

# Planning Committee

## Update Sheet

**The information set out in this Update Sheet includes details relating to public speaking and any change in circumstances and/or additional information received after the agenda was published.**



Item No	Ref No	Address	Recommendation
1	17/00164/FUL	Land Off Solent Way Whiteley	Permitted

**Officer Presenting: Stephen Cornwell**

**Speaking**

**Objector:**

**Parish Council representative:** Cllr Mike Evans

**Ward Councillor:** Cllr Vivian Achwal

**Supporter:** James Mitchell (Applicant)

**Update**

**Additional Comments**

**Hampshire County Council Highways Officer:**

- The £200,000 is a proportionate contribution towards the major infrastructure upgrade planned for junction 9 of M27 and Whiteley Way/Rookery Avenue.
- The contribution will help deliver these significant improvements.
- As well as providing additional capacity, the scheme will also bring forward pedestrian and cycle improvements that will benefit store.
- In terms of delivery, the road improvements programme is being firmed up with a likely start of 2018/19. Given the scale of improvements it is not practical to link them to the opening of the store, but the two programmes do appear to dovetail.
- Site access improvement work will be secured through a S278 agreement which may in turn secure a Traffic Regulation Order if considered necessary to control parking in this area to secure visibility at access onto Solent Way.

**Landscape Team**

- If this plan was adhered to, I think the landscaping would be acceptable.
- They are proposing planting 'extra heavy' Field Maple trees in the car park and proposing to retain some of the peripheral scrub and trees (mainly Birch) around the edges of the site.
- A comprehensive shrub planting scheme is also proposed.

**Further Information From The Applicant**

Having read the published committee report the applicant has submitted an 8 page letter

dated 12 January 2018 which they say addresses errors and truncated sections in the report.

The applicant has also circulated to members a letter dated 15 January 2018 and what is described as a "Planning Committee Brochure" which consists of various documents. The contents of this bundle is note but not considered to need any further response.

A letter from the applicants consulting engineers dated 15 January 2018 has been submitted responding to the concerns raised by the Flood Risk Management Team (FRMT). The contents of this letter are summarised below together with those aspects of the 12 January letter 2018 which are considered to be of relevance to the determination of the application:

- Regarding drainage issue, note the hardening of the HCC FRMT position from initially indicating this matter could be dealt with by condition to the current position where by the consultee advice is to see the details before a decision is made. This matter is often dealt with as condition on other sites.
- The new drainage information (January 2018) supersedes and replaces any details previously submitted.
- Store to be located within area previously granted outline consent at which time site wide drainage strategy for both foul and surface water submitted and approved by both Environment Agency and LPA.
- The drainage strategy agreed discharge rates to piped and open systems and these will be adhered to regarding proposed development.
- Automatic monitors and alarms will provide guidance on need for maintenance.
- Should downstream system become surcharged or blocked/back up exceedance flows from development will collect on surface of car parking areas.
- Ask that HCC withdrawn holding objection so that any outstanding issues can be dealt with by condition or WCC impose condition.
- The rectangular area excluded from the application site has been retained by the owners (Allied Developments).
- Believe we have incorporated significant and numerous changes to design.
- Have agreed to use of tarmac and paviers in parking area.
- Note Whiteley Parish Council objection based on policy and highway grounds. Both of these resolved as confirmed by relevant consultees.
- Do not consider operation of store will result in any noise disturbance to nearby

residents but accept relevant condition and will provide noise assessment in due course.

- The petition referred to in the report was sent in to the case officer in March 2017 to counter the perception that there was no support for the proposal.
- Lidl are very proud of its public consultation process and regularly receive praise from local authorities for it.
- The public consultation process run by the applicant has now been updated to reflect the current position. Actions consisted of the following:
  - i. At the end of 2016 Lidl acquired a list of resident and business address data for the predicted store catchment. This consisted of 18,653 addresses.
  - ii. Lidl also set up website with details of proposed application.
  - iii. Lidl wrote to all councillors listed in the residential letter area providing more details on the proposal.
  - iv. Lidl then wrote to everyone on the address list notifying them of the consultation event (15 December 2016) and also making people aware of the web site, the contact details of local councillors in the area, an email address for supporters and objectors and contact details for the support petition. The letter included a freepost have your say card for people who do not have access to internet or could not attend the consultation event.
  - v. The consultation day was held on 15 December 2016. On the day a support petition, general comments forms and objector forms were available for those who had not responded to the first mail out.
  - vi. All positive responses from the petition taken on the event day and any second mailing responses were added to the go petition website.
  - vii. Overall results are
    - From the consultation day:
      - 17 general comments
      - 4 objection forms
      - 142 petition signatures
    - From the two mail circulations:

80% support a Lidl in Whiteley and at this location.

3% support a Lidl in Whiteley but object to this location.

16% object to a Lidl in Whiteley and at this location.

The final de duplicated petition count is 4139.

- Note vast numbers of objectors to scheme raised highway concerns but these have been addressed.
- Allied Developments also owns reptile relocation site so no problem with them being co signature to legal agreement.
- Note reference in report to 106 funded road improvement works being in place before store opens. This is wholly unreasonable and assume to be error as applicant has no control over when they will take place.
- Highway improvement works secured under S278 that will be undertaken by Lidl and completed before the store opens.
- Gross area of store is 2125m<sup>2</sup> not 2476 as stated in report.
- Number of parking spaces is 122 and not 120 as stated in report.
- Height of building is 5.03m and 6.7m and not 5.3 and 7.6 as stated in report.

The applicants have submitted a further 90 comments (17 January 2018) in support of the proposal. Main points summarised:

- Will generate new jobs
- Will increase competition which is limited at present.
- Planned road improvements will ease traffic congestion in area.
- Pleased to see updated plans which mean building blends into surroundings.
- This good location for store.
- Store would be within walking distance.
- If Lidl offering £20m cannot understand why they should be denied.
- Understand Lidl contributing £200,000 to road improvements.

- Applicants have been open and honest and communicated with residents to high standard.
- Scheme should reduce congestion in area.

### **Additional Public Representations**

A further twelve letters of support have been received. Main points summarised:

- Will improve access to competitive and high quality store.
- Will also contribute to rateable income for councils.
- Future housing developments in area will only add to need for store.
- Proposed location has good access to local roads and motorway.
- Site can be reached on foot by pedestrians.
- Will bring jobs to area.
- Lidl have considered environmental impacts of project in a positive way.
- Proposal will take pressure off other stores and congestion around them.
- Disappointed that councillors contemplating rejecting application.
- Unfortunate 4000 name petition is being ignored.
- Will remove unproductive land that is currently an eyesore.
- Note most objections relate to traffic and peak hour congestion. Many potential Lidl customers already driving past site on way to other stores.
- Note applicants made alterations to proposal and proposed financial contribution for road improvements, plus tree planting.

### **Planning Officers Response**

Three aspects in the report were identified for further consideration with the intention of updating members closer to the meeting. These are as follows:

Landscaping: The applicant has agreed that the scheme will benefit from the introduction of tree planting. A plan has been submitted showing 9 individual trees within the parking area and the retention of scrub and trees in two areas around the perimeter of the site on the road frontages. The landscape officer has indicated that the proposals are acceptable but advises that the success of tree planting in the parking areas will be dependent on the attention to detail when the work takes place. Having considered the contribution the 9 trees planted within the site will bring to the scheme it is still

considered that the road frontage would benefit from further planting. As shown on the revised plan there are large sections with no new planting other than the ground vegetation. The scrub/self seeding tree areas will inevitably need some thinning and management.

Given the above situation officers are still of the opinion that the application requires an improved planting scheme and the applicant has indicated a desire to work with officers to resolve this matter.

Material for hardstanding area: The applicant has agreed to the use of block paving to improve the appearance of the parking area and submitted a plan showing the new detail. A suitably worded condition is proposed to address this matter.

Surface Water Drainage: In response to the questions raised by the HCC FRMT the applicants have provided further details on the means of surface water drainage. This detail has been passed over to the FRMT but from discussions with colleagues in that team it is highly unlikely that a formal response will be provided in time for the committee meeting. Whether this matter should be dealt with before any decision is made or can be dealt with by a pre commencement condition is a matter that rests with the committee. The current advice from the FRMT is that the former approach should be adopted. The applicant is requesting that Members override this advice and impose a condition requiring the submission and agreement of details before work commences on site. The applicant drainage consultant has pointed out in their most recent letter that when outline planning permission for the site was granted a surface water drainage scheme was approved at that time.

When considering the use of a pre commencement condition it does pre-suppose that a solution does exist. When proposing the use of a condition (no 7) officers anticipated that SUDS would be part of a solution. However, the applicant has advised that the ground conditions do not support this approach and it is therefore felt more important to identify that the local drainage system can accommodate any discharges without resulting in any adverse impact on the surrounding area. The applicants reference to a previous scheme having been agreed does appear to go back a substantial number of years and consequently needs to be approached with caution given the heightened sensitivity that drainage issue attract when they are under consideration today. At the present time officers would not recommend to members that they override the advice from the consultee.

The current recommendation to support the application is subject to the completion of a legal agreement. This offers a few weeks whilst the agreement is put together before any decision notice would be issued. This time could be used to made progress on the drainage issue so that either a detailed scheme is agreed or sufficient confidence emerges to support the use of a pre commencement condition. This approach allows for a resolution on the drainage issue without hindering progress on the overall



development.

#### Other Matters

The corrections to the floorspace, the number of parking spaces and the height of the building are noted.

The applicant's clarification on their consultation procedure is noted.

The applicant has raised a concern over the timing of the road improvement works and the opening of the store. Whilst it is accepted that the expenditure is outside the control of the applicant it is normal practice for the legal agreement to include a reference to when the related road work is undertaken. This clause would bind HCC to spending the money on prescribed works within a defined time. Colleagues within HCC Highways have outlined that the contribution is to be part of a larger sum to be spent on improvements to Junction 9 and Whiteley Way. They further advise that in this instance it is not practical to require the expenditure before the store opens, although the likely programme for the road improvements and the construction of the store mean they will be running close to each other. In these circumstances there is a clear and sound reason why the opening of the store cannot be tied specifically to the completion of the road improvement work. This point can be included in the discussions on the content of the legal agreement.

#### **Changes to Recommendation and Proposed Conditions:**

In the light of the above it is proposed to change the two stage recommendation to a three stage recommendation and make some adjustments to the conditions

#### **Recommendation – That planning permission is approved subject to:**

##### **(A) The completion of a legal agreement that will cover the following elements:**

- i. The implementation of the Travel Plan and associated set-up and monitoring fees and bond;**
- ii. A financial contribution of £200,000 towards improvements at the Whiteley Way/Rookery Avenue roundabout and/or provision of a pedestrian crossing facility on Rookery Avenue;**
- iii. Provision of the access junction and pavements via the S278 process;**
- iv. An Employment and Skills Plan;**
- v. Securing the reptile receptor areas, their enhancement, management and monitoring as set out in the Post**

**Development Management & Monitoring as set out in the RPS Reptile Mitigation Strategy dated October 2017 ref OXF10703.**

**vi. The provision of an Electric Car Rapid Charging Point with the car park area**

**(B) That officers are delegated with the powers to resolve the surface water drainage issue through either the submission of full details which are agreed by the local planning authority following consultations with the FRMT (with a suitably worded condition imposed to implement the agreed scheme),  
or  
that the level of detail submitted is considered sufficient to enable the local planning authority following consultations with the FRMT, to move forward with the confidence of using a pre commencement condition (with a suitably worded condition then imposed).**

**In the event that no resolution is made and progress appears to Have stalled, that the matter is reported back to the planning committee for members to make a final decision based on all the available information at that time.**

**And**

**(C) subject to the conditions listed in the Planning Committee report with the adjustments in the Planning Committee Update Sheet:**

Approved plans

2. The development hereby permitted shall be carried out in accordance with the approved drawings and documents unless otherwise agreed in writing by the local planning authority.

SMR Architects plans:

- Existing Site Plan drawing number 7133-P002 revision B
- Proposed Site Plan drawing number 7133-P003 revision G
- Existing & Proposed Sections drawing number 7133-P004 revision C
- Proposed Elevations drawing number 7133-P103 revision C
- Proposed Floor Plan drawing number 71333- P101 revision D
- Proposed Roof Plan drawing number 7133- P102 revision C
- Trolley Bay and Cycle Stand Detail drawing number 7133-P006 revision B

- Tree Boundary Measurement Plan drawing number 7133-P008 revision #
- External Works Plan drawing number 7133-P005 revision D

Reason

For the avoidance of doubt

Delete condition 7 (surface Water Drainage)

Materials (Hard surfaced areas)

12. The external works consisting of the treatment of the hard surfaced areas and the installation of any fencing shall be undertaken in accordance with the details as shown on the SMR Architects drawing entitled External Works Plan drawing number 7133-P005 revision D. The works shall be completed before the store is first opened to the public.

Reason

To provide identifiable separation between those areas where vehicles and pedestrians are in close contact to provide highway safety and to enhance the appearance of the site.

Landscaping

13. Notwithstanding the details shown on the RPS plan entitled Soft Landscaping Proposals drawing number PR-011 revision D dated January 2017 a scheme of landscaping for the site shall be submitted to and approved in writing by the local planning authority. The scheme will include specific native tree planting proposals on the road frontages to Rookery Avenue and Solent Way. The scheme shall include numbers species, height on planting and measures to protect plants. A timetable for the planting shall also be included in the submitted details.

Reason

To improve the appearance of the site in the interests of visual amenity.

Car Parking Provision

19. Before the retail store hereby permitted is first opened to the public, the car parking spaces as shown in the SMR Architects plan entitled Proposed Site Plan drawing number 7133-P003 revision G and described in the parking schedule on that plan together with the proposed cycle parking also shown on that plan and to consist of Sheffield hoops, shall be provided and retained hereafter.

Reason

To ensure the provision of on site car parking and cycling facilities' for customers.

Opening Hours

20. The premises shall not be open to customer other than during the following hours:

Monday to Saturday 0700 hours to 2200 hours.

Sunday 1000 hours to 1700 hours.

Reason

To protect the amenities of the nearby residential properties.

End.

Item No	Ref No	Address	Recommendation
2	17/02495/FUL	North Winchester Farm Stoke Charity Rd Kings Worthy	Permitted

**Officer Presenting: Katie Nethersole**

**Public Speaking**

**Objector:** Mr Gordon Lockhart

**Parish Council representative:** Cllr Ian Gordon

**Ward Councillor:** Cllr Porter

**Supporter:** Richard Osborne & Sarah Andrews (Applicant)

**Update**

Condition 6 on page 7 of the report should read as follows:

‘No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site other than between the hours of 0700-2300 Monday to Friday and 0700 – 1300 Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority’.

Item No	Ref No	Address	Recommendation
3	17/02457/FUL	Chingri Khal Sleepers Hill Winchester	Permitted
<p><b>Officer Presenting: Katie Nethersole</b></p> <p><b><u>Public Speaking</u></b>  <b>Objector:</b> Mrs Lucille Thompson  <b>Parish Council representative:</b>  <b>Ward Councillor:</b>  <b>Supporter:</b> Jason Murphy</p> <p><b><u>Update</u></b></p> <p>Paragraph 1 on page 2 should read:  'This is a full application that revises the earlier permission ref no. 16/01490/FUL..'</p> <p>A revised viability report has been submitted to include the two 3 bedroom dwellings to the rear. This concludes that the scheme would be deemed unviable if a contribution towards affordable housing was sought. Estates have reviewed this report and advised that a post development appraisal should be carried out and this will be tied up in the Section 106 agreement, as in the previous consent.</p> <p>On page 8 under 'Recommendation', it should read:  '..entering into a Section 106 legal agreement requiring a post development appraisal to be carried out and also requiring that both the proposed dwellings under this permission and the consented three bed dwelling to the rear of the site are constructed co-jointly...'</p>			

Item No	Ref No	Address	Recommendation
4	17/02683/FUL	Williams Garage Main Road Otterbourne	Permitted
<p><b>Officer Presenting: Katie Nethersole</b></p> <p><b><u>Public Speaking</u></b>  <b>Objector:</b>  <b>Parish Council representative:</b>  <b>Ward Councillor:</b>  <b>Supporter:</b> Peter Whieldon</p> <p><b><u>Update</u></b></p> <p>No update</p>			

Item No	Ref No	Address	Recommendation
5	SDNP/1705947/ FUL	Hole Farm Hole Lane Hambledon Waterlooville	Refused
<p><b>Officer Presenting: Anna Hebard</b></p> <p><b><u>Public Speaking</u></b>  <b>Objector:</b>  <b>Parish Council representative:</b>  <b>Ward Councillor:</b>  <b>Supporter:</b></p> <p><b><u>Update</u></b></p> <p>No update.</p>			

Item No	Ref No	Address	Recommendation
6	17/01474/FUL	5 Boyne Rise Kings Worthy	Permitted
<p><b>Officer Presenting: Lorna Hutchings</b></p> <p><b><u>Public Speaking</u></b>  <b>Objector:</b> Terry Foley  <b>Parish Council representative:</b> Cllr Ian Gordon  <b>Ward Councillor:</b> Cllr Malcolm Prince  <b>Supporter:</b> Jeremy Tyrell (Agent &amp; Architect) &amp; John Hearn</p> <p><b><u>Update</u></b></p> <p>Urban Design consultation response:  <i>“The scheme proposes 4 terraced dwellings aligned in the east-west direction with a footprint that does not follow the pattern and grain of development within this context. However, the site is considerably isolated from the public realm and the proposal would provide frontage on the east and natural surveillance to the footpath. Therefore, the development would have minimum impact on its context. The new arrangement provides more distance between the upper levels and the private gardens to the north and west to reduce its visual impact from neighbouring gardens. Windows on the second floors from habitable rooms are carefully positioned to avoid direct overlooking towards private gardens. While, a new form of development would appear within this context, in terms of footprint, mass and form, the design is largely sensitive to its surroundings. I recommend approving the application.”</i></p>			

Item No	Ref No	Address	Recommendation
7	17/02574/FUL	Overcross House Cross Way Shawford	Permitted

**Officer Presenting: Lorna Hutchings**

**Public Speaking**

**Objector:** Anthony Lewis

**Parish Council representative:** Cllr Jordan

**Ward Councillor:** Cllr Thompson (on behalf of Cllr Bell)

**Supporter:** Mr Tony Boyle

**Update**

Additional condition:

14 The existing hedge along the southwestern front boundary in front of the new dwelling hereby approved and in front of the existing dwelling Overcross House, shall be retained and maintained at a height of 4m in perpetuity except for where the new access is located.

Reason: In the interests of protecting the visual amenities and character of the area in accordance with Local Plan Part 2 Policies DM16 and DM17.

Item No	Ref No	Address	Recommendation
8	17/02724/FUL	Land East of 109 Harestock Road Winchester	Permitted

**Officer Presenting: Rose Lister**

**Public Speaking**

**Objector:**

**Parish Council representative:**

**Ward Councillor:** Cllr Weir

**Supporter:** Jeremy Tyrell (Agent & Architect)

**Update**

No update.

Item No	Ref No	Address	Recommendation
9	17/02512/HOUS	Madolyn 7 Orchard Road South Wonston Winchester	Permitted

**Officer Presenting: Catherine Watson**

**Public Speaking**

**Objector:** Mrs Tricia Crawley or Dr Martin Fowler

**Parish Council representative:**

**Ward Councillor:**

**Supporter:** Mr Nicholas Brook

**Update**

Contrary to the measurements in the officer's report, the measurement from the front elevation of no 7 to the street is approx. 9m.

Approx. 0.5m distance from the proposed side extension and boundary of no 8 to the east.

Approx. 1m between existing west elevation and boundary of no 6.

**END OF UPDATES**