

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Winchester City
Council
Planning Department
Development Control

TEAM MANAGER
SIGN OFF SHEET

Committee Decision

Case No:	08/01390/REM	Valid Date	20 June 2008
W No:	09393/18	Recommendation Date	5 August 2008
Case Officer:	Mr Ian Cousins	8 Week Date	15 August 2008
		Committee date	
Recommendation:	Application Permitted	Decision:	Committee Decision

Proposal:	Variation of condition 5 of permission W09393/17 to allow machinery operation, processing to be carried out and deliveries to be taken or dispatched from the site out side the hours of 0700 and 1800 Monday to Friday and 0800 and 1300 Saturdays and any time Sundays and Bank Holidays
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Site:	Inspirations Unit 5 Claylands Park Claylands Road Bishops Waltham
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Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
N	N	N	Y	N	N	Y

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

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Item No: 5
Case No: 08/01390/REM / W09393/18
Proposal Description: Variation of Condition 5 of permission W09393/17 to allow machinery operation, processing to be carried out and deliveries to be taken or dispatched from the site outside the hours of 0700 and 1800 Monday to Friday and 0800 and 1300 Saturdays and any time Sundays and Bank Holidays
Address: Inspirations Unit 5 Claylands Park Claylands Road Bishops Waltham
Parish/Ward: Bishops Waltham
Applicants Name: Mrs Shiela Pope
Case Officer: Mr Ian Cousins
Date Valid: 20 June 2008
Recommendation: Application Permitted

General Comments

This application is reported to Committee because of the number of objections received.

The application was originally advertised incorrectly and included the name of the previous occupant, Crystal Bathrooms. This has now been corrected but may account for the large number of objections received in relation to this case.

Site Description

The unit is one of 11 modern industrial units located in the northern part of Claylands Business Park with B1 and B2 uses with allocated parking to the front. Beyond the site to the north is a pond surrounded by mature vegetation and residential development lies to the south and east of the premises.

Proposal

The proposal seeks to relieve Condition 5 of planning permission W09393/17 which controls the hours of operations of the unit. The business that now occupies the unit makes and decorates celebration cakes.

Relevant Planning History

02/03097/FUL / W09393/17 - Industrial development comprising of 11 no. units with associated parking - Land At Claylands Road, Bishops Waltham - Permitted - 25/09/2003

Consultations

Environmental Health:

No objection to the proposal providing the permission is personal.

Representations:

Bishops Waltham Parish Council

- Requests that the permission is made personal to the applicant and only

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machinery suitable for catering needs is used.

19 letters received objecting to the application for the following reason:

- Allowing vehicle movements outside of the current restricted time frame will be of detriment to the amenity of the residential properties in Claylands Road.

2 letters received supporting the application for the following reason:

- It is not considered that the applicant would have any detrimental impact on the surrounding area given the nature of the business.

Relevant Planning Policy:

Winchester District Local Plan Review

DP3

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

Planning Considerations

Principle of development

Impact on character of area and neighbouring property.

Principle of development

The condition was originally imposed on the permission to develop the site for business purposes, in order to restrict the intensity of the industrial use of the land in the interests of protecting the amenities of nearby residential properties. The principle of relieving a condition which controlled the hours of operations and deliveries would, therefore, usually be unacceptable. However, the specific nature of the business use of the applicant in this case has been carefully considered.

Impact on character of area and neighbouring property

The applicant runs a small business making wedding and other celebration cakes. Given the scale and the nature of the business, it is sometimes necessary for the applicant to arrive early and to work into the late hours when there are peak times of demand. It is also sometimes necessary for the applicant to make a delivery of a cake on a Saturday afternoon or Sunday. This would generate one car movement and it is considered that this would not cause any level of disturbance that would likely to be detrimental to the occupiers of nearby residential properties.

It is considered that the physical size of the unit would limit the intensity of the use, so that any vehicle movements would not be likely to escalate to a level that could be materially harmful to the amenity of any nearby residential properties.

The proposal does not require any physical changes to the unit and therefore the visual character of the area will be unaffected.

Recommendation

Application Permitted subject to the following conditions:

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Conditions

1. The use of the premises without the hours of operation restriction hereby permitted shall be carried on only by Mrs Shiela Pope for the purposes of cake production.

Reason: In the Interests of the amenity of nearby residential properties.

2. No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site except between the hours of 0700 and 1800 Monday to Friday and 0800 and 1300 Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of nearby properties.

3. No article of any description shall be manufactured, assembled or stored outside the buildings hereby approved.

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

4. All surface water from roofs should be piped to an approved surface water system using sealed downpipes. Open gullies should not be used.

Reason: To prevent pollution of the water environment.

5. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the separator.

Reason: To prevent pollution of the water environment.

6. Inspection manholes shall be provided and clearly identified on foul and surface water drainage systems.

Reason: To prevent pollution of the water environment.

7. Any facilities for the storage of fuels shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges, and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging into the ground where possible and protected from accidental damage.

Reason: To prevent pollution of the water environment.

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8. Any facilities for the storage of chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage the compound should be at least the equivalent to 110% of the capacity of the largest tank, or 25% of the total combined capacity of the interconnected tank whichever is the greatest. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

9. The car park shall be constructed, surfaced and marked out in accordance with the approved plan before the development hereby permitted is brought into operation. That area shall not thereafter be used for any purpose other than the parking, loading, unloading and turning of vehicles.

Reason: To ensure that adequate on-site parking and turning facilities are made available.

10. The parking areas hereby approved shall not be used for any other purpose than the parking of cars.

Reason: To ensure the provision and retention of the parking areas in the interests of local amenity and highway safety.

11. The loading bays identified within each industrial unit must be kept available at all times for lorry parking.

Reason: In the interests of highway safety.

12. The use of buildings hereby permitted shall be confined to uses falling within Class B1 (Business) or B2 (General Industry) of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to their class in any statutory instrument revoking and re-enacting that order and for no other purpose.

Reason: To define the permission.

Informatives

1. This permission is granted for the following reason:

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.

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

Winchester District Local Plan Review 2006: DP3

3. This planning permission is for the benefit of the applicant and not for any subsequent occupier. If the applicant vacates the unit subject to this permission then the restriction on the hours of operation, as detailed in Condition 5 of permission W09393/17, shall apply.