CASE OFFICER'S REPORT

Application Reference:	PL/2023/05700
Application Type:	Full planning permission
Consultation ends:	22 August 2023
Case officer:	Julie Mitchell

Site Address:	The Pantry, Victoria Park Bowling Green, Stratford Road, Salisbury, Wilts
Proposal:	Permanent change of use from recreational use to food preparation for consumption on and off premises (Previous temporary consent granted under 18/04566/FUL)
Recommendation:	Approve with Conditions

Policies

National Context:

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
Planning (Listed Buildings and Conservation Areas) Act 1990

Local Context:
Wiltshire Core Strategy (WCS) adopted 2015
CP1 (settlement strategy)
CP2 (delivery strategy)
CP3 (infrastructure requirements)
CP38 (retail & leisure)
CP49 (protection of services and community facilities)
CP50 (biodiversity and geodiversity)
CP55 (air quality)
CP57 (ensuring high quality design and place shaping)
CP60 (sustainable transport)
CP61(transport and new development)
CP62(development impacts on the transport network)
Saved Salisbury District Council Policies: R5, R6 ((Urban parks) PS1 (community facilities).

Relevant Planning History

18/04566/FUL - Change of use including new kitchen ventilation and extraction equipment - Approved (5 year temporary consent)

Consultation Responses

Salisbury City Council: No comment (SCC is applicant)

Highways Officer:
The proposal in highway terms is the same as the previous 2018 application and therefore I reiterate my comments for that application.

The site is in an area where parking restrictions apply and close to public transport routes.

It is considered that the proposal will not be detrimental to highway safety and I therefore wish to raise no highway objection.

Public Protection Officer:
This department has no adverse comments to make regarding this application.

Representations

Third party representations have been received as follows:

- No objection if premises are used solely for small scale food/drink preparation by a similar social/community enterprise to the outgoing Pantry Partnership CIC,
- If Commercial or Corporate entities are allowed to utilise the facilities, objection raised due to location in residential area in close proximity to a school
- Salisbury City Centre has multiple vacant properties that could be utilised by Commercial/Corporate entities with adequate facilities for preparation & sale of food/drink and related vehicle movements (supply operations and visiting customers).
- The proposed Hours of operation extend too late into the evening and cause a potential increase in vehicular activity/noise by Commercial/Corporate supply operations and visiting customers.
- The proposed Hours of operation during School Term time would clash with children arriving and departing Salisbury & South Wilts Grammar School - periods of the day that already attract a major increase in vehicular activity, congestion and noise.

Planning Considerations and Assessment

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

<u>Principle of Development:</u>
This application seeks permission for a change of use of a former Bowls Club clubhouse to a use described as "food preparation for consumption on and off premises" following the expiry of a 5 year temporary permission on 31 July 2023.

The temporary use which was previously granted related to use by a social enterprise providing food to the community. It is understood that the group is now intending hand over the operation of the facility to the community. The temporary consent was subject to a condition which was restricted to The Pantry Partnership CIC only.

The original use of the building as sports clubhouse fell within use class D1. Class D of the use classes order was revoked from 1 September 2020. D1 was split out and replaced by the new Classes E(e-f) and F1. D2 was split out and replaced by the new Classes E(d) and F2(c-d) as well as several newly defined 'Sui Generis' uses. As a former clubhouse, the previous use (excluding the temporary period), would likely fall within Class E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink), although the use was linked to an outdoor sport prior to the relocation of the bowls club to a different location. Outdoor sports fall within a separate use class category, F2(c) Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms).

The description of development is for the preparation of food for consumption on and off the premises but not specifically for the sale of food since the intention is for it to continue to operate as a community/social enterprise on a not for profit basis rather than as a commercial enterprise. The proposed use therefore does not appear to fall strictly within Class E(b) Sale of food and drink for consumption (mostly) on the premises. Although the description includes consumption of food off the premises, which is understood to include delivery within the community, the intention is clearly distinguishable from a hot food take away which is a sui generis use. As it would not appear that the proposed use would sit clearly within Class E(d) or Class F2(c), or explicitly in any of the uses described in Classes E or F, the proposal is deemed to be a material change of use to a sui generis use.

It was previously noted in the officer report for the temporary permission that the use of the building could be considered a community use which did not undermine the long term leisure use of the site, the proposal related to a small part of the overall park and the public benefit of reusing buildings which were vacant. On the basis of the specific nature of use, the proposed used was not assessed as a commercial restaurant or take away, the impacts of which may be more significant. It is understood that the bowls club has relocated and there are no plans known to the LPA for the building to be used in association with an alternative recreational use or reinstatement of the bowls club at this location. Given the history of the site, there are no concerns with the ongoing use of the building for community/social enterprise groups, however it would be reasonable to consider the use by a commercial food enterprise in future in the event that the building is no longer required for community use. An appropriately worded condition is therefore considered appropriate to enable the LPA to consider material changes of use in future.

Neighbour Amenity:

The impacts of the proposed use as a community type facility would not introduce any demonstrable impacts on neighbouring residents subject to the suggested condition. The public protection officer has raised no objection.

Highways Safety:

The highways officer has raised no objection to the proposal on the basis that it will not be detrimental to highway safety.

Conclusion:
The continuation of the use for the preparation, consumption and distribution of food to the local community, as previously undertaken by a CIC, raises no issues of concern having regard to amenity and highway safety subject to a condition which ensures the use continues for a social/community enterprise rather than a commercial use. There are no other material considerations which would indicate reasons for refusal.

Conditions: (2)

1 The use of the building for the preparation, consumption and distribution of food shall be for the benefit of community and social enterprises on a not for profit basis or in association with clubhouse facilities for purposes ancillary to sports and recreational uses within Victoria Park only.

REASON: To enable the Local Planning Authority to consider the impacts, including loss of facilities, for any future commercial use which is unrelated to community, recreational and sports on its individual merits.

2 The use hereby permitted shall only be undertaken between the hours of 08:00 and 23:00 Monday to Saturday; and 08:00 and 22:00 on Sundays and Bank Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.