



<b>Meeting</b>	Planning Committee
<b>Date and Time</b>	Wednesday, 14th June, 2023 at 9.30 am.
<b>Venue</b>	Walton Suite, Guildhall Winchester and streamed live on YouTube at <a href="http://www.youtube.com/winchestercc">www.youtube.com/winchestercc</a>

**Note:** This meeting is being held in person at the location specified above. Members of the public should note that a live video feed of the meeting will be available from the council's YouTube channel ([www.youtube.com/winchestercc](http://www.youtube.com/winchestercc)) during the meeting.

A limited number of seats will be made available at the above named location however attendance must be notified to the council at least 3 clear working days (by 4.30pm, Thursday, 8 June 2023 ) before the meeting. Please note that priority will be given to those wishing to attend and address the meeting over those wishing to attend and observe.

## AGENDA

### PROCEDURAL ITEMS

#### 1. **Apologies and Deputy Members**

To record the names of apologies given and Deputy Members who are attending the meeting in place of appointed Members.

#### 2. **Disclosures of Interests**

To receive any disclosure of interests from Members and Officers in matters to be discussed.

*Note: Councillors are reminded of their obligations to declare disclosable pecuniary interests, personal and/or prejudicial interests, and on Predetermination or Bias in accordance with legislation and the Council's Code of Conduct.*

If you require advice, please contact the appropriate Democratic Services Officer, prior to the meeting.

#### 3. **Minutes of the previous meeting.** (Pages 9 - 14)

Minutes of the previous meeting held on 24 May 2023.



Public speaking is allowed on individual planning applications, subject to certain restrictions – please contact the Public Speaking Co-ordinator as soon as possible, but **prior to 4.30pm Thursday, 8 June 2023 on (01962) 848 339** to register to speak and for further details.

## BUSINESS ITEMS

	<b>Report Number</b>	<b>Ward</b>
4.	Where appropriate, to accept the Update Sheet as an addendum to the Report	
5.	Planning Applications (WCC Items 6-8) (Report and Update Sheet refers)	
6.	Willow Tree Stables, Forest Road, Denmead, Hampshire, PO7 6UG (Case number: 23/00063/FUL) (Pages 15 - 34)	Denmead
7.	116 Olivers Battery Road South, Olivers Battery, Winchester, SO22 4HB (Case number: 23/00288/FUL) (Pages 35 - 62)	Badger Farm & Olivers Battery
8.	Aldi Foodstore Ltd, 2 Burnett Close, Winchester, Hampshire, SO22 5JQ (Case number: 23/00449/FUL) (Pages 63 - 76)	St Barnabas

**Laura Taylor**  
**Chief Executive**

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6 June 2023

Agenda Contact: Claire Buchanan, Senior Democratic Services Officer tel: 01962 848 438 Email: [cbuchanan@winchester.gov.uk](mailto:cbuchanan@winchester.gov.uk)  
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*\*With the exception of exempt items, agendas, reports and previous minutes are available on the Council's Website <https://www.winchester.gov.uk/councillors-committees>*

## **MEMBERSHIP**

**Chairperson:**  
Rutter (Liberal Democrats)

**Vice-Chairperson:** Edwards

**Conservative Members**  
Cunningham  
Read

**Liberal Democrat Members**  
Achwal  
Gordon-Smith  
Laming  
Small

**Green Party**  
Lee

### **Deputy Members**

Bolton and Pearson (Cons)

Pett and Williams (Lib Dems)

Wallace (Green)

Quorum = 3 members



Working in Partnership



## **THE HUMAN RIGHTS ACT 1998:**

Please note that the Human Rights Act 1998 makes it unlawful for the Council to act in a way incompatible with any of the Convention rights protected by the Act unless it could not have acted otherwise.

In arriving at the recommendations to grant or refuse permission, careful consideration has been given to the rights set out in the European Convention on Human Rights including Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 14 (prohibition of discrimination in enjoyment of convention rights) and Article 1 of the first Protocol (the right to peaceful enjoyment of possessions).

The Council is of the opinion that either no such rights have been interfered with or where there is an interference with the rights of an applicant or objector, such interference is considered necessary for any of the following reasons:-

- ◆ The protection of rights and freedoms of others
- ◆ Public safety
- ◆ The protection of health or morals
- ◆ The prevention of crime or disorder
- ◆ The economic well being of the country.

It is also considered that such action is proportional to the legitimate aim and in the public interest.

## **GENERAL GUIDANCE ON THE WORK OF THE COMMITTEE:**

### **Background**

The Planning committee meets on average once every four weeks. The membership of the committee is drawn from elected city councillors.

The Council's Constitution states that the vast majority of applications will be determined by the Planning officers (which are sometimes known as "delegated decisions"). However, if certain criteria are met from the Constitution, some applications (about 5%) are referred to committee for determination, rather than officers.

As part of the Winchester District includes the South Downs National Park (SDNP), the committee can also determine applications from this area on behalf of the National Park Authority.

### **At the meeting**

At the start of the committee meeting, the councillors and officers will be introduced. Any councillor's declarations of interest will also be announced at this point. If the interest is considered by the councillor to be significant, he/she will leave the meeting when it reaches that item on the agenda.

### **Timing**

The committee considers many applications and scrutinises each one thoroughly. However, to prevent waiting unnecessarily through other people's applications, where work demands it, agendas will be split into morning and afternoon sessions. The morning session will usually start at 9.30am and, where applicable, the agenda will set out those items which the committee will *not* consider before 2.00pm in the afternoon. Further details are set out below.

### **The Officer's presentation**

On each item, the planning case officer will introduce the application to the committee. They will concentrate on showing details of the proposals with the aid of projected visual material, including photographs of the site and plans. The length and details of the presentation at the meeting will be proportionate to the nature and

scale of the proposal. The officer will make a recommendation to the committee to either approve or refuse the application and, in the latter case, will state the reasons for this.

The officer is required to make a recommendation and the presentation will include material to explain why the scheme is being recommended for permission or refusal. However, officers will not restate the information set out in the report which relates to the assessment of the planning merits of the case. Specialist officers dealing with issues such as landscape, design and historic environment may also be available at committee to provide advice on such matters and a legal representative will attend all Planning committee meetings.

### **Public participation:**

There will be a period of public participation, as follows:

- Objectors (3 minutes in total),
- Parish Council representatives (3 minutes),
- Ward Members (local District Councillors)/Cabinet Members (5 minutes each),
- and supporters of the application (3 minutes in total).

The process is controlled by procedures to ensure fairness to both objectors and supporters. **To register to speak at the meeting, please contact the Public Speaking Co-ordinator on 01962 848 339 by 4:30pm at least THREE clear working days before the meeting,**(Thursday, 8 June 2023) in order to allow the meeting to be managed as efficiently as possible.

Please keep to the time allocated.

After each speaker's category, there will be an opportunity for the committee to ask questions of the speakers, if the committee considers it necessary to clarify any matters of fact that arise.

Aside from this, the committee will not enter into any further discussion with members of the public.

The names of members of the public etc who have registered to address committee meetings will appear in the minutes as part of the public record, which will be included on the Council's website. Those wishing to address a committee meeting who object to their names being made available in this way must notify the Democratic Services Officer either when registering to speak, or within 10 days of this meeting.

The meeting will be audio streamed on the day and you will be able to listen to the meeting as it happens and at the conclusion of the meeting the recording can be accessed immediately and is then available for playback thereafter. The audio stream is accessed from the meetings page on the Council's website.

<https://democracy.winchester.gov.uk/mgCommitteeDetails.aspx?ID=137>

## **Members' Questions**

After the officers' presentation and public participation there will be an opportunity for the Councillors on the committee to ask questions of the officers and clarification, if necessary, of public speakers.

## **The Councillors' Debate**

The Councillors will then debate the application and may pick up any issues raised during public participation before a vote is taken to either;

- permit,
- refuse or
- defer (usually for a site visit or for further information). If a site visit is required then the item will usually be deferred to the next meeting of the committee to allow it to be reconsidered after the site visit has been held. The item will be reconsidered in its entirety, including public participation where those registering to speak will be given the opportunity to address the committee.

If the committee votes against the officer's recommendation, the reasons for this will be discussed and explained. Usually, the precise wording for the reasons for refusal will be delegated to the Service Lead Built Environment in consultation with the Chair. A summary of the committee's reasons will be included in the minutes.

## **Voting**

Every Member has one vote when a matter before the meeting requires a decision. In the event of an equality of votes, the Chair may exercise a casting vote and that vote may be cast in any way they wish.

A Member may abstain from voting or vote differently from how they may have indicated during the debate, without further explanation. The way each member voted will not be recorded in the minutes, unless a motion to have a recorded vote has been passed.

## **After the meeting**

After the meeting, the minutes will be available from the Council's website and a decision notice will be sent to the applicant/agent. Applicants have a right of appeal against a committee decision to refuse planning permission, or any conditions imposed on permission, and any appeal will be considered by an Inspector appointed by the Secretary of State. Where an application has been permitted, there is no opportunity for objectors to appeal, other than to the Court by way of judicial review on a point of law.

## **Filming and broadcast notification**

This meeting will be recorded and broadcast live on the Council's YouTube channel. The meeting may also be recorded and broadcast by the press and members of the public – please see the Access to Information Procedure Rules within the Council's Constitution for further information, which is available to view on the [Council's website](#). Please note that the video recording is subtitled, but you may have to enable your device to see them (advice on how to do this is on the meeting page).

## **Disabled access**

Disabled access is normally available, but please phone Democratic Services on 01962 848 264 or email [democracy@winchester.gov.uk](mailto:democracy@winchester.gov.uk) to ensure that the necessary arrangements are in place.

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# Public Document Pack Agenda Item 3

## PLANNING COMMITTEE

Wednesday, 24 May 2023

Attendance:

Councillors  
Rutter (Chairperson)

Edwards  
Achwal  
Small  
Laming

Gordon-Smith  
Cunningham  
Read  
Lee

Other members in attendance:

Councillors Porter and Warwick

[Video recording of this meeting](#)

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### 1. APPOINTMENT OF VICE-CHAIRPERSON FOR 2023/24

RESOLVED:

That Councillor Edwards be appointed Vice-Chairperson of the committee for the 2023/24 municipal year.

### 2. DISCLOSURES OF INTERESTS

Members advised that the following applications were within their respective wards.

- Agenda items 6 and 10 - Councillor Laming.
- Agenda item 8 – Councillor Read.
- Agenda item 9 – Councillor Rutter.
- Agenda item 11 Councillor Achwal and Councillor Small.

Regarding agenda item 10 (6 Pine Close, Olivers Battery, Winchester, SO22 4JX (Case number: 23/00617/HOU). Councillor Edwards advised that he had had a recent conversation with the applicant and had decided to withdraw from the meeting for this item only.

### 3. MINUTES OF THE PREVIOUS MEETING.

RESOLVED:

That the minutes of the previous meeting held on 19 April 2023 be approved and adopted.

4. **WHERE APPROPRIATE, TO ACCEPT THE UPDATE SHEET AS AN ADDENDUM TO THE REPORT**

The committee agreed to receive the update sheet as an addendum to the report.

5. **PLANNING APPLICATIONS (WCC ITEMS 7-10) (PDC1220 AND UPDATE SHEET REFERS)**

A copy of each planning application decision was available to view on the council's website under the respective planning application. The committee considered the following items:

6. **1 CATWAYS, HURSLEY, HAMPSHIRE, SO21 2JT (CASE NUMBER: 22/00951/FUL)**

Proposal Description: Proposed new dwelling on garden land at 1 Catways (AMENDED PLANS).

The application was introduced and during public participation, Polly Evans, and James Brownlie spoke in objection to the application, Caroline Downie spoke in support of the application and Councillor Eleanor Bell, on behalf of Hursley Parish Council spoke against the application and answered members' questions.

The Committee proceeded to ask questions and debate the application.

**RESOLVED**

The committee voted against the recommendation to approve planning permission and instead voted to refuse permission for the proposal. In reaching this decision they raised the following planning matters which weighed in favour of refusing planning permission:

1. That the proposal was contrary to the requirements of Local Plan Part One CP10 and Local Plan Part Two DM18 as it failed to provide satisfactory vehicular access by utilising a pedestrian access and posed a risk to highway and pedestrian safety due to poor visibility.
2. That the proposal was contrary to Local Plan design and character policies DM15, DM16, and point 1 of DM17. It did not respond to the character of the area for reasons of siting, design, and compact layout with respect to the proximity to trees and pedestrian pathways and therefore harmful to the amenities of the area.
3. That a legal agreement was necessary to secure a package of treatment and mitigation for phosphates and this agreement had not been provided.

The precise wording of these reasons to be delegated to the Planning Delivery and Implementation Manager in liaison with the Chairperson of the Committee.

7. **THE MEDICAL CENTRE, FRIARSGATE, WINCHESTER (CASE NUMBER: 22/01882/FUL)**

Proposal Description: (AMENDED DESCRIPTION; AMENDED PLANS AND DOCUMENTS) Demolition of the derelict Friarsgate Medical Centre and installation of an interim public realm with archaeological interest, with modular street furniture installations and associated development to be used as a 'meanwhile use' development in Friarsgate, Winchester.

The application was introduced, and members were referred to the update sheet which provided additional information regarding the following matters.

1. The correction of a typographical error in paragraph 4 on page 60.
2. The deletion of the reference to a listed building application in the opening paragraph of the Historic Environment section on page 63.
3. The confirmation that the long-distance views of the site from key viewpoints such as St Giles Viewpoint had also been assessed.
4. The confirmation that the proposal also includes 4x 6m lighting columns spread throughout the site, alongside low-height lighting and strip lighting to illuminate the hoardings at the rear of the site.

During public participation, Ian Tait, and Richard Baker on behalf of the City of Winchester Trust spoke in objection to the application, and Stewart Pegum spoke in support of the application and answered members' questions.

The Committee proceeded to ask questions and debate the application.

**RESOLVED**

The committee agreed to grant permission for the reasons and subject to the conditions and informatives set out in the report and the update sheet.

8. **FOREST VIEW, FURZELEY ROAD DENMEAD HAMPSHIRE PO7 6TX (CASE NUMBER: 22/02074/FUL)**

Proposal Description: Construction of single-storey tourist accommodation building comprising 2No two bedroom lodges and 1No three bedroom lodge.

The application was introduced and during public participation, Ray Dudman and Ben Mugford spoke in support of the application and Councillor Kevin Andreoli, on behalf of Denmead Parish Council spoke against the application.

The Committee proceeded to ask questions and debate the application.

**RESOLVED**

The committee agreed to refuse permission for the reasons and subject to the conditions and informatives set out in the report.

9. **EVERSLEY PARK RECREATION GROUND, LOADER CLOSE, KINGS WORTHY (CASE NUMBER: 23/00485/FUL)**

Proposal Description: The installation of a play tower unit in Eversley Park play area as part of a larger replacement project.

The application was introduced, and members were referred to the update sheet which advised that a further objection had been received from a neighbour who had already commented on this application.

During public participation, Patricia Dowdell spoke in objection to the application, and Councillor Colin Crossburn spoke in support of the application and answered members' questions.

Councillor Jackie Porter spoke as a ward member and expressed several points on behalf of residents, which could be summarised as follows:

- That the playground had grown in size over time, indicating its popularity and importance within the community and offered a collection of play equipment that catered to the needs of many children daily.
- That residents in Holdaway Close had expressed concerns regarding the application. Residents were worried about older children using the playground as a watchtower or others using it to invade their privacy.
- That despite the presence of trees between the properties and the new equipment, residents stated that they had a clear view of the playground.
- That the orientation of the equipment could not be easily varied due to good practice guidelines that prevent slides from facing south.
- That there was a suggestion of implementing screening on the sides of the slide that are currently open, which could be an opaque surface to prevent people from looking through. Implementing screening would alleviate many of the concerns of the residents.
- That failure to address the concerns may lead to ongoing distress for the residents of Holdaway Close.

The Committee proceeded to ask questions and debate the application.

**RESOLVED**

The committee agreed to grant permission for the reasons and subject to the conditions and informatives set out in the report and subject to an additional condition that details of additional planting including two additional trees be submitted and approved to in writing by the local planning authority before the use commencing. In addition, the condition would include the standard maintenance requirement of 5 years that should any tree be removed or die within that time frame.

The precise wording of the condition to be delegated to the Planning Delivery and Implementation Manager in liaison with the Chairperson of the Committee.

10. **6 PINE CLOSE, OLIVERS BATTERY, WINCHESTER, SO22 4JX (CASE NUMBER: 23/00617/HOU)**

Proposal Description: Single-storey front & side extension, partial raising of roof to provide first-floor master bedroom, porch canopy & elevational alterations.

The application was introduced and during public participation, Andy Bennett spoke in objection to the application, Sean Marquis spoke in support of the application and Brendan Gibbs (Parish Clerk, Olivers Battery Parish Council) spoke against the application and answered members' questions.

Councillor Warwick spoke as a ward member and expressed several points on behalf of residents which could be summarised as follows.

- That Olivers Battery was developed in the 1960s and 1970s with a core of two-storey houses and surrounding areas of single-story low-density bungalows with open plan gardens, Pine Close was a unique development consisting of six bungalows with occupancy ranging from one to three residents.
- That the proposed development generated a range of opinions from the local community. Some immediate neighbours expressed support for the proposed extension, while concerns were raised by others, and it was important to acknowledge the concerns raised by residents regarding the increased roof height and potential impact on neighbouring properties.
- That there was a concern about the increased height of the building and the new window overlooking neighbouring properties and impacting the enjoyment of their homes. In previous applications at Pine Close, the roof height was restricted to the original 4.25 meters.
- That the 2008 Olivers Battery Village Design Statement stated that the conversion or replacement of single-story dwellings with two-story dwellings should not be allowed if the resulting roof height and overall bulk dominated the street scene and adversely affected neighbouring properties.
- That consideration should be given to whether the size and scale of the proposals aligned with the national planning policy framework and city council policies, particularly in relation to density, layout, and cumulative effects on the character of the area.
- That the proposed extension would have been the first two-story extension on Pine Close, and while architecturally distinctive and of high quality, the scale and height would have been greater than the other five properties in the close.
- That it was important to strike a balance between progress and preserving the unique character of the neighbourhood, considering the impact on the existing landscape and the quality of life of residents.
- That the planning committee was urged to carefully evaluate all aspects of the proposal, to reach a decision that respected the integrity of Pine Close residents and maintained harmony within Olivers Battery.

The Committee proceeded to ask questions and debate the application.

RESOLVED

The committee agreed to grant permission for the reasons and subject to the conditions and informatives set out in the report.

11. **CONFIRMATION OF TREE PRESERVATION ORDER 2332 - LAND AT HILL COPPICE, TITCHFIELD**

Proposal Description: Confirmation Of Tree Preservation Order 2332 - Land at Hill Coppice, Titchfield.

The proposal was introduced, and the committee proceeded to ask questions and debate it.

RESOLVED

That Tree Preservation Order 2332 be confirmed as set out in the report.

12. **PLANNING APPEALS - QUARTERLY REPORT**

The Planning Delivery and Implementation Manager introduced the report which provided the committee with a detailed summary of the four appeal decisions for the period 1 January 2023 to 31 March 2023. In summary, the report advised the following:

Appeals allowed = 0 (0%)

Appeals dismissed = 4 (100%)

Appeal withdrawn = 0 (0%)

Members discussed the contents of the report.

RESOLVED:

That the summary of appeal decisions received from 1 January 2023 to 31 March 2023 be noted.

The meeting commenced at 9.30 am and concluded at 2.45 pm

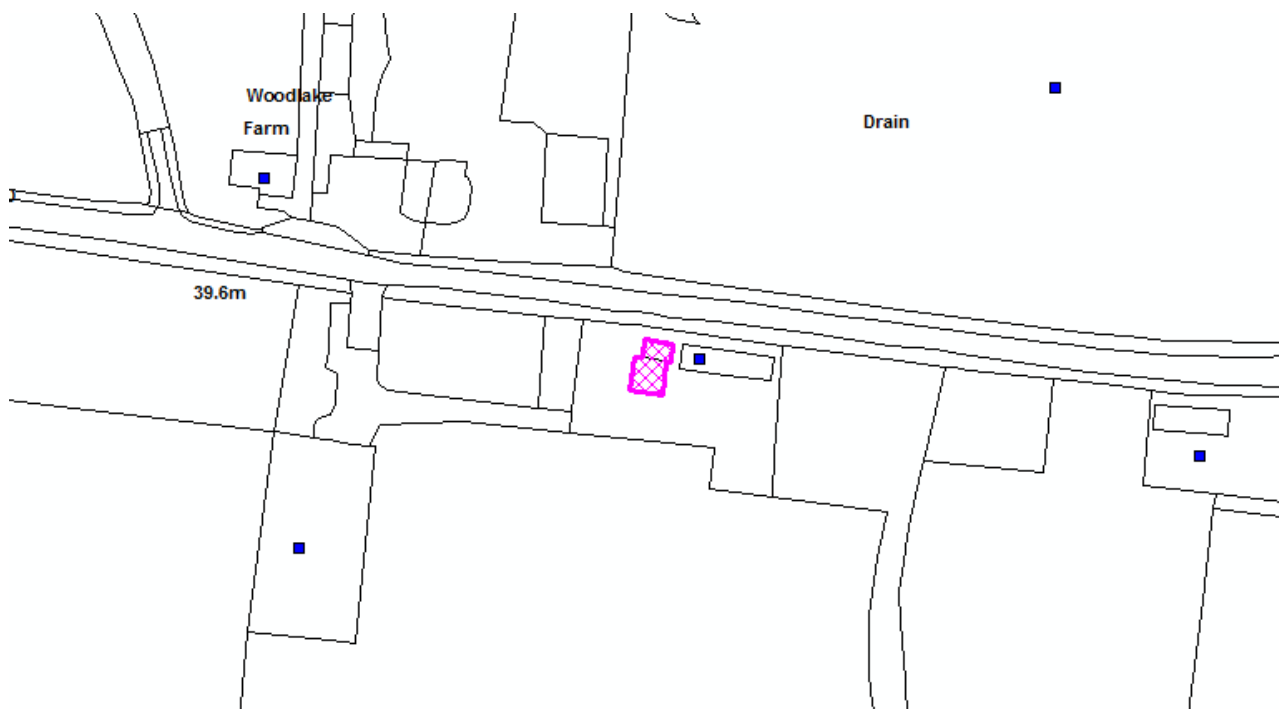
Chairperson

## WINCHESTER CITY COUNCIL PLANNING COMMITTEE

**Case No:** 23/00063/FUL  
**Proposal Description:** Continued use of storage building as a dog grooming salon (sui generis).  
**Address:** Willow Tree Stables, Forest Road, Denmead, Hampshire, PO7 6UG  
**Parish:** Denmead  
**Applicants Name:** Mr & Mrs P. & E. Williams & Tedore  
**Case Officer:** Liz Young  
**Date Valid:** 6 February 2023  
**Recommendation:** Permit  
**Pre Application Advice** No

### Link to Planning Documents

23/00063/FUL <https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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**Reasons for Recommendation**

The development is recommended for permission as it is considered that it involves the sensitive re-use of an existing building and accords with both national and local policy (including LPP1 Policy MTRA4 and NPPF paragraph 84) which together seek to support proposals for the conversion of existing buildings in order to contribute towards a prosperous rural economy.

**General Comments**

The application is reported to Committee at the request of Denmead Parish Council.

Denmead Parish Council's request for the application to be determined by Planning Committee, based upon material planning considerations is set in their response which is included in Appendix A.

**Amendments to Plans Negotiated**

None

**Site Description**

This application relates to a former equestrian storage building which occupies an external footprint of 21 square metres. The site is located in open countryside and backs onto open fields which fall within the same ownership. Vehicular access off Forest Road lies approximately 320 metres to the west of the application building. The building sits within a group of other buildings and structures which sit parallel with the roadside boundary and comprise a detached stable block, storage containers and another storage building. These buildings all front directly onto an area of hardstanding to the south which is used for informal parking and are largely screened from Forest Road by established boundary vegetation.

The site has been used for private equestrian activities since 2010 following the granting of planning permission in 2010 (10/01864/FUL), although an agricultural contracting business (P.E.T Pastures) has also been running from the site following the granting of a lawfulness application in 2022 (22/02109/LDC).

**Proposal**

Consent is sought to continue to use the application building which was previously used for private equestrian storage purposes as dog training/dog care (sui generis). Information which accompanies the application indicates that the use operates between 09:00 and 16:00 Monday to Saturday and that the daily number of clients ranges between 1 and 4, with appointments of between 1 and 3 hours. All appointments are pre-booked. The majority (two thirds) of customers are stated to originate from Denmead, Waterlooville and Purbrook.

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**Relevant Planning History**

- 22/02109/LDC Retention of partial business storage use (Class B8) of stable building and hardstanding area. approved 13 December 2022
- 22/02107/LDC Retention of storage building (Class B8) Approved 5 December 2022
- 15/02549/FUL To allow the siting of 2 x secure containers on the land (for secure storage in association with the permitted private equestrian) () Approved 13 January 2016
- 10/01864/FUL Change of use of agricultural land to equestrian to include a hardstanding, stables, tack room, storage and facilities to store two horse trailers Approved 22 October 2010

**Consultations**

Service Lead - Public Protection (Environmental Health): No objections subject to a condition specifying the hours of use

Service Lead – Engineering (Drainage): No objections subject to clarification as to how sewage is managed from the property

Hampshire County Council (Highway Authority): Raise no objection

Representations

**Representations:**

Denmead Parish Council: raises a strong objection with a request that the application is considered at planning committee on the following grounds:

- Winchester City Council Local Plan 1 – Policy MTRA4 – Development in the Countryside. This application is contrary to this policy which states that *'only development which has an operational need for a countryside location, such as for agriculture, horticulture or forestry will be permitted'*. A dog grooming salon is not part of the rural economy.
- The property is in an unsustainable location requiring car journeys. It should be noted that this site is a separate entity to the nearby Rhobulls dog park on Lower Crabbick Lane.
- The application makes no provision for the disposal of grey water or foul waste.

One Objecting Representation received citing the following material planning reasons:

- Development in the countryside
- Breach of conditions previously imposed; subdivision of paddocks has resulted in

**Case No: 23/00063/FUL**

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an industrial character

- Additional traffic will impact on highways safety

43 Supporting Representations received from different addresses citing the following material planning reasons:

- The site is well concealed
- Benefits to local economy
- Concerns raised in relation to pony paddocks are not relevant to the application the NPPF supports business uses in rural areas
- Adequate parking provision

### **Relevant Government Planning Policy and Guidance**

#### National Planning Policy Framework

Chapters 2 and 6

#### Winchester Local Plan Part 1 – Joint Core Strategy (LPP1).

DS1 - Development Strategy and Principles

MTRA4 - Development in the Countryside

CP8 - Economic Growth and Diversification

CP13 - High Quality Design

CP16 – Biodiversity

CP17 - Flooding, Flood Risk and the Water Environment

#### Winchester District Local Plan Part 2 – Development Management and Site Allocations

DM1 - Location of New Development

DM15 - Local distinctiveness

DM16 - Site Design Criteria

DM17 - Site Development Principles

DM18 - Access and Parking

DM19 – Development and Pollution

DM20 - Development and Noise

DM23 - Rural Character

#### Denmead Neighbourhood Plan (2011 to 2031)

Policy 1

#### Supplementary Planning Document

National Design Guide 2019

High Quality Spaces

#### Other relevant documents

CLIMATE EMERGENCY DECLARATION CARBON NEUTRALITY ACTION PLAN 2020 – 2030

Statement of Community Involvement 2018 and 2020

**Case No: 23/00063/FUL**

## **Planning Considerations**

### **Principle of Development**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2021) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

With regards to employment uses in particular, paragraph 81 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity.

Paragraph 84 of the NPPF states that planning decisions should enable *'the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings'*. Paragraph 85 considers rural sites and recognises that to meet local business and community needs in such locations, sites may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.

The site is located in the open countryside, outside any settlement boundary. In such locations Policy MTRA 4 of the LPP1 is closely aligned with the policies contained within the NPPF and supports *'proposals for the reuse of existing rural buildings for employment'* subject to ensuring the building in question would be *'of permanent construction and capable of use without major reconstruction'*. This policy also requires that such proposals *'should not cause harm to the character and landscape of the area or neighbouring uses, or create inappropriate noise/light and traffic generation'*.

The application building has an internal floor area of just under 20 square metres. No significant physical alterations have been undertaken to the building to accommodate the use and the pre-existing parking arrangements have also remained unchanged. The application building and site have therefore been shown to be capable of accommodating the use without significant intervention.

The principle of development is therefore established by policy MTRA4 and CP8 of the LPP1.

### **Assessment under 2017 EIA Regulations.**

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

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**Impact on Character and Appearance of Area**

The site is well screened from the highway by established vegetation and the change of use does not necessitate the introduction of additional built development, external lighting or significant levels of vehicular activity into the open countryside. The application building itself is lower than the adjacent stable block and is predominantly screened from Forest Road by the boundary hedgerow. The development therefore does not have an unacceptable effect on the rural character of the area, by means of visual intrusion, the introduction of incongruous features, the destruction of locally characteristic rural assets, or by impacts on the tranquillity of the environment and is in accordance with policies DM16 and DM23 of the LPP2.

Whilst there would be an inevitable increase in activity and movement associated with the use compared to the previous use as equestrian storage, due to the scale of the operation this is not considered to adversely harm the rural character of the area.

With regards to concerns raised in relation to the visual appearance of pony paddocks this relates to the consented ongoing equestrian activity across the wider area (although this use is now largely diminished) and is not relevant to the current application.

**Development affecting the South Downs National Park**

The application site is located 1.8km from the South Downs National Park boundary which is to the north-east.

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

There is no intervisibility between the application site and the South Downs National Park and the modest scale of the use is such that it will not generate a material increase in vehicular activity or recreational pressure with the potential to impact upon this designation.

In conclusion therefore the development will not affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

Taking account of the Park's purpose to conserve and enhance the natural beauty, wildlife and cultural heritage of the area and promote understanding of its special qualities, the development has a neutral impact and does not therefore adversely conflict with the statutory purposes of the SDNP designation

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**Historic Environment**

The works do not affect a statutory Listed building or structure including setting; Conservation Areas, Archaeology or Non-designated Heritage Assets including setting.

**Neighbouring amenity**

The closest residential property, Woodlake Farm lies just under 80m to the north-west across Forest Road. Due to the separation distance between the site and neighbouring properties along with the intervening landscaping and highway it is considered there is sufficient space to ensure that the proposal would not be materially harmful to neighbours amenities in terms of loss of outlook, light or privacy.

In terms of noise and disturbance, it is acknowledged that the presence of dogs as part of a commercial activity can give rise to the potential for increased noise levels in some instances. In this case however, the relatively low client numbers (enforced by the size of the building), the nature of the use (undertaken in the building) and the system of advance booking will ensure the overall potential for noise will be appropriately mitigated. The distance from neighbouring properties (separated from the application site by the highway), along with the fact that dogs would be supervised within the building for much of the time will also ensure any noise associated with the use will not give rise to a harmful loss of amenity.

Environmental Protection raise no objection to the continued use of the dog grooming business between 09:00 and 16:00 Monday to Saturday (a safeguarding condition will limit the hours of use). They have also indicated that whilst the use has been ongoing, no noise complaints have been received.

Subject to a condition limiting the hours of use, the overall degree of harm upon the amenities of the local area would be negligible. The development would therefore not have an unacceptable adverse impact on adjoining land, uses or property or have an unacceptable impact on human health or quality of life. The change of use is therefore in accordance with policies DM17 and DM20 of the LPP2.

**Sustainable Transport**

With regards to Parish Council concerns raised over the potential for future changes in business activity to a boarding kennels, a condition is recommended to limit the use to a dog grooming salon.

With regards to the wider policy concerns raised by the Parish Council, paragraph 6.31 of the supporting text to LPP1 policy MTRA 4 highlights that there are a number of existing buildings within the countryside of the District, some of which are no longer in use and others which are occupied by existing users or businesses which may need to expand. It states that in many cases these existing structures are often an accepted part of the landscape and it is considered appropriate to provide for them to be used productively, through re-use, or for them to be redeveloped. The application building is considered to be reflective of this as it relates well to its context forming part of an established building group on site which generates a moderate level of activity as a

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result of the various lawful equestrian and business storage activities. The recent introduction of a dog grooming use has been shown to be compatible with this. As outlined above the client / customer base also primarily originates from the local area and the applicant (the sole staff member) lives relatively locally to the site (approximately 7 miles). The development is therefore considered to comply with LPP1 policy MTRA.

With regards to concerns over the breach of planning conditions imposed on previous consents, the conditions imposed on the change of use in 2010 prevent any form of commercial riding, breeding or training uses for the consented equestrian activity. The proposed use of the application building for dog care would not breach this condition. There are no other conditions which specifically restrict the use of the application building.

Following the implementation of the change of use, the site has continued to be served by the existing access off Forest Road and parking arrangements will remain as existing. There are three parking spaces on site and these are to remain in place. The existing access benefits from a good standard of visibility and the existing gates are set back a sufficient distance to enable vehicles to safely pull off the highway. The Highways Officer considers these arrangements to be acceptable and it is therefore concluded that the development allows for safe and effective access with an appropriate standard of visibility in accordance with Policy DM18 of the LPP2.

### **Ecology and Biodiversity**

The proposal will have no impact as it is not development within, bordering or in close proximity to a European Protected Site (I.e. River Itchen SAC, The Solent SAC, SPAs, Ramsar Sites) and is not overnight accommodation affecting Nitrates.

Due to the nature of the development and the distance between the application site and the European Protected Site of the Solent SAC and SPA and the River Itchen SAC, an Appropriate Assessment under the Conservation of Habitats & Species (Amendment) Regulations 2011 is not required.

There are no ecological interests within or directly adjacent to the site which are directly impacted by the change of use (which is restricted to the application building and adjacent parking area). Whilst Creech Walk West Site of Importance for Nature Conservation (SINC) lies further to the south, this is separated from the application site by intervening grazing land and lies approximately 100 metres from the application site. Having regard to this (and the nature of the use) it is concluded that the development will not adversely impact upon this designation.

Therefore the proposal complies with LPP1 policy CP16.

### **Sustainable Drainage**

With regards to the concerns raised by the Parish Council in relation to drainage, the site does not lie within or adjacent to a Flood Zone 2 or 3. The Drainage Engineer has reviewed the proposal and is satisfied that the proposal does not present any flood risk concerns. The development has also not resulted in the addition of any impermeable

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surfacing to the site and therefore does not generate the potential for increased surface runoff.

With regards to foul drainage, the applicant has provided further clarification on this issue and states that there are no toilet facilities on site and therefore no requirement for a foul drainage system. With regards to dog waste, the modest amount which is generated is removed from the site and disposed of at the applicant's home. Refuse could be taken to a licensed Hampshire County Council site if required.

Overall it is concluded that the development does not cause unacceptable deterioration to water quality, increased flood risk elsewhere or harmful levels of pollution and is therefore in accordance with LPP1 policy CP17 and LPP2 policy DM19.

### **Equality**

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

### **Planning Balance and Conclusion**

This planning application has been assessed against the following policies: DS1, MTRA4, CP8, CP13, CP16 and CP17 of the LPP1 and policies DM1, DM15, DM16, DM17, DM18, DM19, DM20 and DM23 of the LPP2. The change of use is of a modest scale, has been accommodated through the sensitive reuse of an existing building without necessitating the introduction of new built development or significant increased levels of activity into the open countryside. It has been established that the use for which consent is sought does not give rise to unacceptable impacts arising from noise, pollution or vehicular activity. Overall it is concluded that the change of use accords with both national and local policy which seeks to support proposals which contribute towards a prosperous rural economy. It is therefore recommended that planning permission should be granted.

### **Recommendation**

Application Permitted subject to the conditions listed below:

### **Conditions**

- (1) The approved use shall not operate from the site outside the following times: 09:00 to 16:00 Monday to Saturday, nor at any time on Sundays, Bank or Public Holidays.

Reason: To restrict the use of the premises in the interests of highway safety and local amenity.

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- (2) The development hereby approved must be undertaken in accordance with the following documents and drawings:

SD-2210-10 (B) Proposed Plans and Elevations

Reason: In the interests of proper planning and for the avoidance of doubt

- (3) The development hereby permitted shall be used for dog grooming parlour and for no other purpose (including any other purpose in Class Sui Generis of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification).

Reason: To restrict the use of the premises in the interests of highway safety and local amenity.

**Informative:**

1.

In accordance with paragraph 39 of the NPPF (2021), Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance a site meeting was carried out with the applicant.

2.

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

Local Plan Part 1 - Joint Core Strategy: DS1, MTRA4, CP13, CP16, CP17

Local Plan Part 2 - Development Management and Site Allocations: DM1, DM15, DM16, DM17, DM18, DM19, DM20 and DM23

3.

This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out above, 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.

4.

All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and

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0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

5.

Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

For further advice, please refer to the Construction Code of Practice  
<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

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**Appendix A – Denmead Parish Council Comment**

**Comments for Planning Application 23/00063/FUL**

**Application Summary**

Application Number: 23/00063/FUL

Address: Willow Tree Stables Forest Road Denmead Hampshire PO7 6UG

Proposal: Continued use of storage building as a dog grooming salon (sui generis).

Case Officer: Nicola Clayton

**Customer Details**

Name: Denmead Parish Council

Address: Denmead Parish Council, The Old School, School Lane, Denmead Waterlooville,  
Denmead PO7 6LU

**Comment Details**

Commenter Type: Parish Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Denmead Parish Council raises A STRONG OBJECTION with a request that the application is considered by Winchester City Council's Planning Committee on the following grounds:

- Winchester City Council Local Plan Part 1 - Policy MTRA4 - Development in the Countryside  
This application is contrary to this policy which states that "only development which has an operational need for a countryside location, such as for agriculture, horticulture or forestry will be permitted". A dog grooming salon is not part of the rural economy.
- The property is in an unsustainable location requiring car journeys. It should be noted that this site is a separate entity to the nearby Rhobulls dog park on Lower Crabbick Lane.
- The application makes no provision for the disposal of grey water or foul waste.

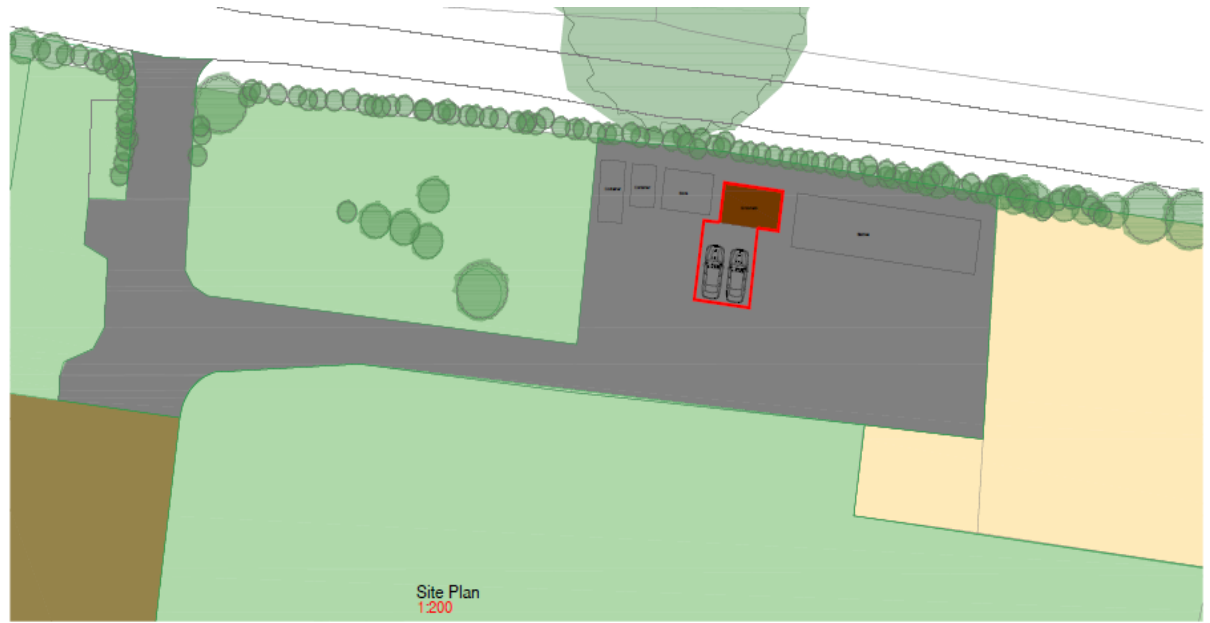
# 23/00063/FUL – Willow Tree Stables, Forest Road, Denmead PO7 6UG

Continued use of storage building as a dog grooming salon  
(sui generis) at Willow Tree Stables

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# Location & Site Plan



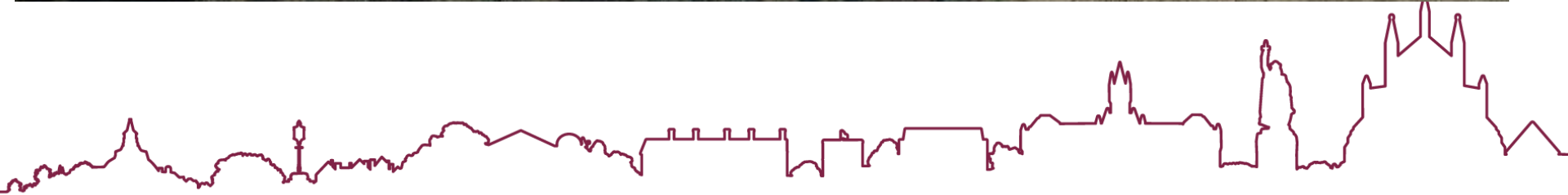
Page 28

Location Plan

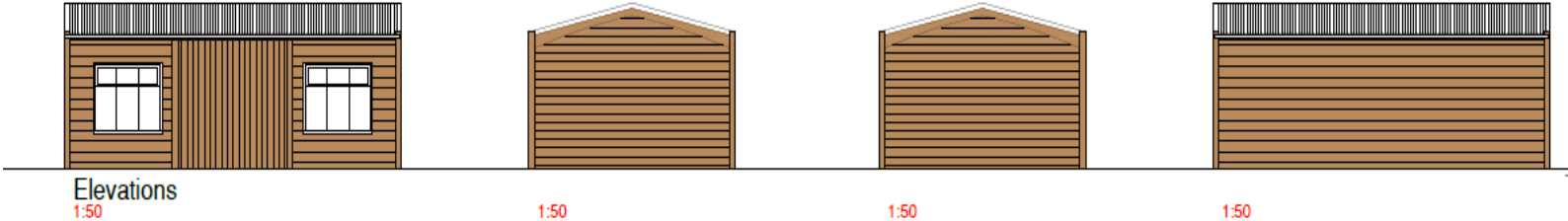
# Aerial Photograph



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# Elevations and Floor Plan (no external changes)



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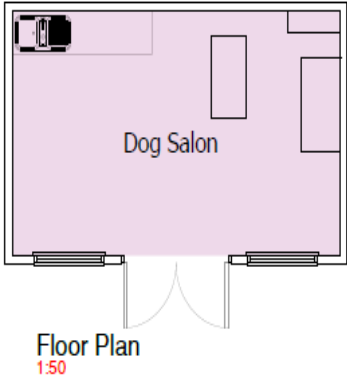




Photo - Front elevation of building





## Photo – Existing Building Group and Parking

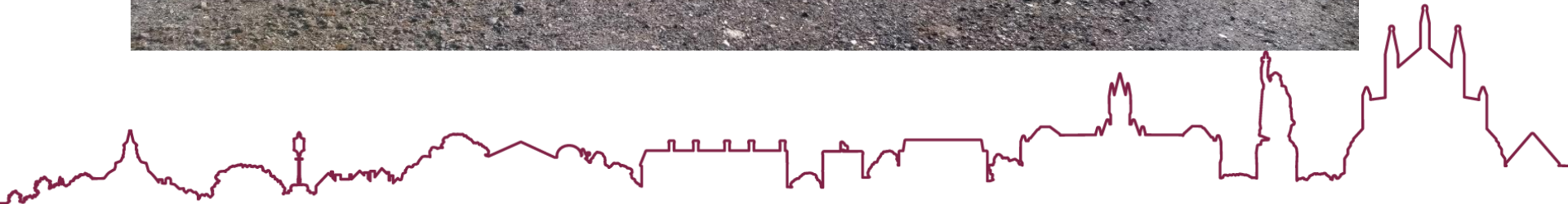




Photo of Existing Access (unchanged)



Photo – Approach to Application Site



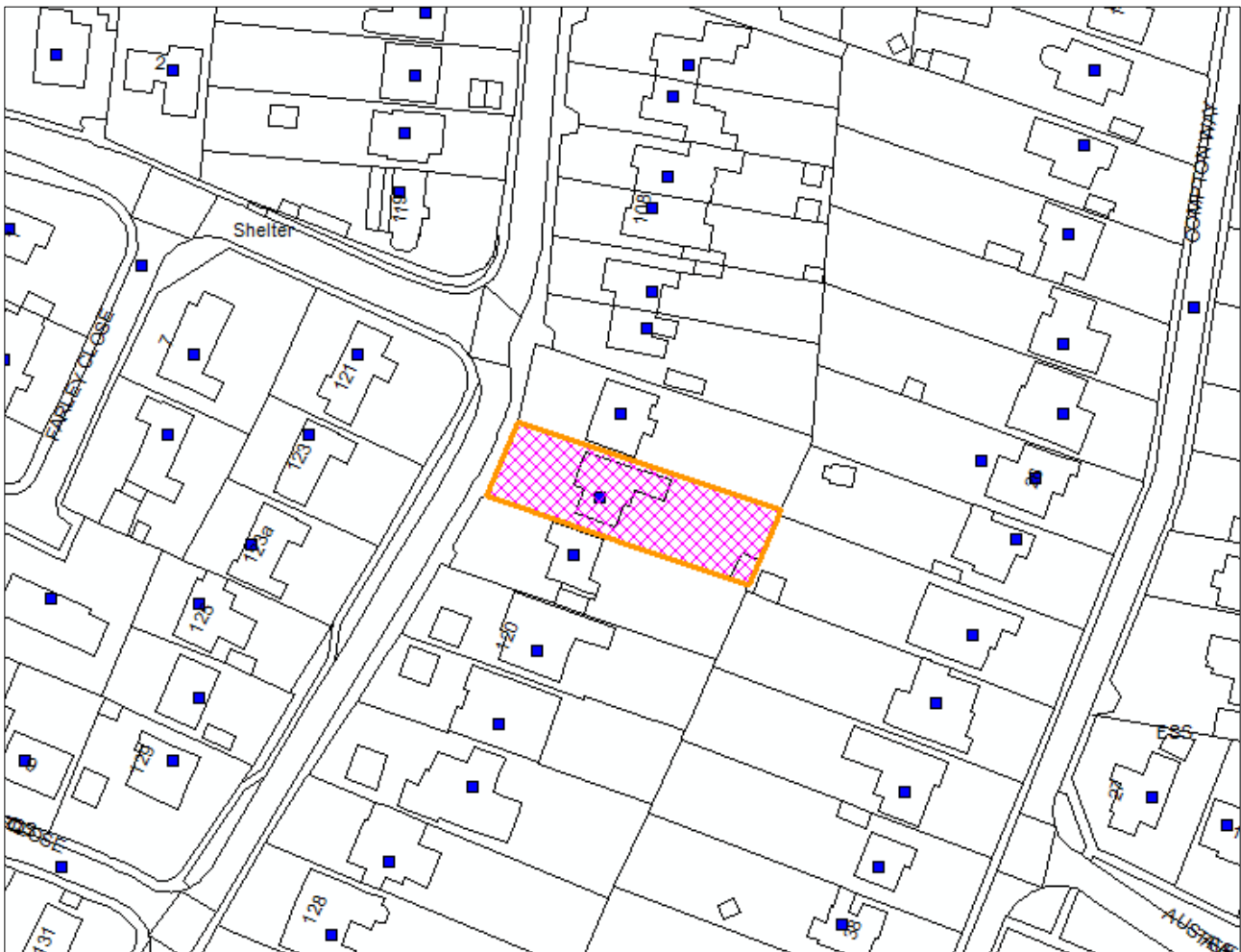


## WINCHESTER CITY COUNCIL PLANNING COMMITTEE

**Case No:** 23/00288/FUL  
**Proposal Description:** New detached 1.5 storey 5 bedroom dwelling and detached garage, following demolition of existing dwelling. (Revised submission to approved 22/00354/HOU to facilitate replacement of entire dwelling).  
**Address:** 116 Olivers Battery Road South, Olivers Battery, Winchester, Hampshire, SO22 4HB  
**Parish, or Ward if within Winchester City:** Olivers Battery Parish Council  
**Applicants Name:** Mr J Nyssen  
**Case Officer:** Catherine Watson  
**Date Valid:** 30 March 2023  
**Recommendation:** Application permitted  
**Pre Application Advice** No

### Link to Planning Documents

[Link to page – enter in reference number 23/00288/FUL](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)  
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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Case No: 23/00288/FUL

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**Reasons for Recommendation**

The development is recommended for permission as it is considered that it is acceptable in terms of its impact on the character of the area and would not harm neighbouring residential amenity and complies with the policies of the adopted Development Plan.

**General Comments**

The application is reported to Committee because of the number of Objections received contrary to the Officer's recommendation and at the request of Olivers Battery Parish Council and Ward Councillor Jan Warwick, based upon material planning considerations. Both requests are shown in Appendix 1.

This application is a resubmission of a scheme approved in June 2022 to extend the existing bungalow to the front and rear. This included raising the roof and adding a detached garage to the front (22/00354/HOU).

The new scheme is substantially the same as the approved scheme except that it is now a complete rebuild as the original bungalow was demolished rather than extended, therefore requiring a new application.

**Amendments to Plans Negotiated**

An amended plan was submitted on 25<sup>th</sup> May 2023. This did not show any significant changes but it clarified a minor change to the windows either side of the utility door on the side (northern) elevation. The formerly approved plans show adjoining windows either side the door. This has now been constructed with a window to the right but omits the one to the left. As this is a very minor change and is not considered to have any additional impact on the amenities of the neighbouring 114 Olivers Battery Road South, it was not considered necessary to re-advertise this change.

**Site Description**

The area around this part of Olivers Battery is characterised by a mix of detached bungalows and chalet bungalows which sit on fairly generous plots with sizeable driveways and garages. However, there are also examples of semi-detached properties and 2 storey houses in fairly close proximity and increasingly, a number of the original single storey dwellings have been enlarged both in footprint and overall height. This is true of dwellings immediately in the vicinity of 116 Oliver's Battery Road South such as No's 120, 122 and 124 which have all undergone various extensions and are now much larger and more prominent on the street scene.

**Proposal**

The proposal is for a new detached 1.5 storey 5 bedroom dwelling and detached garage, following demolition of existing dwelling.

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**Relevant Planning History**

116 Olivers Battery Road South Olivers Battery

22/00354/HOU - Front & rear infill extensions, raised roof and elevational alterations, plus detached garage. PER 10th June 2022.

120 Olivers Battery Road South Olivers Battery

19/00695/HOU - Re-submission of 18/00127/HOU. Full renovation of existing bungalow to convert to chalet style bungalow with first floor accommodation space. Renovations to include single storey extensions to front and rear and re-roof of entire building. PER 21st May 2019.

122 Olivers Battery Road South Olivers Battery

17/01754/HOU - (AMENDED PLANS) Extend existing property to the rear and raise the roof to create a 4 bedroom property with detached double garage to front. PER 30th October 2017.

17/02965/HOU - (RESUBMISSION) Redesign of permitted scheme 17/01754/HOU to reduce the massing of the front elevation. PER 12th January 2018.

124 Olivers Battery Road South Olivers Battery

17/00178/HOU - Raising roof and front extension to increase the existing bungalow to a 5 bedroom chalet style house. Existing garage is retained. PER 19th June 2017.

17/02877/HOU - (RESUBMISSION) Single storey front and rear extensions. PER 3rd January 2018.

**Consultations**

None.

**Representations:**

Councillors – Councillor Jan Warwick, Badger Farm & Olivers Battery Ward  
– Please see Appendix 1

Olivers Battery Parish Council  
– Please see Appendix 1

23 Objecting Representations received from 20 different addresses citing the following material planning reasons:

- Overdevelopment / excessive size and height of building
- Design and materials out of character with area / existing buildings
- Loss of privacy, loss of light, overbearing impact, impact on enjoyment of neighbouring properties
- Garage too large and out of character
- Loss of neighbours access visibility due to garage
- Not in compliance with the Village Design Statement
- Lack of consultation on the original application
- Applicant always intended to demolish
- Misleading / incorrect information submitted
- Air Source Heat Pump could be noisy

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- Loss of hedgerow / lack of details about proposed boundary materials
- Little amenity space will be retained for the dwelling
- Concern about planning process / retrospective application / precedent
- Construction traffic impacts
- Loss of view

**Relevant Government Planning Policy and Guidance**

National Planning Policy Framework

*Section 2 Achieving Sustainable development*

*Section 4 Decision Making*

*Section 8 Promoting healthy and safe communities*

*Section 12 Achieving well designed places*

*Section 14 Meeting the challenge of climate change, flooding and coastal change*

National Planning Practice Guidance

Climate Change

Consultation and pre-decision matters

Design: process and tools

Environmental Impact Assessment

Flood risk and coastal change

Planning Obligations

Use of planning conditions

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1). DS1 – Development Strategy and Principles

DS1 – Development Strategy and Principles

CP10 - Transport

CP11 – Sustainable Low and Zero Carbon Built Development

CP13 – High Quality Design

CP16 – Biodiversity

CP17 – Flooding, Flood Risk and the Water Environment

CP20 – Heritage and Landscape Character

Winchester District Local Plan Part 2 – Development Management and Site Allocations

DM1 – Location of New Development

DM15 – Local Distinctiveness

DM16 – Site Design Criteria

DM17 – Site Design Principles

DM18 – Access and Parking

Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Olivers Battery Village Design Statement

Other relevant documents

Climate Emergency Declaration Carbon Neutrality Action Plan 2020 – 2030

Statement of Community Involvement 2018 and 2020

Residential Parking Standards December 2009

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**Planning Considerations**

**Principle of development**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2021) require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

This site is located within the settlement boundary of Olivers Battery and therefore the principle of development is acceptable.

**Assessment under 2017 EIA Regulations.**

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

**Impact on character and appearance of area**

The proposed dwelling will have two front gables which are asymmetric in that the gables are different sizes (the southern of the two being larger). They are linked by a large gabled central front porch. There is a small flat section of roof joining the valley between the two gables. The gables then run through to the rear of the dwelling at first floor level. At the rear there is then a single storey flat roofed section which projects further back into the garden.

The gables and porch will be clad in Siberian larch and framed by a zinc fascia.

The building therefore has a distinctive and striking contemporary design and materials which differ from the typical brick and tiled of most of the surrounding properties with many examples of contemporary design in the wider context also.

It also increases the mass and height of built form on site from the previous bungalow which was approximately 5.4m in height. The new gables will be 7.9m (the taller southern one) and 7m in height.

However, despite the change in building style and materials and increase in height and mass, the new building is still considered to be acceptable in this context. The gables, while increasing the overall height, allow the mass of the building at first floor level to be broken up as viewed from the street and provide a visual transition along the street due to the different heights of the gables. This is in contrast to the properties at 120 to 124 Olivers Battery Road South where extensions have been permitted or constructed which keep the overall height slightly lower but result in a greater unbroken mass at first floor level as they are wide fronted in design. While the gables are large, it should also be noted that the first floor accommodation is partly contained within the roof.

Furthermore, the materials to be used for the application site, while contemporary and distinct from immediate neighbouring properties, will actually be subtle and recessive in appearance due to the dark zinc framing and Siberian larch which will weather to a silver grey in colour (Condition 3).

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Therefore, while it is accepted that the new building will have greater presence in the street scene and increases the mass of built form on site, it is not considered that it will be overbearing in relation to the bungalows either side or overly dominant in public views or, particularly given the context of the large upward extensions allowed to properties along the street and in the wider context of Olivers Battery where good quality contemporary alterations to properties have been allowed in many instances.

To the rear, the single storey rear projection will not be visible from the public realm.

The proposal includes a single garage to the front. This will have a pitched roof with a gable facing the road and will be finished in materials to match the main house. There are other examples of small garages to the front of properties and this is not considered to be out of character or harmful to the local environment.

In order to control the character and appearance of the area and to reduce any potential impact of neighbour amenity, condition 9 states that if there is to be any new boundary treatments, hard and soft, details of this are to be submitted to the local planning authority prior to the commencement of that part of the construction

As such it is considered to be in accordance with policies CP13 of the LPP1, DM15-DM17 of the LPP2 and the High Quality Places SDP.

The proposal is also considered to be in accordance with the Olivers Battery Village Design Statement which acknowledges the range and mixture of dwellings styles in this street and states that the conversion of single storey dwellings to two storeys should be permitted, providing that the overall bulk and appearance of the resulting dwelling does not restrict views between properties or have a detrimental effect on neighbouring properties. It also notes that the diversity of properties in the area provides further scope for future design innovation within the prevailing idiom.

### **Development affecting the South Downs National Park**

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

The application site is located 1.6km from the South Downs National Park and at this distance the development will not affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

### **Historic Environment**

No Impact, the works do not affect a statutory Listed building or structure including setting; Conservation Areas, Archaeology or Non-designated Heritage Assets including setting.



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**Neighbouring amenity**

The neighbouring properties most directly affected by the development are those either side, No's 114 to the north and 118 to the south.

The proposed dwelling sits on the same footprint as the original bungalow in terms of the two side elevations and front elevation apart from the front south west corner which is filled in. To the rear the footprint of the building does not extend back any further than the previous single storey rear projection but this was a narrower element located along the northern side, whereas now the footprint extends back this far but the full width of the dwelling. However, the 2 storey element of the building only extends back 12.7m and the rear section, which is single storey, extends back by 5.1m starting from the rearmost part of the 2 storey element.

Both these neighbouring properties are therefore presented now with a taller building to their side with more built form parallel to the boundaries, particularly to the rear. However, the 2 storey element of the new dwelling is mostly level with the neighbouring properties with a more modest part of this projecting back beyond their rear elevations – 8.6m in respect of no 114 and 8.4m in respect of no 118. The remainder of the building projecting backwards is single storey. In these circumstances and given that a gap between the new building and the boundaries is retained on both sides, it is not considered that the new dwelling would appear unacceptably overbearing when viewed from either neighbouring property.

The new dwelling would result in some overshadowing of the property at No 114 in the afternoon onwards but this is not considered to be uncommon in a linear street or sufficiently materially harmful in this context to warrant a refusal of the application.

In terms of loss of privacy, the new dwelling contains ground floor side windows adjacent to no 118. These will be obscure glazed (Condition 4). There is 1 first floor rooflight on each side. The first floor internal height to the centre of each rooflight is 2m. This is considered acceptable in terms of potential overlooking and therefore it is not necessary for the windows to be obscure glazed.

To the rear and front, windows would look over the applicant's own garden or over the street. Concern has been raised by neighbours living on Compton Way to the rear that they would suffer loss of privacy from the new first floor rear windows in the property, but these are 31m from the rear boundary and it is not considered that this would allow a level of overlooking which could be argued to be materially harmful.

The garage to the front of the property is a relatively modest structure and would not have any materially adverse impact on the residential amenity of either neighbour.

Therefore, an adverse impact is not found in relation to neighbouring properties in terms of overlooking, overbearing or loss of light and the proposal complies with policy DP17 of the LPP2.

**Sustainable Transport**

The proposals will provide a double garage and 3 external parking spaces to the front of the property. This is ample parking to serve the property in line with the council's residential parking standards.

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Concern has been raised by one neighbour that the proposed garage to the front might affect visibility for neighbouring properties when exiting their driveways onto the road. However, the garage is set back from the highway and would not interfere with sight lines.

The proposal will therefore have no impact on highway safety and is in accordance with CP10 of the LPP1 and DM18 of the LPP2.

The site is within the area covered by the Air Quality Supplementary Planning Document but is not within the Air Quality Management Area which is within the city centre. As the proposal is for a replacement dwelling an Air Quality Statement is needed and this is required by condition 10.

### **Ecology and Biodiversity**

The proposal will have no impact as it is not Development within, bordering or in close proximity to a European Protected Site (i.e. River Itchen SAC, The Solent SAC, SPAs, Ramsar Sites) or is not overnight accommodation affecting Nitrates.

Due to the nature of the development and the distance between the application site and the European Protected Site of the Solent SAC and SPA and the River Itchen SAC, an Appropriate Assessment under the Conservation of Habitats & Species (Amendment) Regulations 2011 is not required.

There are no specific ecological issues relating to this site which require further assessment but a biodiversity enhancement plan is required by condition to ensure that opportunities to benefit ecology are taken (Condition 8).

Therefore the proposal complies with policy CP16 of the LPP1.

### **Sustainability**

As the proposal represents a new dwelling it is required to achieve the lowest level of carbon emissions and water consumption which is practical and viable. Policy CP11 expects new residential developments to achieve Level 5 for the Energy aspect of the Code for Sustainable Homes and Level 4 for the water aspect. Conditions 6 and 7 secure the submission of pre-commencement and as built data prior to the occupation of the development to ensure that the requirements have been met.

The proposal therefore complies with policy CP11 of the Local Plan Part 1.

### **Sustainable Drainage**

The proposal is not in an area prone to flooding and there is no reason why drainage should be a problem. A condition is attached however requiring drainage details to ensure foul and surface water is suitably managed (Condition 5). As such the proposals are in accordance with policy CP17 of the LPP1.

### **Equality**

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be

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addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

**Planning Balance and Conclusion**

The proposal is for a distinctive replacement dwelling which is larger than the one it replaces and will be more visible within the street scene. However, there are numerous examples of larger and extended properties in the area and the proposal has been designed to a high standard and will be acceptable in terms of its impact on the local environment and upon the residential amenity of neighbouring properties. There are no other material considerations which would warrant a refusal of the application and it is in accordance with relevant planning policy.

**Recommendation**

Approve subject to the following conditions:

**Conditions**

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

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

2. The development hereby approved shall be constructed in accordance with the following plans:

Replacement Dwelling Dwg No 379\_05A received 06.02.2023

Replacement Dwelling Dwg No 379\_04\_B received 25.05.2023

Reason: In the interests of proper planning and for the avoidance of doubt.

3. No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Specifically, Siberian larch shall be used for the timber cladding. Development shall be carried out in accordance with the approved details.

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

4. The ground floor window adjacent to the utility door on the western elevation hereby permitted shall be glazed with obscure glass which achieves an obscuration level at least equivalent to Pilkington Obscure Glass Privacy Level 4, unless otherwise agreed in writing by the local planning authority, and the glazing shall thereafter be retained in this condition at all times.

Reason: To protect the amenity and privacy of the adjoining residential properties.

5. Detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before occupation of the development hereby permitted.

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Reason: To ensure satisfactory provision of surface water drainage.

6. Prior to the commencement of the development hereby permitted, detailed information demonstrating that the development will achieve a dwelling emission rate (DER) at least 19% lower than the 2013 Part L Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and no more than 105 Litres per person per day predicted internal water use (110 Litres per person per day total) (Equivalent of Code for Sustainable Homes Level 3 / 4) in the form of a 'design stage' Standard Assessment Procedure (SAP) calculation and a water efficiency calculator shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2019 and to accord with the requirement of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

7. Prior to the occupation of the dwelling hereby permitted detailed information (in the form of SAP "as built" stage data and a BRE water calculator) demonstrating that all homes meet the Equivalent of Code for Sustainable Homes Level 4 for Energy and Equivalent of Code for Sustainable Homes Level 3 / 4 for water, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied in accordance with these findings.

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2019 and to accord with the requirement of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

8. A Biodiversity Enhancement Plan shall be submitted to, and approved in writing by the Local Planning Authority prior to the occupation of the development. This shall include details and locations of any enhancement provisions (such as bird or bat boxes or native species rich planting). The biodiversity enhancement provisions shall be sited prior to the development coming into its intended use and retained thereafter.

Reason: To maintain and protect biodiversity.

9. Details of any new hard and soft boundary treatment, including fencing or brick walls, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The development shall then be carried out in accordance with the approved details prior to occupation or where relevant in the first planting season after this.

Reason: In the interests of local amenity.

10. Prior to the occupation of the dwelling hereby permitted an Air Quality Statement shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of air quality and to comply with the council's Air Quality Supplementary Planning Document.

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**Informatives:**

1. In accordance with paragraph 38 of the NPPF (2021), Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance a site meeting was carried out with the applicant.

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

Local Plan Part 1 - Joint Core Strategy: DS1, CP13, CP16

Local Plan Part 2 – Development Management and Site Allocations: DM1, DM15, DM16, DM17

High Quality Places SPD

Olivers Battery VDS

3. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out above, 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.

4. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

5. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

For further advice, please refer to the Construction Code of Practice

<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

**Appendix 1**

**City Councillor's request that a Planning Application be considered by the Planning Committee**

<b>Request from Councillor:</b>
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<b>Jan Warwick</b>
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<b>Case Number:</b>
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<b>Case No: 23/00288/FUL</b>
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<b>23/00288/FUL - 116 Olivers Battery Rd South</b>
<b>Site Address:</b>  116 Olivers Battery Road South
<b>Proposal Description:</b>  Demolish bungalow and rebuild of 5 bedroom house (retrospective)
<b>Requests that the item be considered by the Planning Committee for the following material planning reasons:</b>  Out of character with the area as outlined in the OB Village Design Statement due to size, bulk and height Overlooking and loss of light in neighbouring properties

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**Parish Council's request that a Planning Application be considered by the Planning Committee**

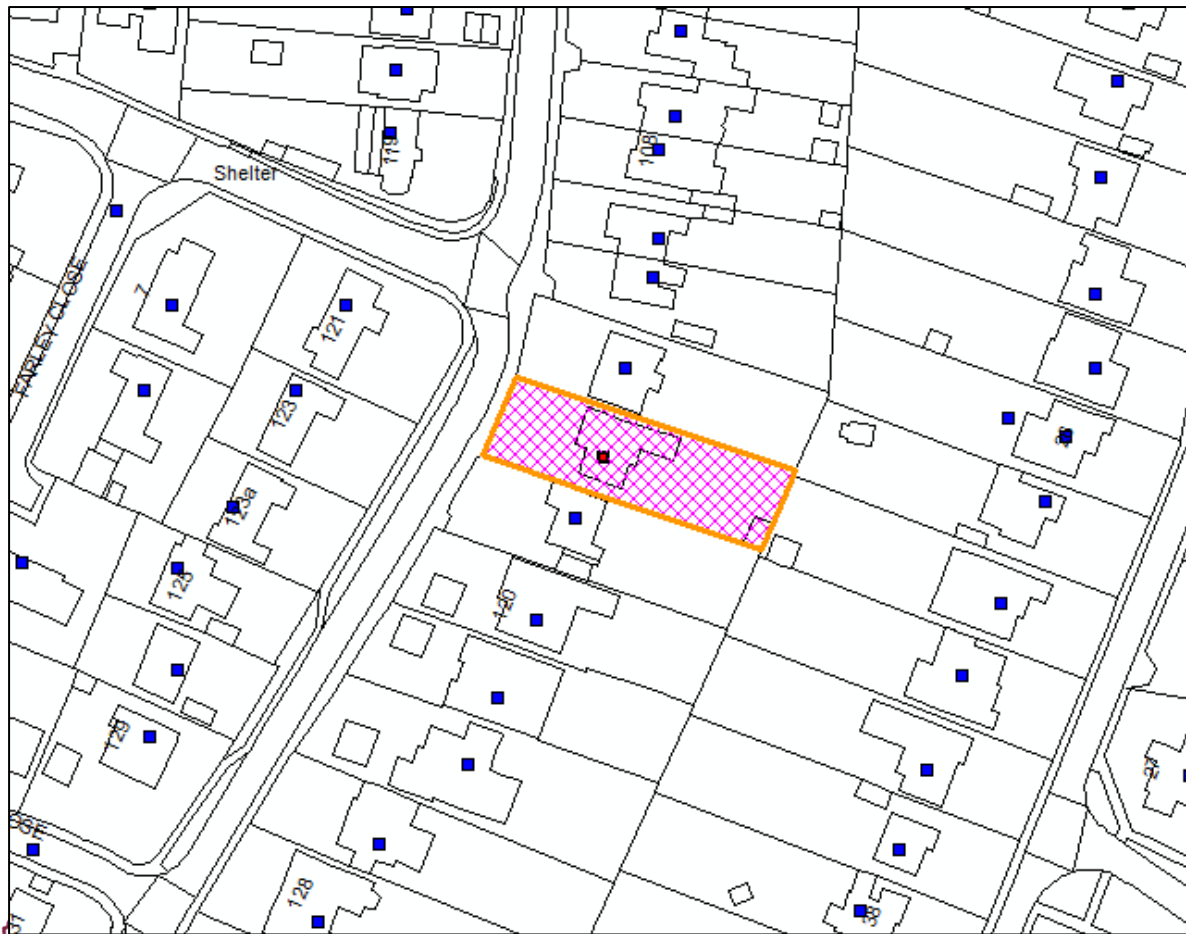
<b>Request from Parish Council:</b>
<b>Case Number: 23/00288/FUL</b>
<b>Site Address: 116 Oliver's Battery Road South, Oliver's Battery, Winchester, Hants.</b>
<b>Proposal Description: Revised submission to 22/00354/HOU to facilitate replacement of entire dwelling.</b>
<b>Requests that the item be considered by the Planning Committee for the following material planning reasons:</b>  <b>Oliver's Battery Parish Council considered this application at its meeting on 2 May 2023 and resolved to submit an objection.</b>  <b>The Oliver's Battery Village Design Statement SB2 states 'Two storey side extensions and conversions of single storey dwellings to two storeys should be permitted, providing that the overall bulk and appearance of the resulting dwelling does not restrict views between properties or have a detrimental effect on neighbouring properties.'</b>  <b>The Parish Council objects to this application on the basis that it is out of keeping with neighbouring properties, the proposed roof height is higher than other nearby dwellings that have been developed and overshadows neighbouring single storey dwellings particularly those at 114 and 118 Oliver's Battery Road South. The overall bulk would dominate the street scene and constitute overdevelopment. It is overbearing and overlooks neighbouring dwellings also. This application will adversely affect neighbours who live adjacent, nearby, behind and opposite this site in terms of privacy and light and will directly impact neighbours' ability to enjoy their homes and gardens.</b>  <b>The Parish Council asks that this application goes before the Planning Committee on 20 May and that a site visit be made by Committee members before that date.</b>

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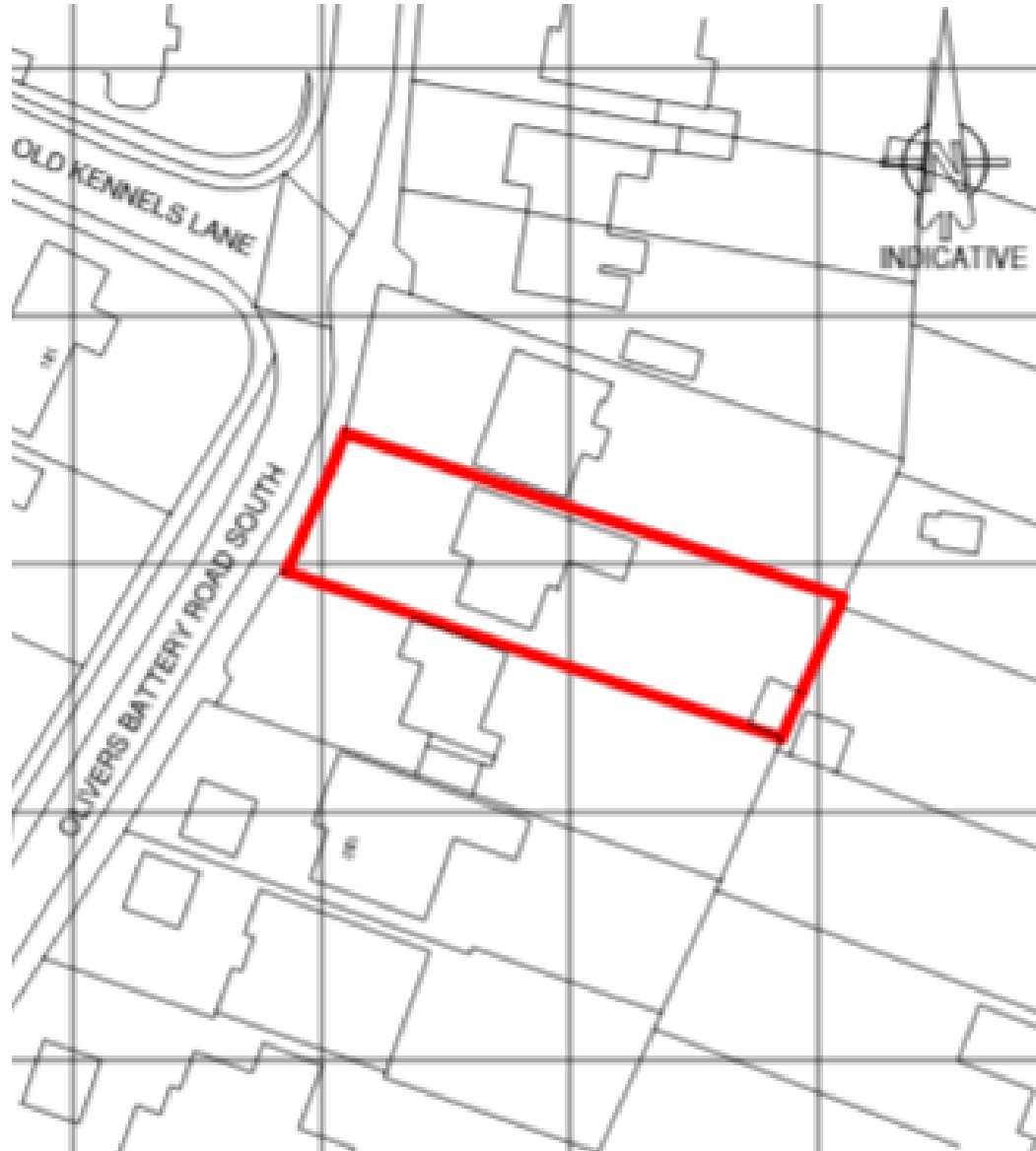


# 23/00288/FUL – 116 OLIVERS BATTERY ROAD SOUTH, OLIVERS BATTERY, WINCHESTER, SO22 4HB.

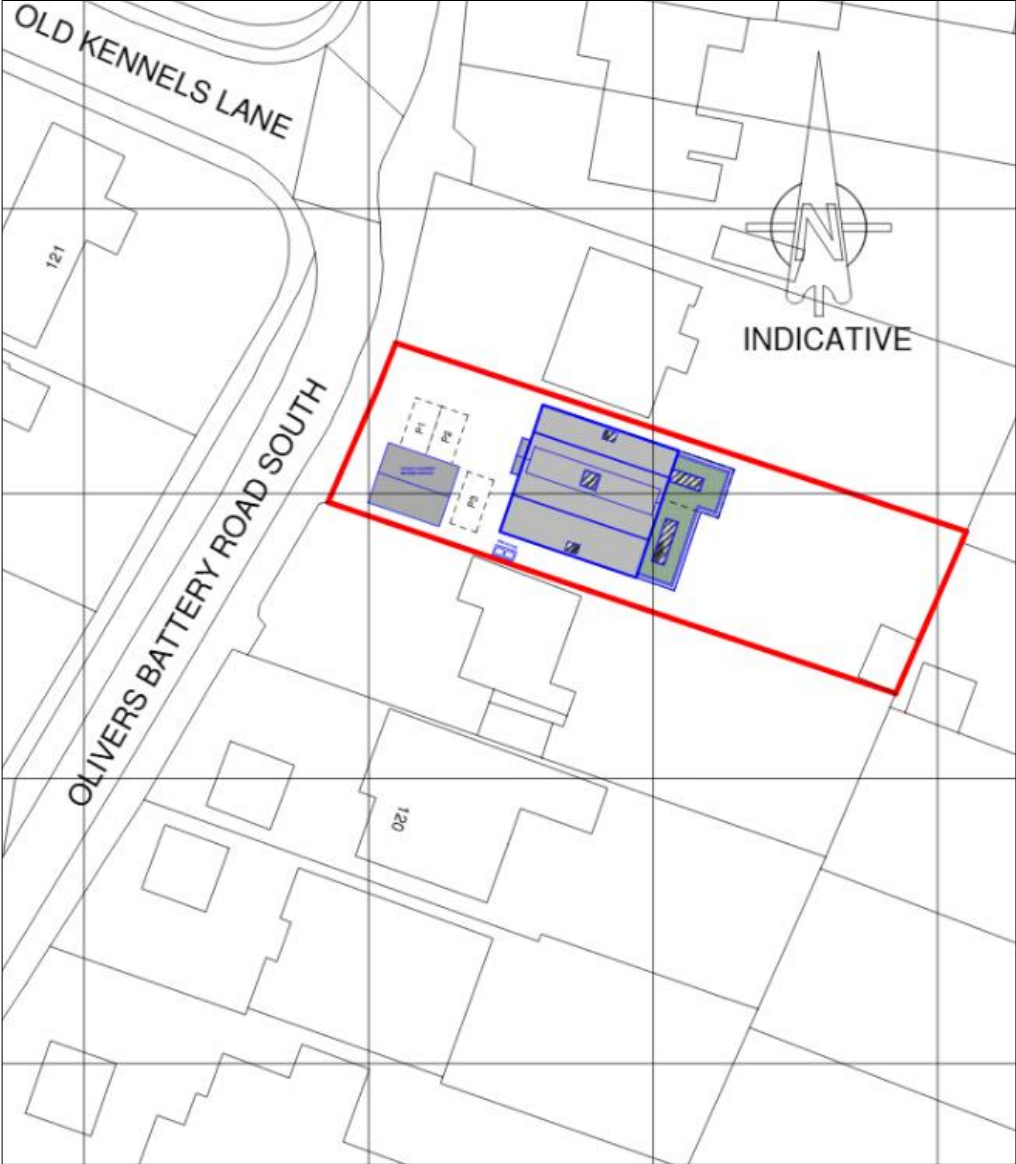
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# EXISTING SITE PLAN



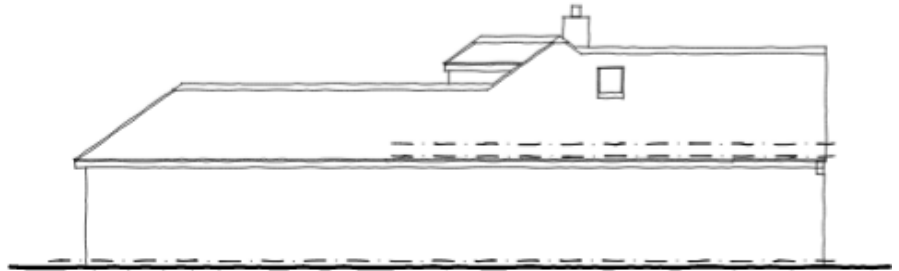
# PROPOSED SITE PLAN



# EXISTING ELEVATIONS



Existing Front Elevation 1:100



Existing Side Elevation 1:100



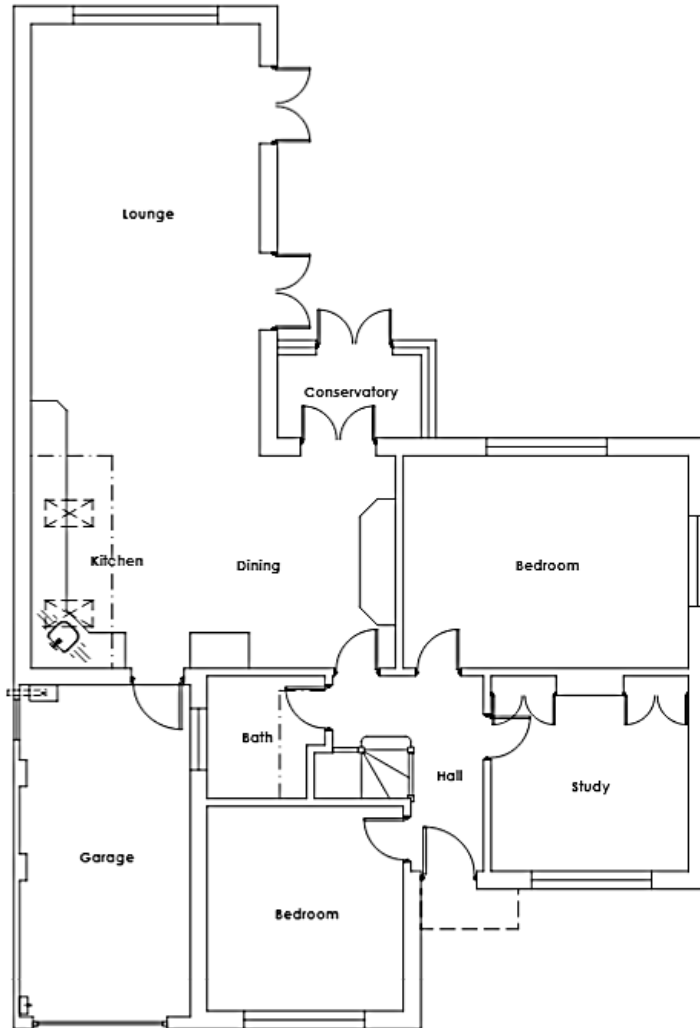
Existing Rear Elevation 1:100



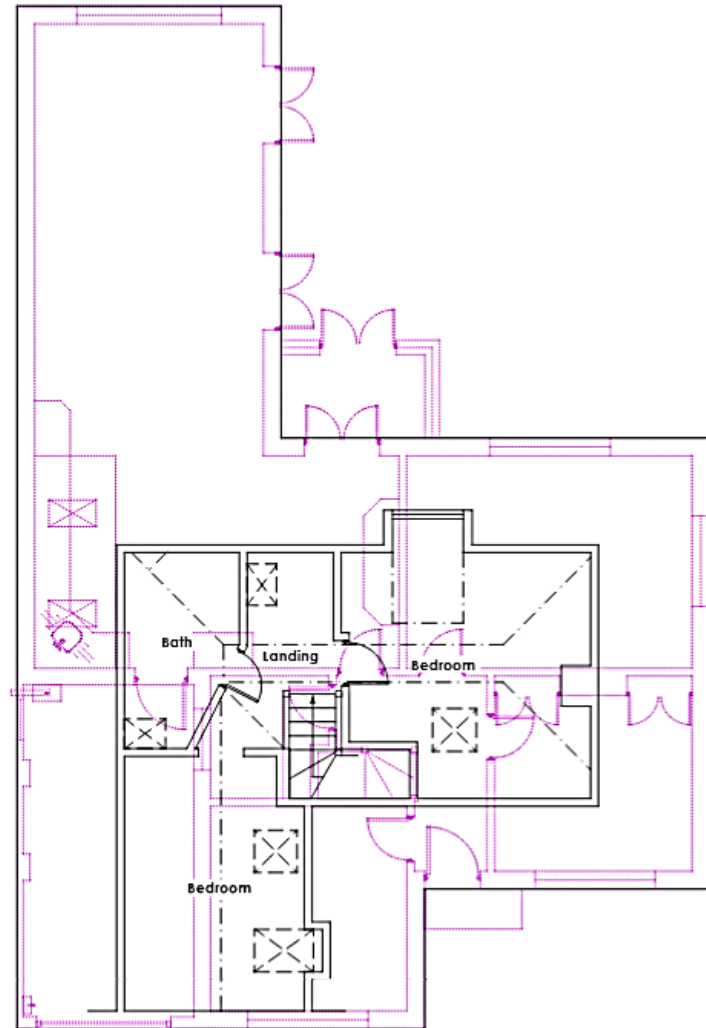
Existing Side Elevation 1:100

# EXISTING PLANS

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Existing Ground Floor Plan 1:50



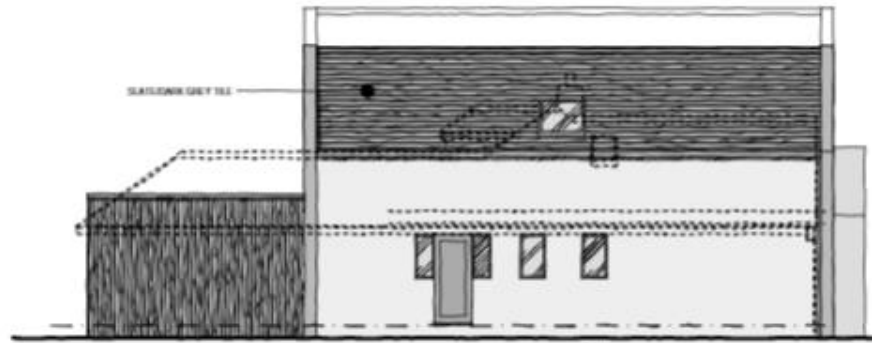
Existing First Floor Plan 1:50

# PROPOSED ELEVATIONS

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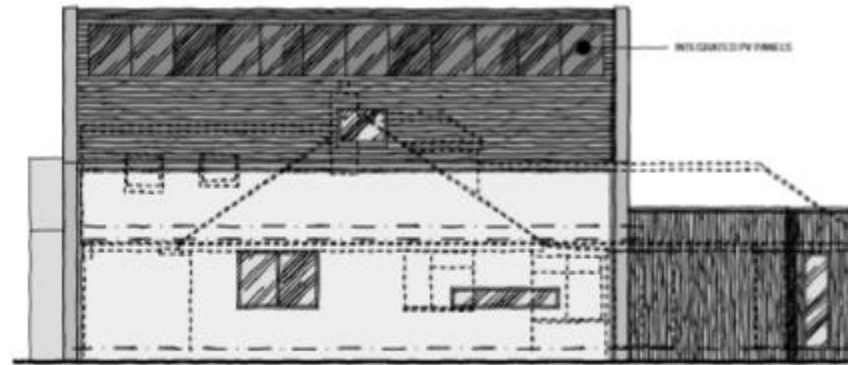
Proposed Front Elevation 1:100



Proposed Side Elevation 1:100



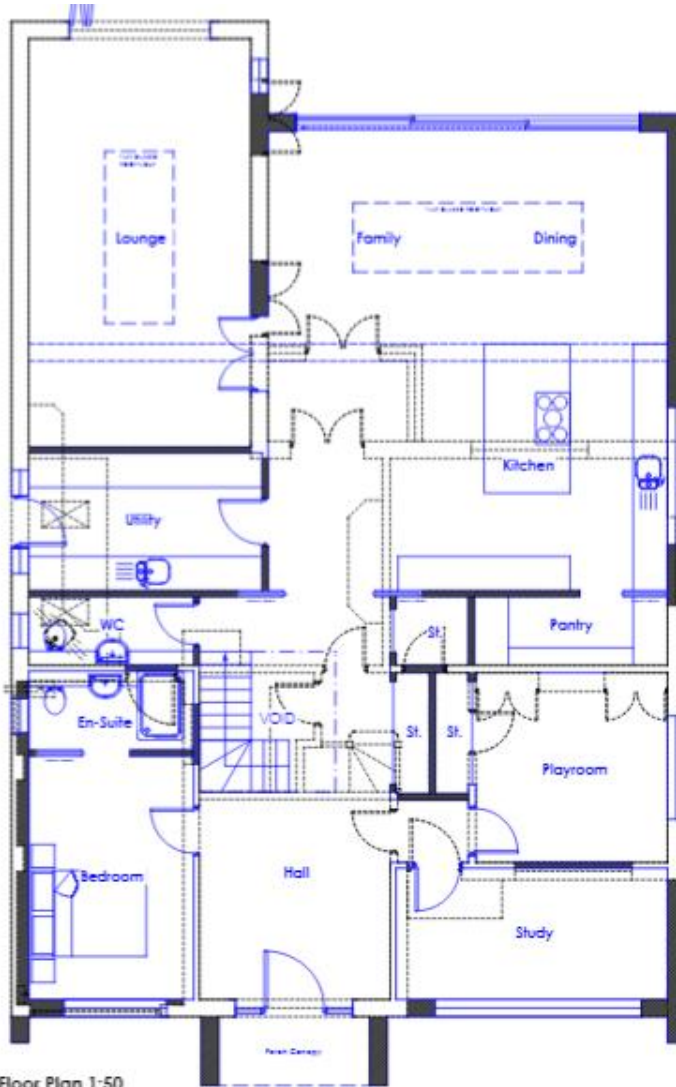
Proposed Rear Elevation 1:100



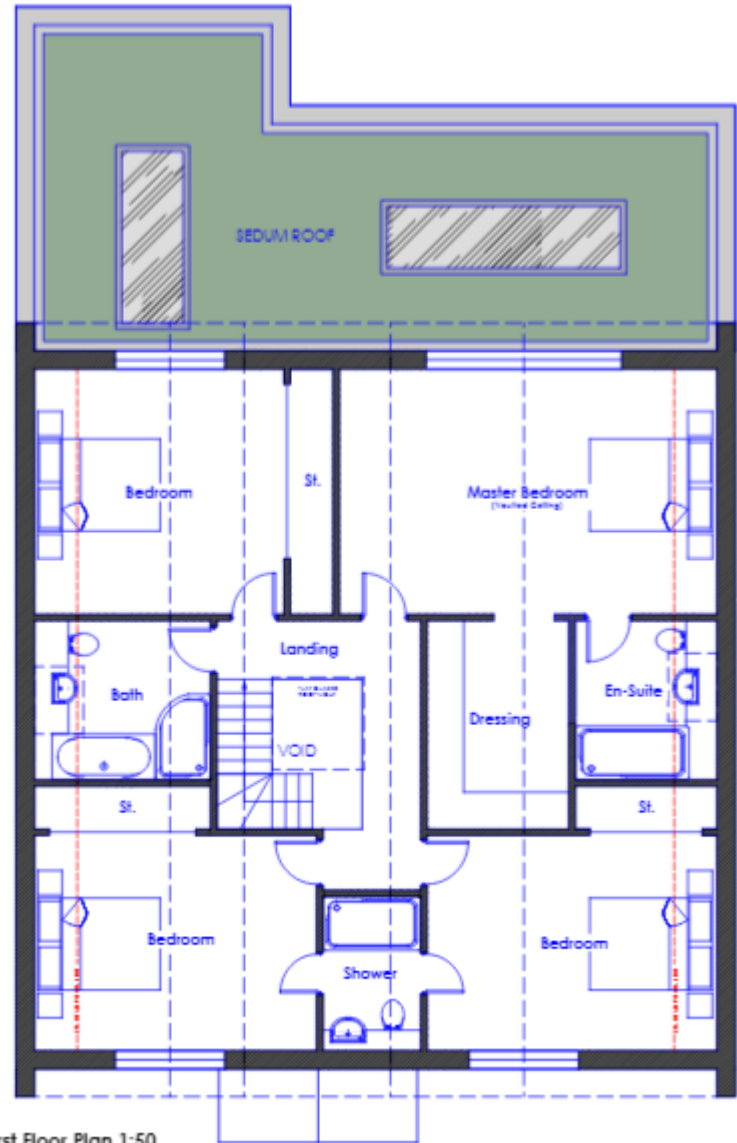
Proposed Side Elevation 1:100

# PROPOSED PLANS

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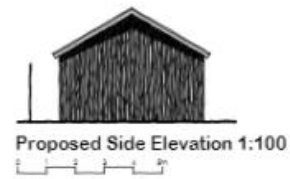
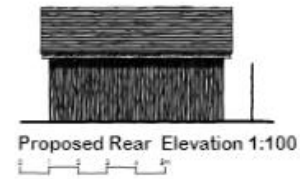
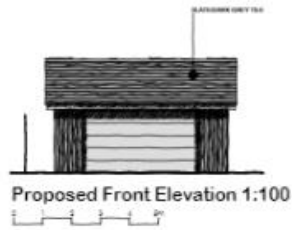
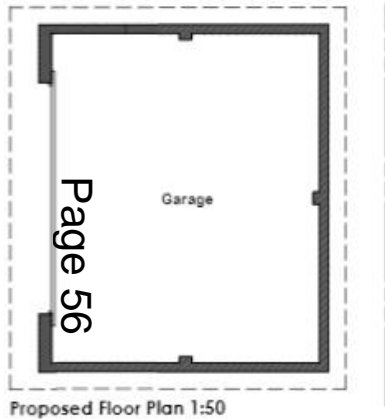
Proposed Ground Floor Plan 1:50



Proposed First Floor Plan 1:50



# PROPOSED GARAGE PLANS AND ELEVATIONS





# PHOTOS PRIOR TO THE COMMENCEMENT OF DEVELOPMENT



# PHOTOS FROM NEIGHBOURING PROPERTIES

## Views from 118

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# PHOTOS FROM NEIGHBOURING PROPERTIES

## Views from 118

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# PHOTOS FROM NEIGHBOURING PROPERTIES

## Views from 114

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# PHOTOS FROM NEIGHBOURING PROPERTIES

Views from 112 and opposite the site

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## WINCHESTER CITY COUNCIL PLANNING COMMITTEE

**Case No:** 23/00449/FUL  
**Proposal Description:** Application Reference Number: APP/L1765/A/08/2081079 (08/00279/FUL) Date of Decision: 26/02/2023  
To vary Condition 17 to allow the store to receive deliveries between 08:00 to 19:00 on Sundays and Public Holidays. Propose that the wording of the condition is amended as follows:  
No deliveries shall be taken at or dispatched from the site except between the hours of 07:00 - 22:00 Mondays to Fridays, 07:00 - 10:00 and 12:00 - 22:00 on Saturdays, and 08:00 - 19:00 hrs on Sundays and Bank Holidays

**Address:** Aldi Foodstore Ltd 2 Burnett Close Winchester Hampshire SO22 5JQ

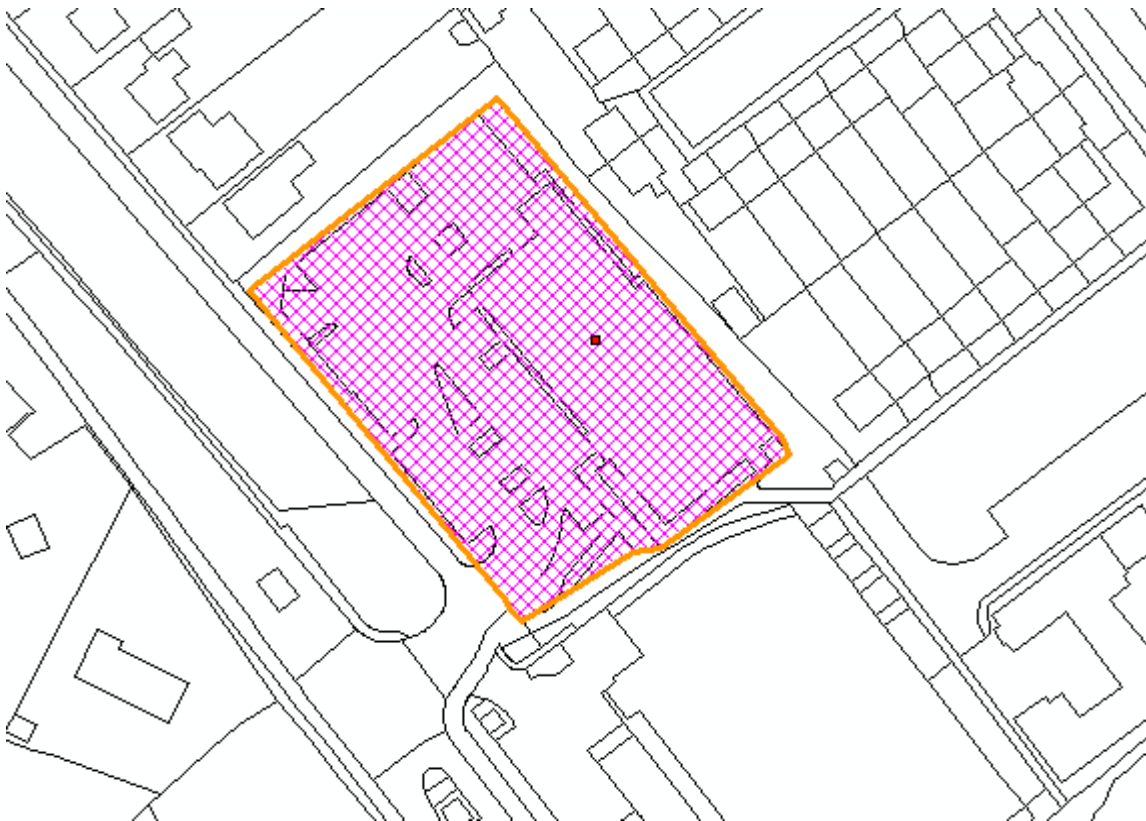
**Parish, or Ward if within Winchester City:** St Barnabas

**Applicants Name:** Aldi Stores Limited  
**Case Officer:** Sean Quigley  
**Date Valid:** 21 February 2023  
**Recommendation:** Permit  
**Pre Application Advice** No

### Link to Planning Documents

23/00449/FUL

<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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### **Reasons for Recommendation**

The development is recommended for permission as it is considered that whilst the proposed changes will have a level of impact that at times could be of some detriment in terms of noise on the residential amenities of nearby occupiers by lengthening the period during which deliveries are permitted, the harm is not so significant as to justify the refusal of planning permission. The proposal is in accordance with LPP1 policies DS1, WT1, CP8, CP9, CP13 and LPP2 policies DM7, DM16, DM17, DM18, DM19 and DM20.

### **General Comments**

The application is reported to Committee because of the number of objections received contrary to the Officer's recommendation.

### **Amendments to Plans Negotiated**

None

### **Site Description**

The site is an existing Aldi supermarket (approximately 1305 sqm gross building area) on a site of approximately 5000sqm/0.5Ha with a vehicle and pedestrian access onto Burnett Close which runs along its western boundary. The site is part of the Weeke local centre - a cluster of town centre uses serving a wider suburban residential area in this location. The rectangular site is bounded on its northern and eastern boundaries by residential development on Burnett Close and Fromond Road.

The site is not in a conservation area and there are no other specific land-use constraints.

### **Proposal**

The proposal is for the amendment of the existing condition 17 which controls when deliveries can occur on Sundays and bank holidays – currently restricted to between 08:00 and 16:00. The proposed change will extend that period to 19:00.

### **Relevant Planning History**

08/00279/FUL for the Aldi supermarket was refused by the Council in June 2008. This decision was the subject of an appeal (APP/L1765/A/08/2081079) which was allowed. Condition 17, which controls delivery times, was attached to that permission and it is that condition which the applicant has applied to vary.

21/01365/FUL to vary conditions 17 and 18 (attached to permission APP/L1765/a/08/2081079) was refused by the Council in July 2021. The application sought to extend the delivery times from 7.00 to 22.00 on Saturdays, and 8.00 to 16.00 on Sundays and Bank Holidays to 6.00 to 23.00 Monday to Friday, and 7.00 to 18.00 on Sundays and Bank Holidays. The application also sought the removal of condition 18 which prohibits deliveries by articulated lorry while the store is open.

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**Consultations**

Service Lead – Public Protection (Environmental Health)

Environmental Health have no objection to this application. It is recommended that a condition is included requiring compliance with the quiet delivery scheme submitted as part of this application (as offered by the applicant)

Hampshire County Council (Highway Authority)

The Highway Authority have no objection to the proposed development allowing the Aldi store to receive deliveries between 08:00 to 19:00 on Sundays and Public Holidays.

**Representations:**

The City of Winchester Trust – the trust neither objected to or supported the application, noting that a previous application to extend delivery hours on Sundays/BH to 6p.m. was refused. We hope that neighbouring properties are aware of this application and any views are taken into account.

6 objecting representations received from different addresses citing the following material planning reasons:

- The unloading of heavy goods vehicles will be noisy, causing unacceptable disturbance to residents
- The arrival and departure of heavy goods vehicles will be noisy, causing unacceptable disturbance to residents
- The proposed extension of delivery times will create noise at times which are particularly precious to nearby residents - late afternoon/early evening on Sundays and bank holidays
- Increased heavy goods vehicle movements will make it difficult for vehicles using Burnett Close to access Stockbridge road.
- Increased heavy goods vehicles will increase the risk of accidents for pedestrians and cyclists
- The need for the extension of delivery times has not been demonstrated by the applicant
- The proposed change will make access to Stockbridge Road by car more difficult
- The existing level of disturbance from deliveries is already unacceptable
- The noise study and quiet delivery scheme details submitted with the application are incomplete, impractical and will not be adhered to.

0 supporting representations received from different addresses.

**Relevant Government Planning Policy and Guidance**

National Planning Policy Framework

Para 1 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

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Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development an environmental objective

Para 8 - Achieving sustainable development means that the planning system has three overarching objectives..... an economic objective, a social objective and an environmental objective.

Para 10 - at the heart of the Framework is a presumption in favour of sustainable development, an environmental objective

Para 11 - For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay

Para 56 - Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Para 81 - Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Para 86 - Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

National Planning Practice Guidance

Para 006 (21b-006-20190315) - To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application or appeal. This includes the presumption in favour of development found at paragraph 14 of the Framework.

Para 009 – (21b-009-20140306) - Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case.

Para 001 (30-001-20190722) - Noise needs to be considered when development may create additional noise, or would be sensitive to the prevailing acoustic environment

Para 003 - (30-001-20190722) - Plan-making and decision making need to take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

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Para 001 - 2b-001-20190722 – for planning purposes, town centres as defined in the National Planning Policy Framework comprise a range of locations where main town centre uses are concentrated, including city and town centres, district and local centres

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1)

DS1 – Development Strategy and Principles  
WT1 – Development Strategy for Winchester Town  
CP8 – Economic Growth and Diversification  
CP9 – Retention of Employment Land and Premises

Winchester District Local Plan Part 2 – Development Management and Site Allocations

DM7 – Town, District and Local Centres  
DM16 – Site Design Criteria  
DM17 – Site Development Principles  
DM20 – Development and Noise

Supplementary Planning Documents

National Design Guide 2019  
High Quality Places 2015  
Air Quality SPD September 2021

Other relevant documents

Carbon Neutrality Action Plan 2020-30

Statement of Community Involvement 2018 and 2020

Winchester District Economic Development Strategy 2010-2020

**Planning Considerations**

**Principle of development**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2021) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The principle of the use of the site for a retail supermarket has been established as the store is already in operation. The retail use is in accordance with the thrust of the Council's development strategy as set out in LPP1 policy DS1 which applies a "town centres first" approach to retail development proposals. The use is also in accordance with other local plan policies encouraging appropriate development in Winchester Town (WT1), economic development and diversification (CP8/CP9) and development in local centres (DM7)

In principle it is acceptable to vary a planning condition, subject to impacts. The most significant potential impacts of the proposed changes are those relating to noise given the proximity of existing homes, and those relating to the impact on the local road network. In  
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this context, the assessments of the Council's Environmental Protection Officer (EPO) and the Highway Authority are considered.

**Assessment under 2017 EIA Regulations.**

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

**Impact on character and appearance of area**

The application site defines the boundary between the Weeke local retail centre to the south and the established residential area to the north and east. The existing established use of the site is as a busy medium-sized supermarket serving the local and wider area. The proposed extension of delivery hours will not have a significant impact on either the character or appearance of area and therefore the proposal is in accordance with local plan policies CP13, DM16 and DM17.

**Development affecting the South Downs National Park**

The application site is located approximately 2km from the South Downs National Park.

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

In Conclusion therefore the development will not affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

**Historic Environment**

The development will have no impact on the historic environment. The works do not affect a listed building or a conservation area and there are no issues relating to archaeology or Non-designated Heritage Assets.

**Neighbouring Amenity**

Residential properties about the northern and eastern boundaries of the site. Whilst the vehicular entrance is in the south west corner of the site, away from houses, the loading bay and the area of car park in front of it where HGV's manoeuvre is much closer – approximately 15m to the rear gardens of houses to the east, and approximately 20m to the rear garden of the house to the north. It is these houses which will be most impacted by the proposed development. There are also houses on the opposite side of Stockbridge Road approximately 40m from the eastern boundary of the site.

Whilst the period of potential noise disturbance is proposed to be extended by 3 hours up to 19.00 on Sundays and bank holidays this is not considered to be significant and does not justify the refusal of planning permission. In reaching this conclusion the following points are material

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- 19.00 pm is not considered to be an unsocial hour, whilst general activity in the area will tend to decline, it will still be evident
- The noise assessment submitted with the application demonstrates that, in the context of nationally recognised standards, noise levels from delivery activity up to 1900 hours on Sundays and bank holidays would not give rise to a significant adverse impact
- Deliveries operations will be conducted according to the Quiet Delivery Scheme submitted by the applicant. This includes limiting delivery to a 45-60 minute period, no waiting on site, no excessive breaking/engine noise, engines off during delivery, reversing alarm switched off, no goods transported outdoors, noise curtain in operation. In accordance with the wishes of the Environmental Protection Officer, a condition securing the operation of the Quiet Delivery Scheme will be attached to any permission.
- The extended delivery period will only apply on Sundays and bank holidays, not all week
- The extended delivery period will not give rise to any additional HGV deliveries over and above the existing situation - a maximum of 2 per day. This will be secured by a condition attached to any permission.

In conclusion, in respect of the impact of the development on the residential amenities of the occupiers of nearby houses, the application complies with local plan policies CP13, DM16, DM17 and DM20.

### **Sustainable Transport**

Whilst the proposal will have marginal negative impact on air quality in the period currently unaffected by deliveries, because no additional deliveries are proposed, the overall air quality position is unaffected. The site is not within the Air Quality Catchment Area as identified in the Air Quality SPD.

The proposal will not have any impact on highway safety as confirmed by the Highway Authority. The application therefore complies with local plan policies CP10, DM18 and DM19

### **Ecology and Biodiversity**

The application site is already in use as a supermarket and the proposal does not give rise to any issues relating to ecology or biodiversity. The application therefore complies with LPP1 policy CP16.

### **Equality**

In assessing planning applications, due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of its duty.

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**Planning Balance and Conclusion**

Currently, residents are not subjected to noise rising from HGV deliveries to the site beyond 1600 on Sundays and bank holidays as deliveries are prohibited by conditions attached to the extant planning permission. Whilst the proposed change will result in noise associated with deliveries extending into the period between 1600 and 1900 on Sundays and bank holidays, this will not be significant and does not justify the refusal of planning permission. The extension of delivery times is limited to Sundays and bank holidays and will not result in additional deliveries – the current number of deliveries will take place within a longer time period and will be undertaken according to a Quiet Deliver Scheme. The development accords with relevant local plan policies and is therefore recommended to be approved.

**Recommendation**

Approve subject to the following 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 deliveries shall be taken at or dispatched from the site except between the hours of 07:00 - 22:00 Mondays to Fridays, 07:00 - 10:00 and 12:00 - 22:00 on Saturdays, and 08:00 - 19:00 hrs on Sundays and Bank Holidays

Reason – to protect the amenities of the area.

3. No deliveries by articulated lorry shall be made to the site whilst the store is open for business.

Reason – to protect the amenities of the area.

4. The use hereby permitted shall not be open to customers outside the following times 08:00 and 22:00 Monday to Saturday and as permitted by law on Sundays.

Reason – to protect the amenities of the area

5. Deliveries by HGV to the site will be limited to no more than 2 per day.

Reason – to protect the amenities of the area and prevent traffic congestion

6. Deliveries will be undertaken in accordance with the Quiet Delivery Scheme (Aldi Stores Limited, Burnett Close, Winchester – uploaded 21 Feb 2023) submitted with planning application 23/00449/FUL.

Reason – to protect the amenities of the area

**Informatives;**

**Case No: 23/00449/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

1. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

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

LPP1 policies DS1, WT1, CP8, CP9, CP13 and LPP2 policies DM7, DM16, DM17, DM18, DM19 and DM20.

3. In accordance with paragraph 38 of the NPPF, Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

-offering a pre-application advice service and,

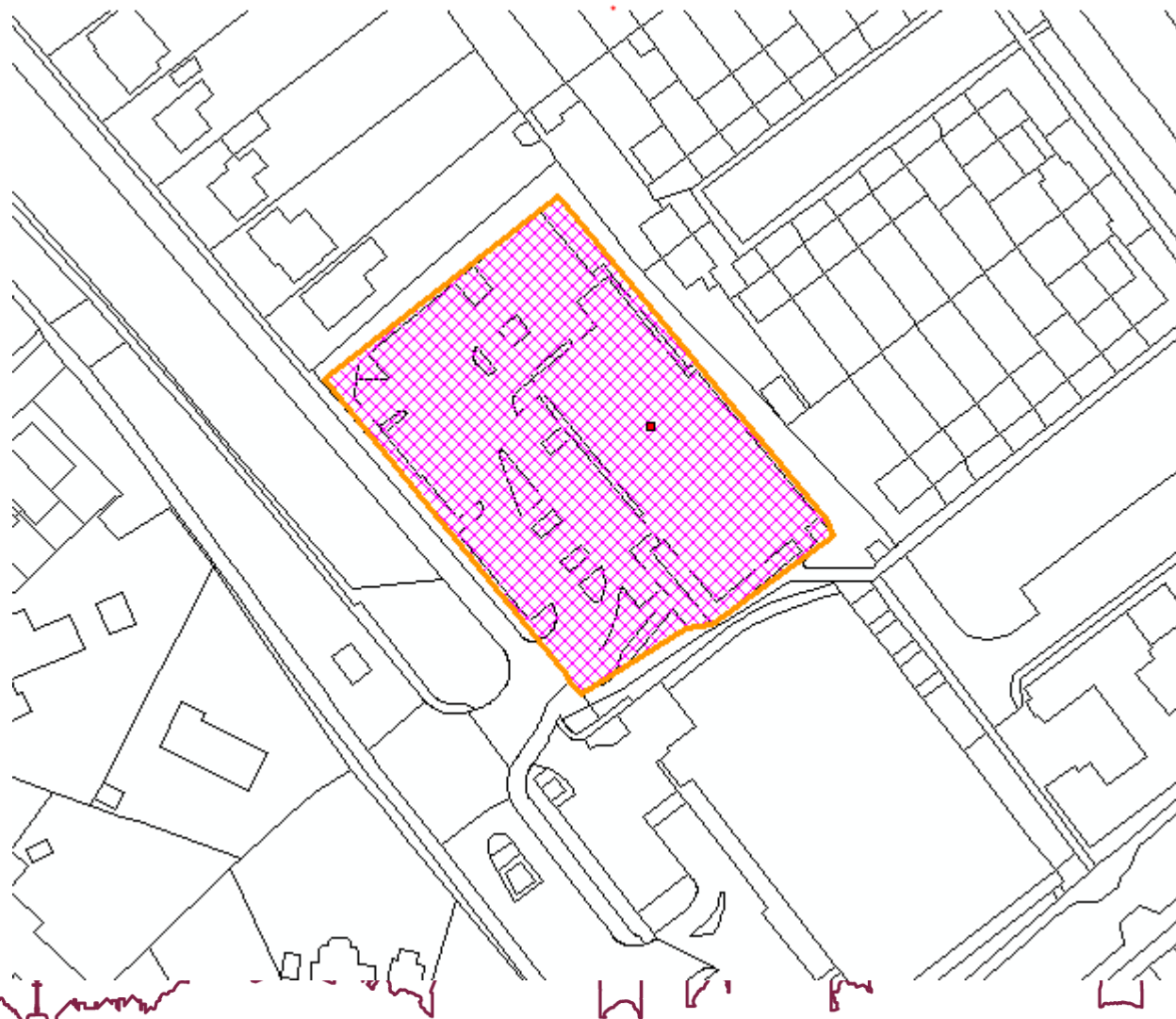
-updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

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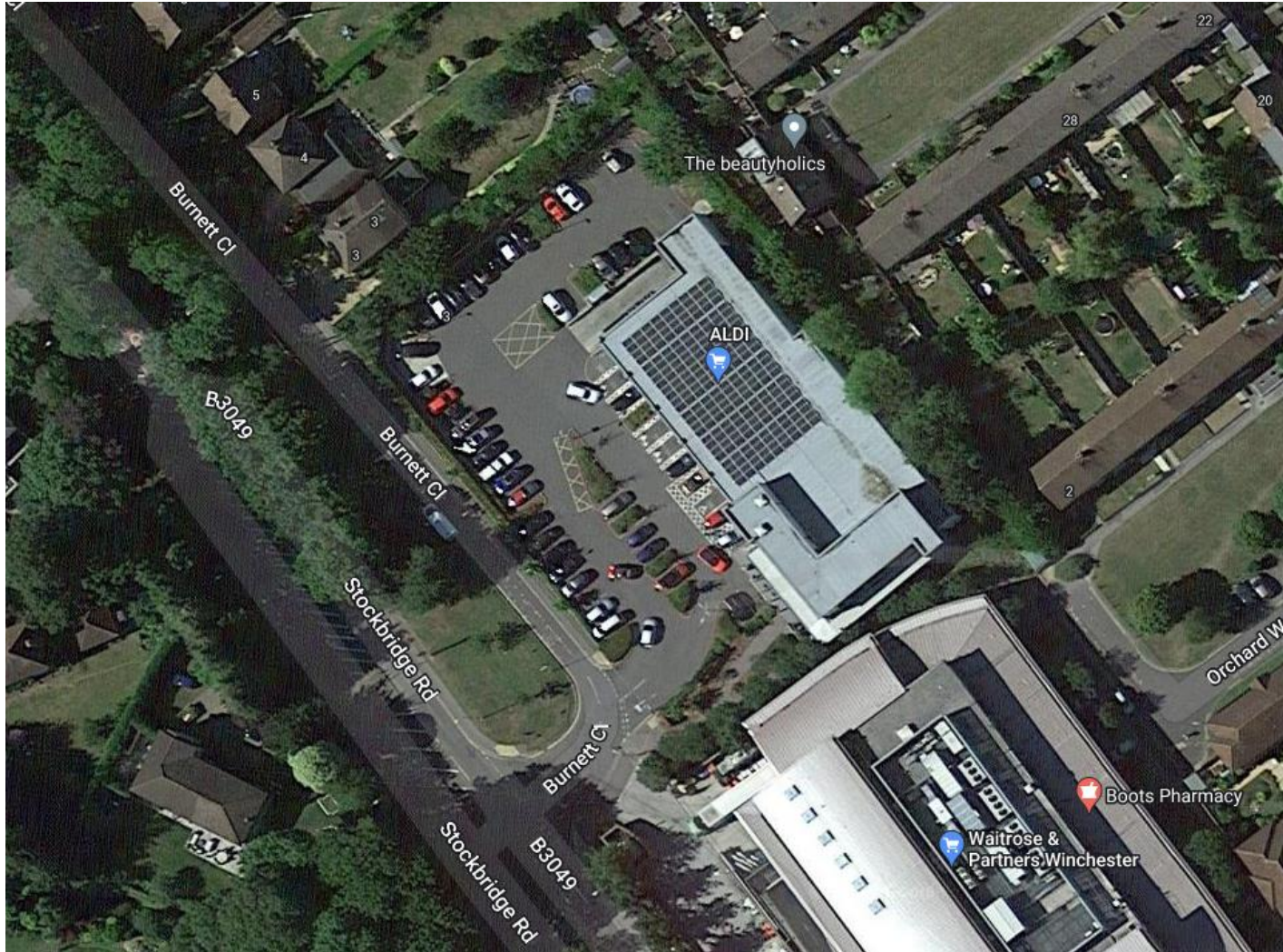
# 23/00449/FUL – ALDI FOODSTORE LTD, 2 BURNETT CLOSE, WINCHESTER

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# AERIAL PHOTO

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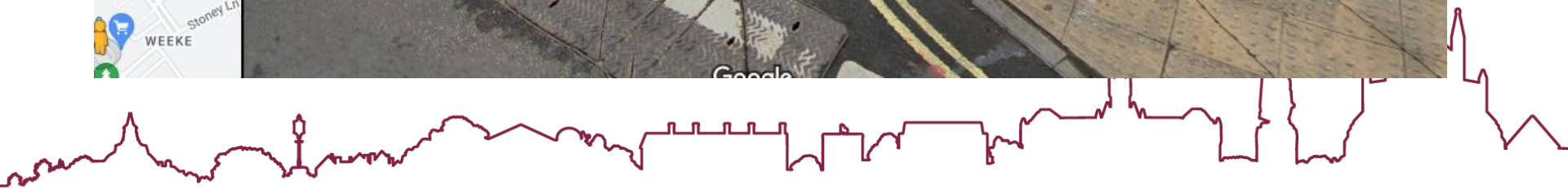




# VIEW FROM THE SOUTH WEST - STOCKBRIDGE ROAD




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# EXISTING DELIVERY TIMES AND PROPOSED DELIVERY TIMES

 Existing;

 No deliveries shall be taken at or dispatched from the site except between the hours of 07:00 - 22:00 Mondays to Fridays, 07:00 - 10:00 and 12:00 - 22:00 on Saturdays, and 08:00 - 16:00 hrs on Sundays and Bank Holidays

Page 76  Proposed;

 No deliveries shall be taken at or dispatched from the site except between the hours of 07:00 - 22:00 Mondays to Fridays, 07:00 - 10:00 and 12:00 - 22:00 on Saturdays, and 08:00 - 19:00 hrs on Sundays and Bank Holidays

