

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 24 August 2006

Winchester City
Council
Planning Department
Development Control

Committee Decision

TEAM MANAGER
SIGN OFF SHEET

Case No:	06/01785/FUL	Valid Date	8 May 2006
W No:	08991/51	Recommendation Date	1 August 2006
Case Officer:	Mr Neil Mackintosh	8 Week Date	3 July 2006
		Committee date	24 August 2006
Recommendation:	Application Permitted	Decision:	Committee Decision

Proposal:	Variation of condition no. 5 of planning permission W08991/49; to allow part of area approved for warehouse extension to be used as retail/sales floor space
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Site:	Sainsbury's Supermarkets Ltd Badger Farm Road Winchester Hampshire SO22 4QB
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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	Y	N

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

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 24 August 2006

Item No: Item 08
Case No: 06/01785/FUL / W08991/51
Proposal Description: Variation of condition no. 5 of planning permission W08991/49; to allow part of area approved for warehouse extension to be used as retail/sales floor space
Address: Sainsbury's Supermarkets Ltd Badger Farm Road Winchester Hampshire SO22 4QB
Parish/Ward: Badger Farm
Applicants Name: Sainsbury's Supermarkets Ltd
Case Officer: Mr Neil Mackintosh
Date Valid: 8 May 2006
Site Factors: None
Recommendation: Application Permitted

General Comments

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

Notification of this application was initially only sent to a very limited number of properties. This was later corrected and a total of 94 surrounding properties have now been notified. Any interested parties were asked to respond by 25 July 2006.

Site Description

Sainsbury's store and petrol filling station are located in a natural landscape bowl with housing to the North, East and West and with Whiteshute Down to the South.

Access to the shopping facilities, filling station, a large car park, the doctor's surgery and the community centre, is via a steep private road from a roundabout on the Badger Farm Road. This road faces the service yard and the main entrance to the store faces to the North.

The store is constructed from red brick with a red/orange roof. In order to keep the roof height down the store has a series of pitched roofs with valleys in between.

The whole site has been landscaped and this is now well established.

Proposal

The proposal is to extend the sales area of the Sainsbury's store by incorporating into the existing sales area most of the floor space of a previously permitted, but as yet unbuilt, warehouse extension.

Although the overall floor area of the building in its extended form will not be increased as a result of this application, the sales area would be increased from 4,327 sq.m to 5,099 sq.m ie. 771 sq.m or 18%

Relevant Planning History

W0024/+ and W08991/+

The site has a long and complicated planning history dealing with the original establishment of the superstore and, later, the petrol filling station. Subsequent applications have been dealt with relating to the extension of the buildings, internal reorganisation of the store, hours of operations, night-time deliveries and other applications. In particular;

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 24 August 2006

W00899/47 - Relocation of recycling centre, extensions to the entrance and exit lobbies, relocation of coffee shop, creation of outside seating area, minor alterations and revision to car parking layout – Permitted June 2003
W00899/49 – Extension to existing warehouse – Permitted June 2003

Consultations

Engineers: Highways:

No highway objections

Option One (which is achievable without recourse to the Local Planning Authority) results in an additional 917 sq.m., to give a total of 5245 sq.m., whereas Option Two (which requires relief from Condition 5 of W08991/49) results in a further 771sq.m., to give a total of 5099 sq.m. Applying current parking standards, 364 car parking spaces are required for Option Two and there are currently 497 car parking spaces available on site. The peak times of other occupiers of the site, specifically the Community Centre and the Surgery, are likely to differ from those of the Sainsburys store and, therefore, the current car park should be capable of accommodating any additional demand that may occur as a result of this proposal. It is unlikely that the proposal will cause demonstrable harm to users of the nearest public highway.

Environmental Health:

No particular concerns, other than the building works necessary to make the site alterations. Please add informatives to any consent regarding hours of work, burning on site and the removal of any asbestos.

Representations:

Badger Farm Parish Council - nothing received

One letter received, objecting to the application for the following reasons:

- Contrary to Condition 5 which was, presumably, carefully considered at the time
- A further increase of 21% will be disproportionate to the original store
- Increased floor area will cause a corresponding increase in local traffic. Inevitably this brings increased noise and pollution in a quiet residential area.
- Delivery vehicle movement will be more difficult.
- Could well lead to an increase in night deliveries.

No letters of support received.

Relevant Planning Policy:

Hampshire County Structure Plan Review:

S2, S3, UB3

Winchester District Local Plan Review:

SF1, SF6, DP3

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPS 6 Planning and Town Centres

PPG 13 Transport

PPS 23 Planning and Pollution Control

PPG 24 Planning and Noise

Supplementary Planning Guidance

None

Other Planning guidance

Movement, Access, Streets and Spaces

Parking Standards 2002

Winchester City and its Setting

Planning Considerations

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 24 August 2006

As this application does not involve additional new building work over and above that already approved, the main consideration is whether, in relaxing a condition regarding the retention of storage area, the resultant increased sales area will be consistent with retail policies and detrimental to the amenities of the locality and to highway safety.

Principle of development

The result of permitting this application will be to increase the sales area within the store by 18%. Policy S2 of the Structure Plan Review allows for measures to enhance the vitality and viability of district shopping centres and Policy S3 permits retail development at 'edge of centre' sites.

The Local Plan Review advocates that new retail development should be focused on existing town or village centres although where there is a demonstrable need for a development, and it cannot be accommodated within a centre, it may be permitted on edge of centre or out of centre sites.

PPS6 advises that extensions of more than 200 square metres should be subject to the usual assessments regarding retail development at edge of centre/out of centre sites relating to the need for the development, the sequential approach to site selection and the impact of the development upon existing centres.

However, in this case, the applicant would be able to build the warehouse extension and reorganise the layout of the store to provide 5245 square metres of sales space without a fresh grant of planning permission. Under the proposed application, which would permit the extension to be used for retail sales, the total amount of proposed sales space would be only 5099 square metres and the Council could impose a condition to limit the extent of sales floor space to that shown on the approved floor plan. The applicant is agreeable to such a condition.

Given the applicant's "fallback position" therefore it is considered that it is not essential to apply the usual tests relating to need, sequential approach and impact upon the town centre and a policy objection to the principle of the development would be, in any event, difficult to sustain.

Design/layout

As already stated, Sainsbury's wish to proceed with the erection of an extension that was permitted as an extra storage facility but to use it primarily as additional sales area. This, coupled with another previous permission for internal re-arrangement of the store will, the applicant states, "result in a better laid out sales area". They also state that "Sainsbury's are confident that should this application be approved, and the scheme shown on Drawing 5153 implemented, this will be sufficient warehouse area."

Impact on character of area and neighbouring properties

The main impact of creating additional sales area is the likely increase in vehicles visiting the store, for both customers and additional deliveries. This not only has highway safety and parking implications but also the potential for additional disturbance at the neighbouring residential properties.

The Environmental Protection Team has been closely involved with developments at Sainsbury's over the past years. There was a period, a few years ago, when the site was the subject of complaints regarding noise disturbance at night. However, an appeal decision in 2002 redefined the shop opening hours (0700 to 2000) and operations that could not take place outside of these hours. Since then, night time deliveries have been permitted, following six month trial periods, but these are limited to 2 per night and other strict controls. The advice of the Environmental Protection Team concerning this application is that they have no particular concerns other than to control the building works that will be necessary. This is outside the remit of the Local Planning Authority but the applicant will be made aware of these concerns by means of informatives.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 24 August 2006

Highways/Parking

The Highway Engineer is content that the capacity of Badger Farm Road and the roundabout adjacent to the Sainsbury's access are adequate to deal with this increase in sales area at the store. With regard to additional car parking, the Hampshire Parking Strategy and Standards policy, adopted 2002, has resulted in fewer car parking spaces being required and there is, in fact, over-capacity on this site at present. Some of this capacity will be absorbed by the increased sales area but there should still be adequate space for any additional demand.

Other Matters

Concern has been expressed by the objector that the delivery vehicle manoeuvring area will be further restricted by this proposal. However, this area is as approved under permission W08991/49. At that time the Highway Engineer confirmed that sufficient manoeuvring space would be available and this is subject to a condition that it should be marked out and retained for this purpose. This condition will still be enforceable as the current application is for variation of /49 and the other conditions still apply.

Recommendation

Application Permitted subject to the following conditions:

Conditions

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

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

02 The area to be used for the sale of food and goods shall be as shown on Drawing 2005-294/5153 and no additional sales area shall be created within the building unless otherwise agreed, in writing, with the Local Planning Authority.

02 Reason: In the interests of highway safety and the amenities of the area.

03 The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

03 Reason: To ensure a satisfactory visual relationship between the new development and the existing.

04 The areas since hatched green and red on the approved plans shall be marked out as loading bays and turning areas respectively before the enlarged store is first brought into use and these areas shall thereafter only be used for these purposes and for no other purpose.

04 Reason: To ensure adequate loading and manoeuvring provision within the service yard.

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.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 24 August 2006

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

Hampshire County Structure Plan Review: S2, S3, UB3

Winchester District Local Plan Review: SF6, DP3

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

4. No materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Health and Housing Department, an Abatement Notice may be served under the Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under the Clean Air Act 1993

5. The applicant is advised that there may be asbestos within the fabric of the building. The removal of such material may be subject to Licensing Regulations and Codes of Practice. For further information contact the Health and Safety Executive, Priestley House, Priestley Road, Basingstoke, RG24 9NW.