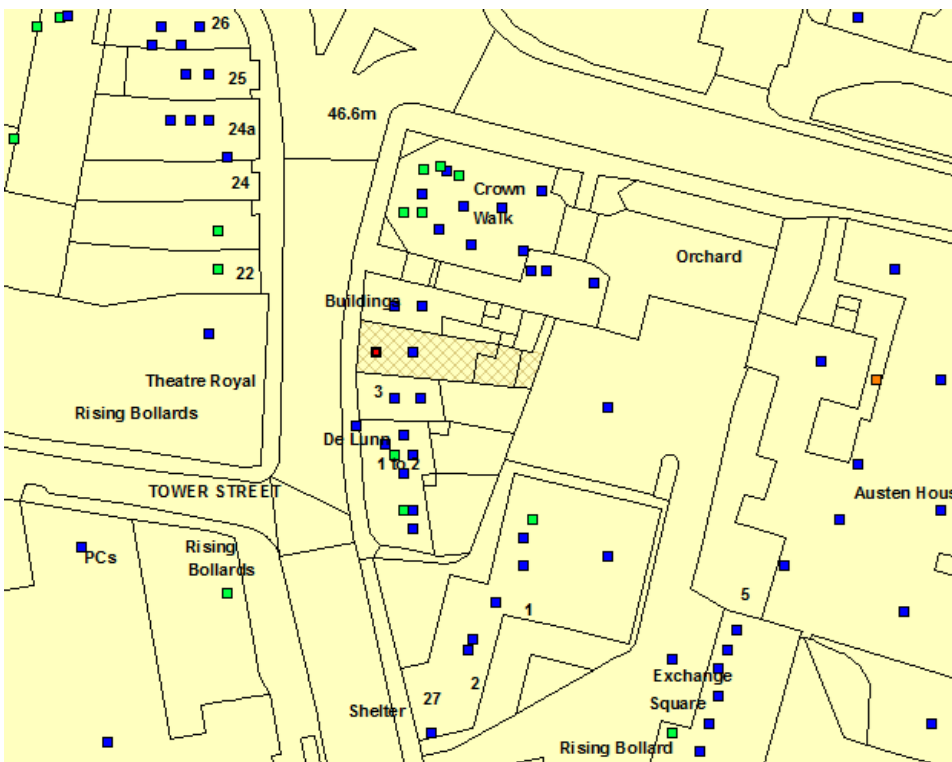


WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Case No:** 18/02661/FUL  
**Proposal Description:** Variation of condition 6 (08/02712/FUL) extension of opening hours  
**Address:** 4 De Lunn Buildings Jewry Street Winchester Hampshire SO23 8SA  
**Parish, or Ward if within Winchester City:** St Michael  
**Applicants Name:** Mr Luke Bishop  
**Case Officer:** Rose Lister  
**Date Valid:** 12 November 2018  
**Recommendation:** Application Permitted



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**General Comments**

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

**Site Description**

The application site is situated within De Lunn Buildings situated to the north of Jewry Street. There are a number of restaurants and takeaway outlets along this part of Jewry Street with the area being noted as the 'Cultural Quarter' of Winchester. De Lunn buildings are a Grade II listed Building built in the 1880's, with shops and restaurants on the ground floors and flats and offices above.

**Proposal**

The proposal is to vary condition 6 of application 08/02712/FUL to extend the opening hours of the property until 3am.

**Relevant Planning History**

08/02712/FUL - Conversion of A1 shop to A5 Hot Food take away including internal alterations and extraction ducting to rear elevation – permitted 20.04.2009

**Consultations**

Head of Environmental Protection:

The Environmental Health Officer raised no objection provided a licence was acquired for the late night opening. It was noted that the adjacent hot food takeaway has no restrictions on opening hours through planning and permission for late night opening has been granted in the vicinity.

Head of Historic Environment:

The Conservation officer raised no objection as the proposal would not change the historic fabric of the building or the external appearance of the site.

**Representations:**

City of Winchester Trust: 'The proposal to stay open until 3am was met with some dismay; it does not seem to be in character for Winchester.'

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

- Noise
- Traffic disruption
- Refuse

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

- Security
- Pest control
- Decrease in property value
- Anti social behaviour of the public

**Case No: 18/02661/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Relevant Planning Policy:**

Winchester Local Plan Part 1 – Joint Core Strategy

DS1 – Development Strategy and Principles  
WT1 – Development Strategy for Winchester Town  
CP6 – Local Services and Facilities  
CP8 – Economic Growth and Diversification

Winchester Local Plan Part 2 – Development Management and Site allocations

DM1 – Location of New Development  
DM15 – Local Distinctiveness  
DM17 – Site Development Principles

National Planning Policy Guidance/Statements:

National Planning Policy Framework 2018

**Planning Considerations**

Principle of development

The development is situated in the settlement boundary of Winchester, where the principle of development is acceptable, provided that the development is in accordance with the policies of the Development Plan and unless material planning reasons indicate otherwise.

Impact on character of area and neighbouring property

The proposal would see the variation of condition 6 of permission 08/02712/FUL. Policies CP6 and CP8 seek to support economic development and diversification across Winchester. It is considered that the proposal would contribute to the vitality of Winchester's night time economy. There is an existing business with a late night opening permitted for the adjacent property and therefore it is considered that there is an existing degree of disturbance experienced by neighbouring residents in this City Centre location. Despite the existing situation it is considered absolutely necessary to consider the impact of a further food outlet increasing its opening times at a sensitive time of night. As a result the application has been scrutinised by the Environmental Protection team and their advice is set out below.

The proposal would extend the opening hours of the site to 3am. Concerns have been raised regarding the noise impact of the surrounding residences. It is considered that there is an existing business with a late night opening permit in the property adjacent therefore it is considered that there is an existing level of disturbance is already experienced by neighbouring residents. The proposal would result in noise later into the night, however the Environmental Protection Officer is satisfied that there would be no adverse harm caused by the proposal.

The site is currently used as a hot food takeaway between the hours of 11am and 11pm. It is not considered that the proposed extended operation hours would lead to additional

**Case No: 18/02661/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

odour to the area that would have an adverse impact on the public or neighbouring residents.

There are adequate existing refuse measures in place including recycling and multiple public waste bins within 30 metres of the site.

Based upon the above assessment it is considered that the proposal would not be detrimental to the local area, the Conservation Area or the nearby residential amenities by way of noise or litter.

#### Highways/Parking

Concerns have been raised regarding the impact on traffic and the highway. The application site is within the centre of Winchester in an area of high accessibility for pedestrian use. While there is no parking available on the site, due to the location and high accessibility it is considered that the proposal would not detrimentally impact on highway safety.

#### Historic Environment

The application site is a Grade II listed building within the Winchester Conservation Area. The proposal would not impact on the historic fabric of the building, nor would the proposal change the external appearance of the property. It is therefore considered that there would be no harmful impact to the historic nature of the listed building or the Conservation Area.

#### Conclusion

The proposal would allow an existing business to grow and contribute to the night time economy of the town centre. The proposed development would result in noise later into the night however it is considered to be acceptable by the Environmental Health Officer. There would be no detrimental impact on the safety of highway users nor on the historic building. It is therefore considered that the proposal accords with the Development Plan and the following policies DS1, WT1, CP6, CP8, DM1, DM15, and DM17.

#### **Recommendation PERMIT**

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 extraction flue to the rear of the building which is to be inserted as part of this permission, shall be painted matt black in its entirety including the terminating cowl, and shall be maintained in this colour at all times.

Reason: To ensure that the visual intrusion of the flue is minimised and the special interest of the listed building is protected.

**Case No: 18/02661/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

3 If at any time a cooking process, other than the preparation of hot beverages or the heating of foods in a microwave oven, is undertaken on the premises, an adequate extraction system shall be installed, including suitable and sufficient grease filters and odour neutralising plant to the satisfaction of the Local Planning Authority in writing.

Reason: To protect the amenities of occupiers in adjoining properties from undue smell and fumes.

4 The use hereby permitted shall not be commenced until the equipment detailed in Condition 3 above to discharge odours and fumes from the cooking process shall have been installed in full working order. Such equipment shall be regularly maintained to ensure its continued operation and the cooking process shall cease to operate if, at any time, the extraction equipment ceases to function properly.

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

5 Details of the provision 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.

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

6 The use hereby permitted shall not be open to customers outside the following times 11:00 hours to 03:00 hours.

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

**Informatives:**

1. 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.
2. The Local Planning Authority has taken account of the following development plan policies and proposals:-  
Local Plan Part 1 Joint Core Strategy: DS1, WT1, CP6, CP8,  
Local Plan Part 2: DM1, DM15, and DM17
3. In accordance with paragraph 38 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;  
-offering a pre-application advice service and,  
-updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

**Case No: 18/02661/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE