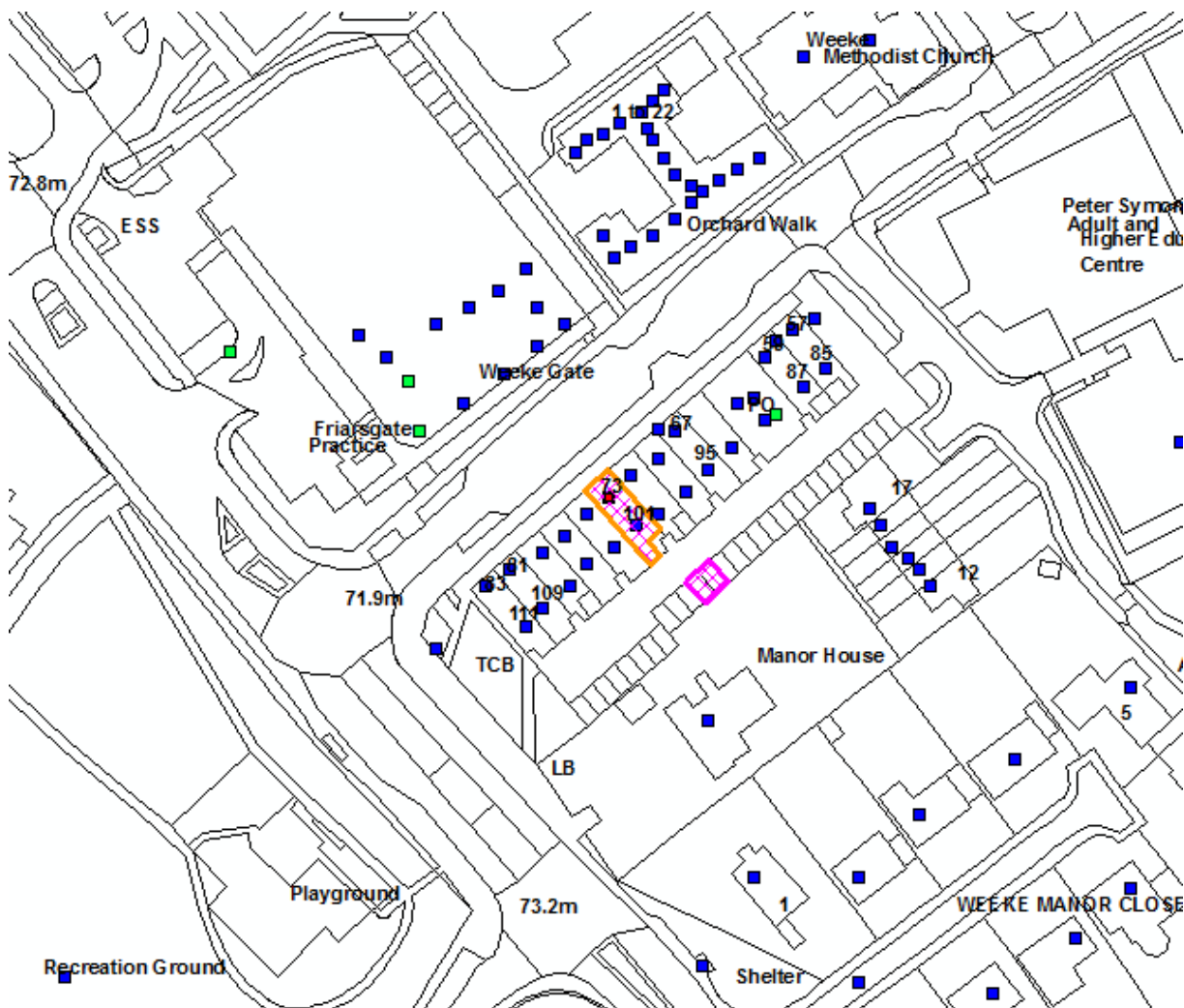


Case No: 18/01268/FUL
Proposal Description: Proposed change of use of part of 73 Stoney Lane from Class A3/A5 (Restaurant & Take Away) to Class A5 (Hot Food Takeaway), including extraction system and associated minor alterations.
Address: 73 Stoney Lane Winchester SO22 6EW
Parish, or Ward if within Winchester City: St Barnabas
Applicants Name: Domino's Pizza UK & Ireland
Case Officer: Catherine Watson
Date Valid: 24 May 2018

Recommendation: Application Permitted



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Case No: 18/01268/FUL

General Comments

Application is reported to Committee due to the number of objections received contrary to the officer's recommendation to permit.

Site Description

The site is within a parade of shops, restaurants and takeaways situated within the densely populated Winchester suburb of Weeke. To the north-east of the site lie the Waitrose and Aldi supermarkets, GP surgery and other retail premises, as well as residential housing.

Proposal

The proposal is for the sub-division of the existing unit at 73 Stoney Lane, currently is use as an Indian/Bangladeshi restaurant and takeaway. This unit has a mixed A3 and A5 use at present. The sub-division of the unit will allow the existing restaurant/takeaway to remain within the premises but will also create space for a Dominos Pizza takeaway with an A5 use. Above the unit, the upper floors comprise residential flats.

Relevant Planning History

09/02351/FUL - Change of use from A1 retail to A3 & A5 restaurant and takeaway with alterations to shop front. Permitted.

Consultations

Engineers: Highways:

There are already a number of hot food takeaways which offer sit down facilities. The use of the buildings is not technically changing and so it would be hard to sustain a highway objection to the proposal. Half of the building already acts as a sit down restaurant and so it could be argued that demand for long term parking would be alleviated. With the introduction of delivery services such as Deliveroo, sustainable bike and scooter deliveries are likely to take place in the local neighbourhood.

The operator of the site will be Dominos Pizza who currently operate from Middle Brook Street and any orders to this area would have to travel from the Town Centre. If permitted, it is likely that the number and length of journeys from Middle Brook Street will reduce, which will have a positive effect to the environment.

Head of Environmental Protection:

No objection, subject to recommended conditions.

Representations:

City of Winchester Trust:

No comment.

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7 letters received objecting to the application for the following reasons:

- Delivery vehicles will take up the street parking spaces;
- The garage block at the rear of the unit is currently used for storage relating to the premises and it is smelly and noisy;
- The delivery vehicles will create noise late at night;
- The amount of traffic in the area will increase;
- Customers collecting food will use the limited parking spaces;
- The extraction system will create noise running into the night;
- Waste management is already a problem in the area;
- There is no mention of where those working in the unit will park;

Reasons aside not material to planning and therefore not addressed in this report

- There are too many takeaways in Winchester.

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy
Policy DS1 – Development Management and Strategy.

Winchester Local Plan Part 2 – Development Management and Allocations.
Policy DM1 – Location of New Development
Policy DM7 – Town, District and Local Centres
Policy DM9 – Secondary Shopping Frontage
Policy DM19 – Development and Pollution
Policy DM20 – Development and Noise

National Planning Policy Guidance/Statements:
National Planning Policy Framework

Planning Considerations

Principle of development

The commercial area of Weeke along the top section of Stoney Lane and the adjoining Stockbridge Road is designated as secondary shopping frontage according to Policy DM9 of LPP2 and therefore development within Classes A1-A5 is supported in principle.

Impact on character of area and neighbouring property

Other than a change to signage pertaining to the new business, there would be little external visual change to the exterior of the unit. The main consideration is to the potential impact upon neighbour amenity by the introduction of an additional takeaway unit and its possible effects on parking, noise and odour associated with the use.

As already stated, the current unit has a mixed A3/A5 use which allows takeaway deliveries and collections. The addition of a further takeaway unit, when considered in conjunction with the existing use and the proliferation of other takeaway facilities in the immediate area, is considered acceptable. Policy DM9 allows for a variety of uses within Classes A1-A5 which includes takeaways. Therefore, the proposal is shown to comply with this policy.

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Concerns have been raised by local residents and ward members with regards to the impact upon parking and highways matters within the area. This will be discussed below within the Highways/Parking section.

Developments with the A5 use class are subject to statutory regulation with regards to noise and odour mitigation. The imposition of appropriate conditions, as recommended by the Environmental Protection officer, will ensure that disturbance to neighbouring residential and commercial premises will be kept to within an acceptable level and therefore the proposal is considered to comply with Policies DM19 and DM20 of LPP2. (Conditions 3-8).

Highways/Parking

Concerns have been raised with regards to a perceived increase in traffic and parking within the area which already has over-subscribed parking facilities. The Highways Officer has stated that as the premises in question, along with others in the vicinity, already operates as a takeaway the addition of a further takeaway facility would be difficult to justify refusing on highways terms. Further, it is considered that the majority of delivery drivers would be using scooters/cycles, as has been evidenced in other takeaway premises across Winchester. These would take up limited space and are likely to be on a quick turnaround, therefore reducing the likelihood of a number of vehicles utilising the spaces.

Recommendation

Application Permitted, subject to the following condition(s):

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2. The development hereby approved shall be constructed in accordance with the following plans:
 - Location Plan Dwg No B10280-AEW-PJ001587-XX-DR-0005 received 18.05.2018
 - Block Plan Dwg No B10280-AEW-PJ001587-XX-DR-0006 received 18.05.2018
 - Proposed Elevations Dwg No B10280-AEW-PJ001587-XX-DR-0004 received 18.05.2018
 - Proposed GA Plan Dwg No B10280-AEW-PJ001587-XX-DR-0003 received 18.05.2018

Reason: In the interests of proper planning and for the avoidance of doubt.

3. The use hereby permitted shall only open to customers within the following times 1100-2300hrs Monday to Sunday.

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

4. Before air conditioning/extraction and refrigeration equipment is installed and operated on the premises, a full acoustic report (with a scheme of attenuation measures) shall be submitted and approved in writing by the Local Planning Authority. The equipment shall be installed and maintained in accordance with the approved scheme.

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

5. Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of odour from the premises shall be submitted to, and approved in writing by the Local Planning Authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason: To ensure that cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties.

6. To avoid the drainage system becoming blocked and to prevent its contents overflowing within the kitchen, adjacent premises and land, it is recommended that all commercially operated kitchens are fitted with a grease interceptor.

Reason: To protect the amenity of occupiers of nearby premises and in the interest of public health.

7. A Waste Management Plan shall be submitted to and approved by the Local Planning Authority before the use commences. The Waste Management Plan shall include the following details:

- a) the location of any refuse storage
- b) a projection of food waste volumes and demonstration of a suitable and sufficient waste storage capacity
- c) the refuse collection details including times/days of waste collections

Reason: To protect the amenity of occupiers of nearby premises.

8. No goods shall be dispatched from the rear premises.

Reason: To protect the amenity of occupiers if nearby premises.

Informatives:

1.

In accordance with paragraph 38 of the NPPF (July 2018), Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance a site meeting was carried out with the applicant.

2.

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

Local Plan Part 1 - Joint Core Strategy: DS1

Local Plan Part 2 – Development Management and Site Allocations: DM1, DM7, DM9, DM19, DM20

3.

This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out above, 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.

4.

All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

5.

Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

For further advice, please refer to the Construction Code of Practise

<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

6.

Should your application be successful we would like you to contact us to discuss your proposals in complying with food safety legislation. You need to register your food business at least 28 days prior to opening. Food Hygiene (England) Regulations 2006; Regulation (EC) No 852 2004.

To register your food business go to www.winchester.gov.uk/apply and complete the form found under Food Business Registration.

7.

LICENCING NOTE

The applicant is advised that if the premises is to be used for the sale or supply of alcohol, the provision of regulated entertainment (live or recorded music, dancing, plays, films, sporting events etc.) or the provision of hot food between 2300 and 0500, they may be required to apply for a Premises Licence under the Licensing Act 2003. For further information contact the City Councils Licensing section on 01962 848 188.