

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Winchester City
Council
Planning Department
Development Control

TEAM MANAGER
SIGN OFF SHEET

Committee Decision

Case No:	08/00279/FUL	Valid Date	13 February 2008
W No:	04183/21	Recommendation Date	
Case Officer:	Mr Dave Dimon	8 Week Date	14 May 2008
		Committee date	12 June 2008
Recommendation:	Application Permitted	Decision:	Committee Decision

Proposal:	Erection of single and part two-storey building to provide food store (Class A1), alterations to access, car park and landscaping (Site also includes No:2 and part of no. 3 Burnetts Close) (RESUBMISSION)
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Site:	The Chimneys 1 Burnett Close Winchester Hampshire
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Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
N/A	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N

COMMITTEE ITEM SIGN OFF		
APPROVE	REFUSE	
Subject to the condition(s) listed	for the reason(s) listed	
	Signature	Date
CASE OFFICER		
TEAM MANAGER		

AMENDED PLANS DATE:- Drawing 274.01 Outline Landscape Proposals Recd
19/05/08

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Item No: 2
Case No: 08/00279/FUL / W04183/21
Proposal Description: Erection of single and part two-storey building to provide food store (Class A1), alterations to access, car park and landscaping (Site also includes No:2 and part of no. 3 Burnetts Close) (RESUBMISSION)

Address: The Chimneys 1 Burnett Close Winchester Hampshire
Parish/Ward: Winchester Town
Applicants Name: Mr Richard Williams
Case Officer: Mr Dave Dimon
Date Valid: 13 February 2008
Site Factors:

Recommendation: **Application Permitted**

General Comments

This application is reported to Committee because of the number of objections received and it is for major development

The current application follows refusal of a similar proposal by committee at the 13 September meeting last year - See PDC 711. The reasons for refusal were:

1. The proposal is contrary to Policy UB3 of the Hampshire County Structure Plan Review and Policies DP3 and DP5 of the Winchester District Local Plan Review in that the proposed development would constitute an undesirable over-intensive use of the site. Due to the amount of built development and hardstanding proposed, which does not allow for adequate space about the building and car parking, to achieve an effective setting and spatial arrangement to interface acceptably with the adjacent residential development by use of hard and soft landscaping, the proposal is out of keeping with the suburban area, significantly and unacceptably extending the visual impact of the commercial/retail activities into the adjacent residential area, to the detriment of its visual amenities and character.
2. The proposal would have an adverse impact in highways terms in regard to cross town traffic impact, sustainable transport considerations, the need for off site highway improvements, servicing management and traffic management provisions, which would be contrary to the objectives of the Winchester Town Access Plan, and for which no mitigating provisions have been made.

It should also be noted that there have been previous applications and an appeal refused for similar proposals on this site (see history section below) Furthermore, another appeal in respect of the last refusal (W04183/20) has now been lodged for consideration by way of the Public Inquiry process.

The revised proposal now under consideration differs from the previous application in the following respects:

- The site has been enlarged by the addition of a 3 metre strip of land adjacent to the western boundary of the site. This has been achieved through the applicant's acquisition of the adjoining dwelling No. 3 Burnett Close.
- The landscaping scheme for the site has been completely revised to respond to the previous objection.
- The bulk storage section of the store has been slightly enlarged by removing the set back from the front elevation that the previous scheme provided.

Since the receipt of the application, further amended plans have been received to clarify the boundary treatment of the front and north west side boundaries.

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Site Description

The site is located in Stockbridge Road adjacent to the eastern entrance of Burnett Close and adjoins the former Honda garage and filling station site at the junction with Stoney Lane, which has recently been granted permission to be redeveloped for a Waitrose store, retail shop units, healthcare facility and 3 no. dwellings with associated car parking and landscaping. (W02246/26 refers, see PDC 726).

The application site, which extends to 0.472 hectares, was formerly occupied by the Chimneys public house, but following its demolition in 2005 it has become a neglected and overgrown site enclosed by Herras fencing. Additionally the site includes the first dwelling in Burnett Close, No. 2, which currently remains standing, albeit unoccupied and also in a neglected and overgrown condition, and now a further strip of land comprising the driveway and garage to No. 3 Burnett Close.

The land rises to the north west with No. 2 Burnett Close being about 2 metres higher than the site level at its south eastern boundary. The level steps down sharply at the south western boundary to the adjoining Waitrose site and there is presently a further step in the site that coincides with the boundary between the former public house and No. 2 Burnett Close.

Access to the site is off Burnett Close at the point where it forms a right angle junction with Stockbridge Road.

Burnett Close runs parallel to Stockbridge Road and serves detached housing on its north eastern side. It is a narrow road, generally being of inadequate width for two vehicles to pass, and is set back behind a wide grass verge that also contains a tree belt which defines the northern side of Stockbridge Road.

To the south east side of the application site, a footpath runs between Burnett Close and Orchard Walk / Weeke Methodist Church in Fromond Road and also links to Stoney Lane opposite the existing parade of shops. On the south east side of the footpath the proposed Waitrose development is set about a metre below the footpath with the building being between 4 and 6 metres from the boundary and screened by a landscaped strip of between 2 and 5 metres width.

To the north east (rear) side of the application site are properties in Fromond Road and particularly Nos. 38 and 40 which lie parallel to the site at a distance of about 4 metres from the boundary and have first floor and dormer windows that overlook the site. At ground level a 1.8m high timber fence defines the boundary and the end elevation No. 36 also has first floor windows facing towards the site.

The site does not contain any existing trees of merit although there are some small trees along the rear boundary and the boundary with No. 3 Burnett Close.

Proposal

The proposed development provides for a foodstore of 1,207 sq metres footprint (760 sq. metres net sales area) which is set to the rear of the site and towards the south eastern boundary with car parking provided to the front and north west sides of the building. Vehicular access is from Burnett Close at the south west corner of the site and separated from the adjoining Waitrose site by the footpath, which also provides the main pedestrian access into the store at the south western end of its frontage.

The loading bay is at the opposite (north western) end of the building adjoining the warehouse part of the building, which wraps around the back and north west side of the sales area. At the rear, eastern end of the store is a projecting staircase enclosure to the first floor area, which is 'L' shaped and set above the south west corner of the building. The first floor accommodation provides a gross floor area of 214 sq. metres and includes staff room, plant room, training room

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and secure storage.

It is proposed that the site be levelled, which involves slight raising at its south east side and substantial cutting in at its north west side (adjoining No. 3 Burnett Close) to form the car park which would, as a result, be enclosed on its north western side by a criblock retaining wall that at its maximum would be 1.65m high.

The design of the building remains the same lightweight contemporary architectural approach as was previously proposed, and its siting and size is the same, other than for a slight enlargement of the bulk storage section of the store due to the removal of the set back from the front elevation that the previous scheme provided (5 metres wide x 2.4 metres deep). The scheme differs from the earlier appeal scheme as it has a reduced footprint and reduced first floor accommodation, (the dental surgery provision that was originally included having been omitted). The car parking area has also been reduced from that originally proposed and the landscaping area substantially increased. The colour of the concrete panelled and rendered elevations has changed from terracotta to grey and white. The fenestration detailing remains powder coated aluminium in silver grey finish and the canopy in grey finish.

The below table clarifies the respective sizes of the current, previous and appeal applications.

<u>Comparison with previous proposals</u>			
	<u>Current Proposal</u>	<u>Last application (May 07)</u>	<u>Appeal Proposal</u>
Gross Footprint	1,207 sq. m. (26%)	1,193 sq. m. (26%)	1,363 sq. m. (30%)
Net Sales Area	760 sq. m.	760 sq. m.	850 sq. m.
Warehouse Area	344 sq. m.	329 sq. m.	300 sq. m.
First Floor gross area	214 sq. m.	214 sq. m.	380 sq. m.
Car parking spaces	53 spaces	52 spaces (as amended)	73 spaces
Soft Landscape area	1,357 sq. m. (29%)	1,100 sq. m. (24%)	555 sq. m. (12%)
Plot Size	4,725 sq. m.	4,531 sq. m.	4,531sq. m.

Relevant Planning History

W04183/18 Demolition of No. 2 Burnett Close; erection of single and two-storey building to provide food store (classA1) and health care facility (dentist surgery, class D1); alterations to access, car park and landscaping (land at No's 1 & 2 Burnett Close) (amended description) - The Chimneys & 1 Burnett Close, Winchester, SO22 5JQ – Refused 16/09/2006 (COMMITTEE DECISION) - Appeal Dismissed 19 March 2007.

W04183/19 Demolition of No. 2 Burnett Close; erection of single and two storey building to provide food store (class A1) and health care facility (dentist surgery, class D1); alterations to access, car park and landscaping (resubmission)
(NB: These amended plans were considered at the above appeal in respect of W04183/18).

W04183/20 Single and partial two storey building to provide food store (Class A1); alterations to access, car park and landscaping (Site also includes No: 2 Burnetts Close) – Refused 08/10/2007 (COMMITTEE DECISION).

Consultations

Engineers: Drainage:

Provided that foul water goes to the public foul sewer and that storm water is disposed of in a sustainable manner via soakaways then there is no objection on drainage grounds to the resubmission.

HCC Environment Department Highways:

This current proposal is broadly similar to the previous submission with minor changes to the floor

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space (an increase of 14 sq. metres) and an increase in the level of parking to be provided on site from 52 to 53 including 4 disabled spaces. The indicative access arrangements as shown, including the proposed pedestrian facility, do not have regard to the service access and associated highway works agreed for Waitrose. However, this matter can be satisfactorily dealt with by condition. (See proposed Condition 7)

In terms of the transportation implications of the current proposal there is not a significant change in the overall impact from the previous application and therefore a reason for refusal cannot be substantiated.

The Highway Authority has no objection to this planning application being granted provided the applicant enters into a Section 106 Agreement to secure the following:

A financial contribution of £102,600 towards the Winchester Town Access Plan.

A financial contribution of £15,000 towards traffic management improvements, including parking restrictions, on Burnett Close.

An obligation, which requires all servicing to be contained on site and to be limited to three per day.

The Highway Authority also wish the imposition of conditions regarding the following matters in respect of any planning consent that may be granted:

The submission to and approval by the LPA of details of highway works shown indicatively on drawing 6660/2D103A before the development of the store is commenced (See proposed Condition 3)

The completion to the satisfaction of the Highway Authority of all agreed highway works before any part of the development opens to trade with the public (See proposed Condition 4)

The control of times when service vehicles shall enter or leave the site. (See proposed Condition 5)

A requirement that delivery vehicles manoeuvring on site be supervised at all times by a member of staff. (See proposed Condition 6)

The submission to and approval by the LPA of details of the means of access, including the layout, construction and sight lines to be submitted to and approved by the LPA in writing before development commences and to be fully implemented before the development is opened to trade. (See proposed Condition 7)

Environmental Protection

No adverse comments to make, subject to conditions attached to any consent granted regarding contaminated land and noise disturbance relating to the hours of permitted use. Also included is a guidance note to the applicant stating the hours of permitted building works. (See proposed Conditions 20, 21, 22, 25, 26 and 27)

Strategic Planning

The comments made on the previous application (below) still apply. The application is for the same size and type of store, the Local Plan and Government policies are the same, and the NLP Retail Study was available at that time, as was the previous appeal decision. Waitrose is now under construction so is now more certain, but it was taken into account at that time. The decision on the previous application did not include a retail reason for refusal and there is no need to change this.

It is notable that the recent decision on the Stanmore Hotel has clarified the way that Members are interpreting Policy SF.7. In that case, they did not agree that one 'facility and service' could be substituted with another, unless the full requirements of SF.7 and its explanatory text are met. This case seems somewhat different in that the existing 'SF' use has been removed and the building has been demolished. Therefore, even if it was previously providing a valuable

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community use (and it did not provide the range of facilities offered by the Stanmore Hotel), it is not doing so any longer. It is also unlikely to be viable to re-build a public house on the site, given the costs involved, the loss of the established trade base, etc. Therefore it is considered that SF.7 requirements are met in this case, as well as the fact that this proposal is for another 'facility and service' for which a need has been demonstrated through the Retail Study.

Comment in respect of last application

A need has been identified for additional food (convenience) retail in Winchester. Consultants Nathaniel Lichfield and Partners produced figures for retail demand in November 2006. This considered the retail applications (including a previous Aldi scheme) that were ongoing in Winchester at that time. The figures updated those in the previous Winchester Retail Study of 2003.

At that time, the consultants considered that there was sufficient demand for both Waitrose and the Aldi applications to proceed. In fact, according to their calculations, this would result in a small under-provision by 2011. Given that the Aldi proposal has since been reduced in size from 850 sq m net sales area, to 760 sq m, the unfulfilled demand is likely to increase marginally.

Therefore there is an identified need for additional convenience shopping floorspace, over and above the permitted proposals at Silver Hill and for Waitrose.

Scale and sequential approach.

The scale of the supermarket is appropriate for a site in a local centre. There is also considered to be a lack of alternative suitable sites to accommodate the demand for additional convenience retailing. The proposed site, in an existing local centre, is considered acceptable in sequential terms, there being a lack of more centrally located sites.

The Council's consultants considered that the Aldi store would have both positive and negative effects on the existing shops in Weeke centre. There may be some impact on sales in some of the shops in the centre. However, they considered that the Aldi store will primarily attract main food shopping, rather than top-up trips. Therefore, they did not consider the impact on those local shops to be significant. In fact, there may be some benefits from linked trips. They concluded that, on balance, the Aldi store would benefit the local centre.

The site is accessible by car and several bus services.

Appeal Decision

The previous Aldi application went to appeal and was dismissed. However, it should be noted that the previous appeal was not dismissed on retail planning grounds. The Appeal Inspector agreed with NLP's assessment of the sequential issues regarding the location and the lack of available sites to accommodate demand for convenience shopping. He noted their concerns regarding the scale of the Waitrose store in relation to a local centre. However, he made no comment on the scale of the Aldi proposal.

Policy SF6 & SF7

The application site was previously occupied by the Chimneys public house. This was empty and has been demolished some time ago. It is therefore very doubtful whether it would be viable to reinstate the pub use, given the costs of rebuilding, lack of an established customer base, etc. Therefore, although the proposed use is a different 'facility and service' to the previous use, it is not considered that the situation here is comparable to the Stanmore Hotel, where an application was refused because there has been inadequate justification for changing one 'SF' use to another. There is also an identified need for food shopping in Winchester, which this proposal would help to meet.

Both NLP and the Appeal Inspector considered that the Aldi store would provide a discount food operator that may benefit less affluent residents. It could be considered that the proposal

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complements the Waitrose store that is under construction, by offering a different range of goods. The proposed Aldi store would provide for bulk food sales that were previously not available in this locality and would therefore benefit the local area, providing for more consumer choice in accordance with guidance in PPS6.

Conclusion

There is an identified retail need for additional foodstore floorspace. There is a lack of alternative sites. The situation of this site in/adjoining a local centre is acceptable in sequential terms. The proposal would provide for greater consumer choice in convenience shopping.

It may be considered appropriate to restrict the range of goods sold in this store. There may be possible impacts on residential amenity should the site sell a different range of goods, which would attract more car-borne customers to the area. This application has been considered as a convenience food store and, should this be proposed to change, it would be appropriate to re-consider the need for that use and the tests in PPS6 as applied at the time.

Landscape:

The amended proposals include a much wider belt of soft landscaping along the north western boundary and landscape proposals generally respond to the context and site constraints in a more positive way. There are a couple of points of detail to raise, the first is the location of the post and rail fence to the front of the site, which would be better if set back behind the new hedge to provide a soft frontage to the site.

In addition there is a lack of detail with regard to the actual height of the crib lock wall, some cross sections though the site would help clarify how the crib wall sits in relation to its context.

Environment Agency:

No objection in principle subject to condition and informative. (See proposed Condition 19)

Southern Water:

A public sewer crosses the site and will need to be diverted at the applicant's expense. Alternatively the applicant may wish to amend the site layout, or combine diversion with amendment of the site layout. In the event that permission is granted, a condition to protect drainage apparatus is required. (See proposed Condition 17)

Initial investigations suggest that there are no public surface water sewers in the area to serve the development. Alternative means of draining surface water, which do not involve disposal to a public foul sewer, will be required.

Water can be supplied to the site and, in the event of permission being granted, the applicant will be required to make a formal application for connection to Southern Water.

Archaeology, Heritage Services,

Development may have archaeological implications as investigations on the adjacent former Honda site have revealed remains potentially of the medieval period or earlier. Therefore, in accordance with PPG16 and Policy HE.1 of the Winchester District Local Plan Review, it is recommended that planning consent only be granted subject to a condition securing and implementing an agreed programme of archaeological work.

(See proposed Condition 2)

Representations:

City of Winchester Trust:

This scheme seems little better than the one refused on appeal and, in view of the permission given to the Waitrose store, it is felt most strongly that to allow another store on this scale in the immediate vicinity would be inappropriate in terms of both design and the additional traffic that would be generated.

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This is primarily a residential area, and to have two such large structures side by side would be very damaging to the character of the neighbourhood. While the design of the proposed store is clean and uncluttered, its scale and strong horizontal lines would be an alien feature here, as the sea of parked cars wrapping round the front and side of the building would also be. It is wondered why no attempt has been made to have underground parking to reduce the amount of surface parking that is required. It is also wondered whether the reduced number of spaces allowed following the removal of the dental surgery will in fact be sufficient for the store - it seems that very many people were expected to be visiting the dentist!

The loss of this community use is regretted, as is the loss of another house by the proposed extension of the site to include No. 2 Burnett Close. It is also felt that, because the building is still positioned at the rear of the site, the residents of Nos. 38 and 40 Fromond Rd (incidentally these are identified in paragraph 3. and its heading on page 8 of the Supporting Statement as being in Burnett Close) will be little better off because it would seem that the screening planting could also reduce the amount of sun their gardens would have from the south-west.

The Trust still considers that this busy junction will be overloaded to an unacceptable degree by one store, let alone two, and that many other areas of Winchester could be affected by the traffic generated by customers travelling to this shopping 'honeypot', made even more attractive by having two such complementary types of store side by side.

The Trust therefore strongly objects to this application.

Winchester City Residents Association

The Winchester City Residents Association is strongly opposed to the application by Aldi Stores Ltd to provide a food store with a car park, access and landscaping at the above site. We therefore object to the application on the grounds that it does not meet the reasons for refusal by Winchester City or the Local Inquiry Appeal for the earlier applications. Our detailed objections are as follows:

- Change of use of the residential area of the proposed development is unacceptable and the development is harmful to the character of the area
- An additional food store is inappropriate taking account of the already approved application for the Waitrose Store development and the existing Co-Op Store in Stoney Lane.
- Resulting increase in traffic movements would be a serious issue at the often congested junction of Stockbridge Road and Stoney Lane and other nearby roads. Additional overspill parking would also be unacceptable

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

- Design harms the character and appearance of area.
- Size: too large for location
- Building is overdeveloped
- Insufficient soft landscaping, too much hard landscaping
- Loss of residential property
- Loss of community facility (pub)
- Without dentist surgery, no community facility
- Traffic congestion
- Road safety
- Insufficient parking
- Car park too small for service vehicles.
- No demand for store, area well served by existing retail facilities.
- Application does not address reasons for refusal by Planning Committee or Appeal Inspector.
- Perceived lack of public consultation.
- Increased noise and pollution.
- Light pollution from illuminated signs.

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4 letters of support received:

- Nearest Aldi store is in Romsey, therefore if permission granted, cut down on car journeys.
- Complements Waitrose development
- Listing of non-planning matters including consumer choice, affordability etc.

Relevant Planning Policy:

Hampshire County Structure Plan Review (saved policies):

T5, T6, E16

Winchester District Local Plan Review

H.2, DP.1, DP.3, DP.5, DP.6, SF.1, SF.2, SF.6, T.1, T.2, T.3, T.4, T.5, W1, W.5, W.7, W8,

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPS 6 Planning for Town Centres

PPG 13 Transport

PPG 16 Archaeology and planning

Supplementary Planning Guidance

Winchester District Landscape Character Assessment

St Barnabas West Neighbourhood Design Statement (NB: Site is not within the area covered by this Supplementary Design Guidance but it does adjoin the area).

Other Planning Guidance

Movement, Access, Streets and Spaces

The Future of Winchester Study

The Hampshire Landscape: A Strategy for the Future

Winchester City and its Setting

Winchester District Landscape Assessment

Winchester Retail Study (Nathaniel Lichfield & Partners)

Planning Considerations

Principle of development

Design Layout

Impact on the character of area and neighbouring property

Landscape / Trees

Highways/Parking

Principle of development

The principle of this development needs to be assessed having regard to both national and development plan policy guidance. This concerns two main factors, retail need and the provision of facilities and services.

In terms of retail need, this has been examined in detail in the context of both the advice of PPS6 and Local Plan Policy SF1. A revised retail study undertaken for the Council by Nathaniel Lichfield and Partners in November 2006 found that, although there was insufficient need for all of the then current retail proposals, by 2011 there would be adequate need and, taking into account likely timescales of delivery, especially as regards the Silver Hill proposal, there would be insufficient justification to refuse the application.

This issue was contested by the developer of the adjoining site at the appeal against the refusal of the earlier application for this site and was examined in some detail by the Inspector, who

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concluded at paragraphs 29 and 30 of his decision letter as follows. *“This report advised that given the potential timing of the town centre development and the extent of the quantitative need for retail floorspace (comparison and convenience), the sequential approach would not be a sound reason for refusing any of the proposed applications. The Aldi store would have the smallest impact in terms of absorbing expenditure capacity, whilst addressing a niche market not currently available within Winchester; i.e. a discount food operator which may benefit the less affluent residents.”*

“Consequently, in principle I do not consider that the proposed Aldi store would be harmful in retail policy terms to the proposed Waitrose development.”

With regard to the matter of the retention of a ‘facility or service’ use on the site, which has drawn some comment in the representations received, noting that the incorporation of a dental surgery as part of the previous application addressed the objectives of Policy SF.7 of the Local Plan. However, the current proposal does not incorporate such a facility. It is nonetheless considered that use of the site for retail purposes still satisfies this objective. The re-provision of a public house, as some respondents have suggested, is not something that the Local Plan policy can require. The use of the site as a public house ceased over four years ago and the buildings were demolished in 2004/5, and the fact that the viability of maintaining a public house use on the site has not been tested is not a reason to oppose this proposal, as some representations have questioned. (See Strategic Planning response in the consultations section of this report).

The proposed development of the site for retail purposes is considered to conform to the objectives that Policies SF 6 and SF.7 of the Local Plan promote, and, as explained by paragraph 8.36 of the Local Plan, shops to primarily serve a local function are deemed to be a facility or service. Nevertheless, objectors have expressed the view that the proposal does not meet policy objectives because the store does not ‘primarily serve a local function’. In practice, however, it would not be possible to determine that the retail facility provided by the store, which is primarily of a convenience nature, is compromised in policy terms by virtue of merchandising a small percentage of goods that attract customers from a wider area. This might be of more relevance in the case of a very specialist type of trade that clearly relied primarily on a catchment customer profile extensively larger than the resident population of the west side of Winchester but this is not the case. Accordingly officers do not believe that a reason for refusal based on SF6/SF.7, i.e. arguing that the development is not primarily serving or intended to serve a local function, could be justified.

Design/layout

As mentioned under the proposal section of this report, the architectural design principles remain as for the previous application. That application had responded to the earlier appeal decision by reducing the scale of the development and changing the colour of the elevations from terracotta to grey and white in response to the previous concerns expressed by the Council and objectors. The design has, however, remained the same, since the Inspector, in considering the previous proposals, supported the design, commenting at paragraph 16 of his decision letter that he considered the building would have *“an attractive contemporary appearance”* and that *“it would make a pleasing addition to the architectural vocabulary of the locale”*. An objection to the proposal on design grounds would therefore not be reasonable.

In the applicant’s view, the retention of the two storey element to the building, despite the removal of the dentist facility that was originally proposed, provides visual interest and punctuation to the building and reinforces its presence at the south eastern end of the site nearest to the other commercial uses within the Weeke local centre, whilst, along the remainder of the single storey element of the elevation, columns, and a slightly higher, coloured end bay, add relief and interest to the elevation. The elevation to the footpath has also incorporated glazing at ground floor level to create an active frontage with views into the building and this extends to the first floor fenestration details.

The applicant contends that the building is modern in its design approach and employs a

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simple, lightweight structure expressed in elegant modern materials to complement the locality and recede into the street scene.

In the case of the last application, it was considered that, despite the reduction to the building size, the reduced car parking and the improved soft landscaping that the amended proposal provided, its impact as seen in the street scene was little different, with the profile of the building being much the same as regards its height and the extent to which it would have filled the site width.

It was however with regard to the interface of the development with the existing houses in Burnett Close that the proposal was mostly considered to be unsatisfactory, particularly having regard to the primary reason that led the Inspector to dismiss the previous appeal, which at paragraph 20 of his decision letter was expressed as follows. *“The appearance and character of the car park/service access would significantly and unacceptably extend the visual impact of commercial/retail activities into the adjacent residential area”.*

Although this proposal is to a large extent the same as its predecessor, it has improved its interface with the existing development by virtue of the wider area of landscaping that now separates the built up area of the site from the adjoining residential development and the improved landscaping details that have been presented. These aspects will better mitigate the visual impact of the commercial / retail activities of the site on the adjacent residential area than did the previous scheme.

The landscaped area now extends to 29% of the total site area compared to 12% in the case of the appeal scheme. The landscape proposals now provide for hedging and tree planting to the front boundary, and for a buffer strip between the car park and No. 3 Burnett Close that is wide enough to accommodate the graded change in level and tree planting that will be effective in screening the car parking area from views from outside of the site.

Impact on character of area and neighbouring property

As noted above, the main impact of the development on the character of the area and neighbouring property that was previously found unacceptable, was its unsatisfactory interface with the adjacent residential area. This was largely attributable to the extent of hard surfaced area for parking and manoeuvring space and the lack of soft landscaping to relieve it. The Inspector, in dismissing the appeal, commented at paragraph 18 of the decision letter, as follows: *“The proposed car park and associated access to the service area would ‘wrap around’ the western and northern sides of the proposed development. Consequently, with the exception of narrow planting strips adjacent to the necessary retaining walls, the former curtilage of no 2 Burnett Close would be virtually all hard surfaced”.* He went on to observe that the ratio of soft landscaping for this part of the site would be only some 11% compared to its former residential situation, which was about 30% of the site.

The Inspector found this aspect of the development to be particularly unacceptable and in paragraph 20 drew the following conclusion. *“The City Council contends that the resultant landscaping scheme would be urban in character with isolated trees ‘parked’ in areas of landscaping, giving no lower level soft landscaping necessary to produce an appropriate character in the context of the site. I agree; notwithstanding my conclusion with regard to the design of the proposed building, the appearance and character of the car park/service access would significantly and unacceptably extend the visual impact of commercial/retail activities into the adjacent residential area.”*

In the case of the last application, which was submitted subsequent to the appeal and in response to the above criticism, it was considered that, notwithstanding that the area of soft landscaping had virtually doubled, the perception that one would get of the development from the street scene in Burnett Close would have not been markedly different. The parking / delivery manoeuvring area at the north western end of the site would still have been visually dominant. It was noted

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that, despite the improved landscaping to the rear and the softening of the parking to the front by additional planting, the overall perception remained that of a largely hard surfaced commercial development filling the full plot width, and in particular, that the narrow strip of planting that interfaces with the adjoining residential development in Burnett Close had not been improved.

The current proposal has now addressed this by the addition of a further 3 metre strip of land to double the width of the boundary screening between the car park and No. 3 Burnett Close. This allows the levels change at this point to be graded more gently, reducing the height of the required retaining wall, and it permits tree and shrub planting that will provide a high, dense screen to this boundary which, together with the proposed hedge and tree screening to the front boundary, will effectively screen the hard surfaced area from views outside of the site and provide a green break between the store building and the houses in Burnett Close.

The planting to the rear boundary will also serve to screen the development from properties in Fromond Road. No adverse impact from the building as such was identified by the Inspector in considering the appeal, despite the close proximity of Nos. 2, 36, 38 and 40 Fromond Road to the rear boundary of the site. The building is at a distance of 10 metres from Nos. 38 and 40 and set at a lower level such that it will not result in unacceptable loss of light to them, and there is already a tall fence and conifer planting to their rear gardens. In the case of Nos. 2 and 36, which have gable end windows facing the site, the impact of the proposed building, including the staircase projection to the eastern corner, would not be unacceptably visually intrusive.

Landscape/Trees

As is indicated in the consultations section of this report, the Landscape Team is now satisfied that the proposals address their previous concerns. Furthermore, additional clarification has been submitted by the applicant in response to the points raised regarding the fencing to the front boundary and the height of the crib lock retaining wall. The post and rail fence is now positioned on the inside of the hedge and the wider landscape strip to the north west boundary permits the land to be graded down to a lower retaining wall. In addition, the service vehicle turning area, that is required to allow lorries to reverse into the loading bay will be constructed of grasscrete.

Highways/Parking

Much concern has been raised within the representations received about the traffic impacts of the development and whether the parking and servicing facilities being provided are adequate.

Hampshire County Council as the Highway Authority has examined the proposals and, as stated in the consultations section of this report is satisfied that, subject to the legal agreement provisions sought and the conditions stated, there are no highways grounds on which objection to this application can be raised.

The surfacing of parking and access areas is shown as tarmac with parking spaces marked by white lines. This could, however, be improved visually by the use of block paving for the parking bays to relieve the extent of tarmac and introduce contrast to the hard surfacing materials. A condition is therefore proposed requiring the approval of such details before the development commences. (See proposed Condition 11c)

Other Matters

Pre-application community consultation on the application was limited to a letter to 100 local residents in December 2007, which achieved a response rate of only about 10%, of which 66% of respondents objected, 22% supported the proposal and 11% commented on the content of the scheme. This was not dissimilar to the consultation exercise that was undertaken in respect of the last application in May 2007 when 225 letters were sent to local residents and resulted in a 10% response with 86% objecting and 14% supporting the proposals.

Concerns about noise and light pollution arising from the development are noted but it is not

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considered that this will seriously erode local amenity, as details of external lighting and advertising are required to be agreed with the Local Planning Authority before such works are undertaken and conditions limiting the hours of trading of the store and the times at which deliveries may take place are proposed. (See proposed Conditions 9, 11, 25, 26 and 27)

Another concern that has been raised is with regard to the creeping incursion of commercial development into Burnett Close and particularly with respect to the future use of No. 3, which it is feared the company will retain with a view to later expansion potential. Apart from the 3 metre strip of land that is being included within this application site, the curtilage of No. 3 does not form part of the current application and the applicant states that it will be retained in residential use, with sufficient side access width remaining to provide the opportunity for vehicular access into the rear garden where a replacement garage could be provided for the one lost to this application. Any future proposals for the site of No. 3 Burnett Close would have to be the subject of a separate planning application that would be considered on its merits at the time, having regard to all material planning considerations.

Planning Obligations/Agreements

In seeking the planning obligation(s) and/or financial contributions for highway improvements the Local Planning Authority has had regard to the tests laid down in Circular 05/2005 which requires the obligations to be necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

Recommendation

That planning permission be GRANTED – subject to conditions and a Section 106 Agreement for:

- (i) A financial contribution of £102,600 towards the Winchester Plan Access Plan.
- (ii) A financial contribution of £15,000 towards traffic management improvements, including parking restrictions, on Burnett Close.
- (iii) An obligation that requires all servicing to be contained on site and to be limited to three HGV's per day.

(Note: If the Legal Agreement is not completed within 6 months then the application may be refused without further reference to Committee)

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. No development, or site preparation prior to development which has any effect on disturbing or altering the level of composition of the land, shall take place within the site until the applicant (or their agents or successors in title) has secured and implemented a programme of archaeological work in accordance with a written scheme of investigation to be submitted by the applicant and approved in writing by the Local Planning Authority.
Reason: To ensure that the archaeological interest of the site is properly safeguarded and recorded.
3. No part of the development shall commence until such time as the highway works shown indicatively on drawing 6660/2D103A, including alterations to the junction of Burnett Close

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and Stockbridge Road, to facilitate the left hand turns, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure that such works are satisfactory.

4. No part of the development shall be opened to trade with the public until such time as the highway works as shown indicatively on drawing 6660/2D103A, including alterations to the junction of Burnett Close and Stockbridge Road, to facilitate left hand turns, have been completed to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of highway safety.

5. No service vehicles shall enter or leave the site during the hours of 10:00 and 12:00 on Saturdays.

Reason: In the interests of avoiding vehicular manoeuvring conflict at peak trading times and of highway safety.

6. Delivery vehicles manoeuvring on site must be supervised at all times by a member of staff.

Reason: In the interests of customer safety as service vehicles are not segregated from customer vehicular and pedestrian movement within the site.

7. Details of the means of access, including the layout, construction and sight lines shall be submitted to and approved by the Local Planning Authority (in conjunction with the Highway Authority) in writing before development commences. The agreed details to be fully implemented before the development is opened to trade.

Reason: To ensure that such details are satisfactory and are fully implemented before trading commences, in the interests of highway safety.

8. No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details before the building is occupied.

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

9. Before development takes place fully annotated 1:50 scale drawings of all plans (including roof plans), elevations, sections; and 1:20 scale drawings of typical detail for doors, windows, eaves, rainwater gear, lighting and other external furnitures, shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details before the development is occupied unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

10. No development shall take place until details of the finished floor levels of the new building hereby permitted in relation to the existing ground levels of the site and ground levels beyond the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, before the development is occupied.

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

11. No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include the following, as relevant:

a) - existing and proposed finished levels:

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- b) - means of enclosure, including the height, form and finish of any retaining structures:
- c) - hard surfacing materials, to include all materials for footway surfaces, parking bays and vehicular manoeuvring areas:
- d) - minor artefacts and structures (e.g. street furniture, refuse or other storage units, signs, lighting etc):
- e) - proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines etc, including lines, manholes, supports etc.):

Soft landscape details shall include the following as relevant:

- f) - planting plans:
- g) - written specifications (including cultivation and other operations associated with plant and grass establishment:
- h) - schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate:
- i) - manner and treatment of watercourses, ditches and banks:
- j) - implementation programme:

Reason: To improve the appearance of the site in the interests of visual amenity

12. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before the use hereby permitted is commenced and prior to the completion of the development or in accordance with the programme agreed with the Local Planning Authority. If within a period of five years after planting any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

13. No development shall take place until a schedule of landscape maintenance for a minimum period of 20 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Landscape maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation and historic significance.

14. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars, and paragraphs (a) and (b) below shall have effect until the expiration of five years from the date of the occupation of the building(s) for its permitted use.
- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
 - b) If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.
 - c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with details to be submitted and approved in writing by the Local Planning Authority before any equipment, machinery, or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground

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levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To ensure the protection of trees which are to be retained.

15. No development shall commence until the applicant has submitted for approval details outlining cycle parking provision within the site.

Reason: In the interests of highway safety.

16. A construction Traffic Management Plan shall be submitted for approval by the Local Highway Authority in writing prior to the commencement of development. The measures contained within it shall be retained for the duration of the construction period.

Reason: In the interests of highway safety.

17. The developer must advise the local planning authority, in consultation with Southern Water, of the measures that will be undertaken to divert the public sewers, prior to the commencement of development.

Reason: In the interests of ensuring that works are undertaken to an approved standard and do not adversely impact on drainage apparatus.

18. No development approved by this permission shall be commenced until a scheme for the foul drainage has been submitted to and approved in writing by the Local Planning Authority

Reason: The site is within a groundwater Source Protection Zone III. The mains foul water sewer is in close proximity to the site. There is a presumption for connection to this system.

19. No development approved by this planning permission shall be commenced until details for the (surface water drainage) have been submitted to and approved in writing by the Local Planning Authority. Such details should include provision for all surface water drainage from parking areas and areas of hardstanding to be passed through an oil separator designed to have the capacity and details compatible with the site being drained. Roof water should not pass through the separator.

Reason: To prevent pollution of the water environment.

20. Prior to the commencement of the development approved by this planning permission (or within such extended period as may be agreed with the Local Planning Authority), a scheme to deal with contamination shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall conform to current guidance and best practice and include unless otherwise agreed in writing by the LPA:

a) A desk top study and conceptual model documenting all the previous and existing land uses of the site and adjacent land;

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study;

c) A remedial strategy detailing the measures to be undertaken to avoid risk from contaminants and / or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants.

21. Prior to the occupation of the development, written verification by the competent person approved under the provision of EPC1 c) shall be submitted to and approved in writing by the Local Planning Authority. The report must demonstrate that the remedial strategy approved under the provisions of conditions EPC1 c) has been implemented fully unless

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varied with the written agreement of the Local Planning Authority in advance of implementation.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants

22. If, during any stage of the development, unexpected contamination is identified then no further development shall be carried out (unless otherwise agreed in writing with the Local Planning Authority) until an assessment by the competent person approved under the provisions of EPC1 c) has been completed and a scheme to deal with any additional contamination shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants.

23. No development shall take place until a Construction Method Statement and Construction Code of Practice for limiting the emission of noise and dust from all the demolition and construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. Development shall not commence until the measures approved in the scheme have been fully implemented.

Reason: In the interest of amenity of neighbouring properties.

24. The area designated as warehouse freezer and chiller stores on Approved Drawing No D200 shall be retained as such and shall not be used for retail sales.

Reason: In order to prevent the creation of a larger supermarket than that proposed, which would be considered out of scale with Weeke and increase the overall potential over-provision of retail floorspace within the city.

25. Before air conditioning /refrigeration equipment is installed and operated on the premises a full acoustic report shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed in accordance with the approved scheme before it is operated.

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

26. No deliveries shall be taken at or dispatched from the site except between the hours of 0700 and 2200 Monday to Saturday and 0800-1600hrs 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.

27. The use hereby permitted shall not be open to customers outside the following times 8am and 10pm Monday to Saturday and as permitted by law on Sundays.

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

Informatives:

This permission is granted for the following reasons:

1. 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:-
Hampshire County Structure Plan Review: T5, T6, E16

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Winchester District Local Plan Proposals: DP1, DP3, DP4, DP5, DP6, DP8, DP9, DP10, DP11, DP13, H3, H7, SF1, SF6, RT4, T1, T2, T3, T4, T5, W1, W8

3. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800hrs Monday to Friday and 0800 and 1300hrs Saturday and at no time on Sundays or Bank Holidays. Where allegations of noise from such works are substantiated by the Health and Housing Service, a Notice limiting the hours of operation under the Control of Pollution Act 1974 may be served.
4. No materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Health and Housing Service an Abatement Notice may be served under the Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through burning of materials is a direct offence under The Clean Air Act 1993.
5. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water's Network Development Team (Water) based in Chatham, Kent or www.southernwater.co.uk
6. Under the terms of the Water Resources Act 1991 the prior written agreement of the Environment Agency is required for discharging dewatering water from any excavation or development to controlled waters. The applicant is advised to contact the Hants and IOW Area office (Environment Management Itchen Team) to discuss which type of authorisation will be required.
7. Any visibly contaminated or odorous material encountered on the site during the development work must be investigated. The Local Planning Authority must be informed immediately of the nature and degree of contamination present.

Advice To Applicant:

The site lies within Groundwater Protection Zone 2. Potable supplies are therefore at risk from activities at the site and all precautions should be taken to avoid discharges and spillages to the ground both during construction and subsequent operation.

Inspection manholes shall be provided and clearly identified on foul and surface water drainage systems. They should be colour coded to clearly distinguish between the two systems. Manholes on the foul system should be painted red: those on the surface water system should be painted blue.

The applicant should ensure that appropriate pollution prevention measures are taken to avoid any contamination to the watercourse. There should be no discharge of silty or dirty water to any watercourse or surface water drain during the proposed works.

Any construction or demolition activities should be carried out in accordance with the Environment Agency's Pollution Prevention Guidelines No.6.

Drainage from waste storage areas and delivery areas should go to the mains foul water sewer to prevent contamination of surface or groundwater.