349/FUL	Valid Date	17 April 2008
W No:	13844/08	Recommendation Date	17 June 2008
Case Officer:	Elaine Walters	8 Week Date	12 June 2008
		Committee date	23 July 2008
Recommendation:	Application Refused	Decision:	Committee Decision

Proposal: Change of use from Travel Agents (A1) to restaurant (A3)

Site: Lunn Poly Ltd 64 St Georges Street Winchester Hampshire SO23 8AH

Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
N	N	N	N	N	N	Y

DELEGATED ITEM SIGN OFF		
APPROVE Subject to the condition(s) listed	REFUSE for the reason(s) listed	
	Signature	Date
CASE OFFICER		
TEAM MANAGER		

AMENDED PLANS DATE:-

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Item No: 4
Case No: 08/00349/FUL / W13844/08
Proposal Description: Change of use from Travel Agents (A1) to Restaurant (A3)
Address: Lunn Poly Ltd 64 St George's Street Winchester Hampshire SO23 8AH
Parish/Ward: Winchester Town
Applicants Name: Mr Raymond Gee
Case Officer: Elaine Walters
Date Valid: 17 April 2008
Site Factors: Conservation Area

Recommendation: Application Refused

General Comments

This application is reported to Committee at the request of Councillor Maynard, whose request is appended in full to this report.

Winchester City Council owns this site.

Site Description

The site comprises a ground floor retail unit, in a row of units under the offices of Winchester Area Community Action (WACA). This shop frontage forms a pedestrian link between the Brooks Centre and Parchment Street.

St. George's Street falls within the Council's Primary Shopping Area, to which Policy SF5 of the Winchester Local Plan Review 2006 refers. The site also falls within the Winchester Conservation Area.

The unit is now vacant but was last used as Lunn Poly travel agents, which use falls under the A1 (retail) Use Class.

The applicant has already taken a lease on the unit from the City Council and has done some refurbishment work. The applicant has been warned that the work is carried out at risk of enforcement action and the City Council's Enforcement Team has been informed. The work includes the erection of a rear extension and opening an internal doorway into the fish and chip takeaway adjacent, which the applicant operates.

The neighbouring units in this row fall within a mix of use classes with some A1 retail, some A3 restaurant and some A2 office uses.

Proposal

It is proposed to change the use of the premises from an A1 retail use to an A3 restaurant use.

Relevant Planning History

08/00682/AVC - Replacement non-illuminated fascia sign [amended description), No. 64 St George's Street - Permitted -16/06/2008

06/02129/FUL - Change of use from A1 to A5 (hot food takeaway) and rear extension, No. 66 St George's Street - Permitted - 21/08/2006

Consultations

Engineers: Highways:

No significant highway issues. Unlikely to impact on highway safety.

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Environmental Health:

Environmental Protection requested details of ventilation, extraction and noise issues, from a qualified ventilation consultant, a few months ago and these details have not yet been provided. This application should not be approved until the applicant provides a full schematic of the kitchen and the dining area, which would give sufficient information on the practicalities of access and egress.

Representations:

City of Winchester Trust: No comments received.

1 letter received objecting to the application for the following reason:

- This change of use is contrary to Local Plan Policy SF5.

Reason aside not material to planning and therefore not addressed in this report:

- Objector was advised a change of use to A3 restaurant would be contrary to policy, why then has this application been made?

No letters of support received.

Relevant Planning Policy:

Winchester District Local Plan Review

SF3, SF5, W2

National Planning Policy Guidance/Statements:

PPS 6 Planning for Town Centres

Planning Considerations

Principle of development

The principle of this development is contrary to the Primary Shopping Area policy of the Winchester Local Plan Review which states that:

“Proposals which... would result in a net loss of retail floorspace within the Primary Shopping Areas will not be permitted.”

“Within the Primary Shopping Areas permission will not therefore be granted for the change of use of the ground floor of a building from Use Class A1 (retail) to uses falling within... A3 (restaurant), except:

- (i) where the Local Planning Authority is satisfied that the proposal will benefit, or at least maintain, the vitality and viability and retail attractiveness of the Primary Shopping Area concerned, or;*
- (ii) where an A3 use is already located within the Primary Shopping Area and a grant of permission for relocation to alternative premises would not result in a net loss of retail units.*

Provided that:

- (a) following the implementation of the proposal, retail (A1) use would remain the predominant use within the immediate retail frontages;*
- (b) the design of any replacement frontage...satisfies the other relevant policies of this Local Plan.”*

Supporting text states:

“...the proportion of retail frontages within 25m either side of the unit will be taken into account. Proposals which would result in more than 20% of such frontage being in a non-retail use will not be permitted.”

In this case, the row of shops measures 40 metres in total. Beyond No. 56 is a display window in the side wall of a retail unit which fronts onto Parchment Street. This flank wall is not classed as retail frontage and is not included in the frontage calculation. Nos. 72 and 74 are a double unit. Nos. 60 and 70 are service entrances for the buildings and are not retail units, therefore there are

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seven units in the row, including Nos. 72 and 74 as a single unit.

The Use Classes are as follows:

No. 56 - Newsagents. A1 use with some A3 activity

No. 58 - Vacant. A1 use

No. 62 - Hairdresser A1 use

No. 64 - Application site. Proposed change to A3 use

No. 66 - Fish and Chip takeaway. A5 use (A3 use before Use Classes (Amendment) Order 2005)

No. 68 - Winchester Area Community Action offices. A2 use

Nos. 72 & 74 - Restaurant. A3 use

The proposed change of use of No. 64 to a restaurant would result in four out of the seven units falling into a non-retail use class. Therefore, the proposal does not accord with Policy SF5 criterion (a).

The proposal does not maintain the retail attractiveness of the Primary Shopping Area. The supporting text of Policy SF5 states:

“Service” uses, such as restaurants, have a legitimate role within the overall balance of land uses within the town centre... However, it is important to control the presence of such uses, in order to ensure they do not proliferate to such an extent that they damage the town centre’s primary retailing role or character.”

Ventilation and noise

There is a lack of information on the application on kitchen ventilation. There are no details on what fan or filtration devices will be used, air changes within the unit and noise issues.

Therefore it has not been demonstrated that the proposed restaurant can be operated without causing harm to neighbours’ amenity from increased noise and smells.

Impact on character of conservation area

The shop frontage remains unaltered and the character and appearance of the conservation area will be preserved.

Recommendation

Application Refused for the following reasons:

1. The proposal would be contrary to the Local Plan Review policies for Winchester and town centres in that it would result in the loss of retail floor space at ground level within the Primary Shopping Area and would result in more than 20% of the adjacent frontage being in a non-retail use. The proposal is therefore considered to be harmful to the vitality and viability of the Winchester Primary Shopping Area.
2. There is a lack of detail on the submitted application to demonstrate that the change of use to A3 restaurant would not cause disturbance to neighbouring properties by virtue of increased noise and smells from the new kitchen extraction system. This is contrary to Policy SF3 of the Winchester Local Plan Review 2006.

Informative

The Local Planning Authority has taken account of the following Development Plan policies and proposals:-

Winchester District Local Plan Review 2006: SF3, SF5, W2