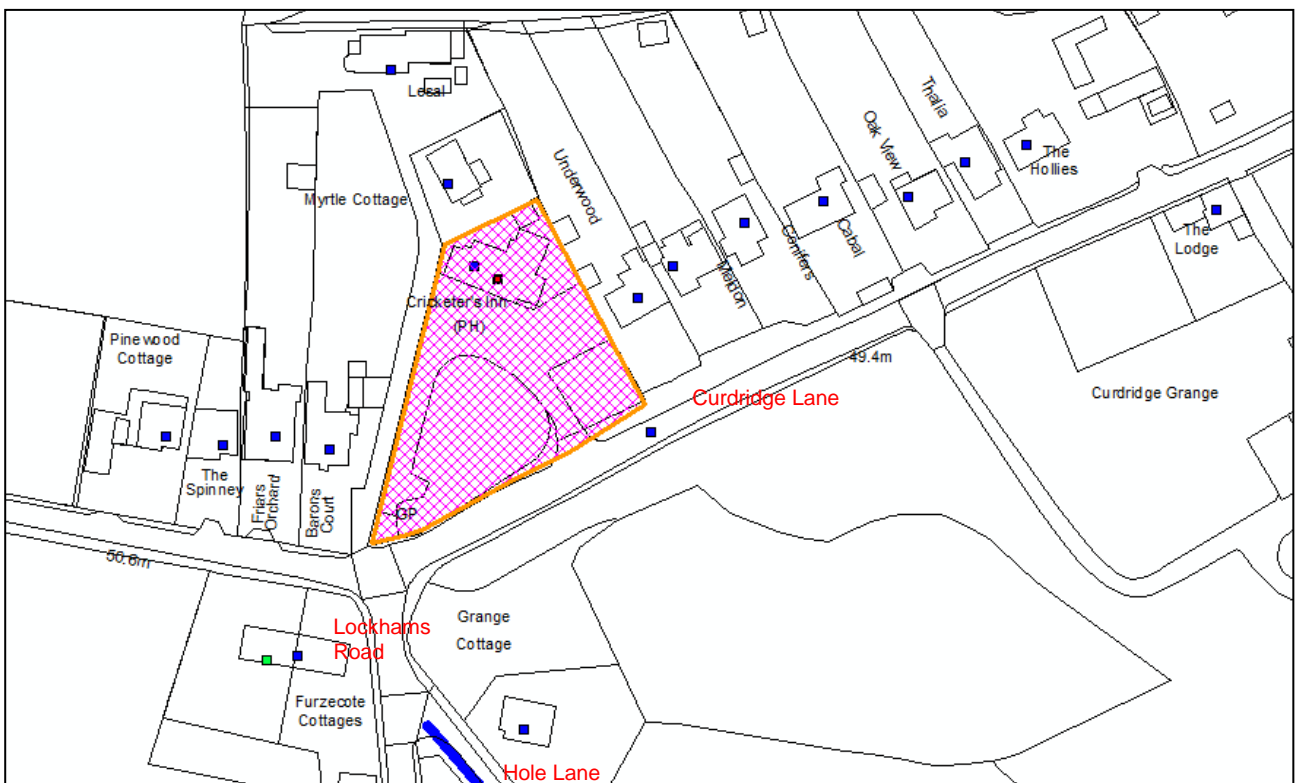


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**Case No:** 22/00502/FUL  
**Proposal Description:** (Retrospective) New timber garden building constructed within the front garden of the pub for ancillary use to the existing pub; the structure will include a pizza oven and seating for customers, with occasional use for special events (wakes, christenings and weddings)  
**Address:** The Cricketers Inn, Curdridge Lane, Curdridge, Southampton, Hampshire, SO32 2BH  
**Parish:** Curdridge Parish Council  
**Applicants Name:** Mr Stuart Downie  
**Case Officer:** Marge Ballinger  
**Date Valid:** 22 March 2022  
**Recommendation:** Permitted  
**Pre Application Advice:** Yes

**Link to Planning Documents**

<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 an area identified in the Local Plan where proposals for development will be supported, will not have a significant detrimental impact on the character of the area or the amenities of the neighbouring properties, and does not have an adverse impact on highway safety. The proposal is in accordance with the Local Plan Part 1 Policies DS1, MTRA1, MTRA3, CP6, CP10, CP11, CP13, CP14, CP16; and the Local Plan Part 2 Policies DM1, DM10, DM15, DM16, DM17, DM18, DM19, DM20, DM23, National Design Guide (2021).

### **General Comments**

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

### **Amendments to Plans Negotiated**

The following drawings were amended to correct details:

- Proposed Site Plan, drawing 22007\_301\_rev F amended 27 May 2022: drawing was amended to correct the position of the garden building (closer to the pub building; correction of 8m). The Environmental Health officer and Clarke Saunders (Acoustics Report agent) had been re-consulted with the corrected position; the amended location would not alter the original responses received.
- External Catering & Seating Plan (Andrew White Commercial Kitchens), drawing AWC\_840: the drawing was superseded as the seating design has changed from round tables to bench seating for 36 patrons.
- Garden Building Roof and Floor Plan, drawing 22007\_304\_rev B (amended 20 April 2022): amended to include correct door and window openings and flue location.
- Proposed Elevations, drawing 22007\_302\_rev D (amended 20 April 2022): amended to correct door and window openings and flue location.

Previous versions of the Site Plans (Existing Site Plan, drawing 22007\_305 and Proposed Site Plan, drawing 22007\_301\_rev E) were amended and subjected to a further public consultation period, including HCC Highways and local councillors. (Letters were mailed out on the 12 May 2022.) These drawings were amended to demonstrate the existing and proposed parking arrangements to the site. (The amended site plan rev F retains the original and proposed parking arrangements.)

### **Site Description**

The Cricketers Inn is outside the settlement boundary, and located north of Curdrige Lane adjacent the Lockhams Road junction. The pub's main building is set back into the site behind the building lines of dwellings along the lane (west and east). The pub building is a light painted brick with a slate roof that has been extended previously for facility and seating use. The proposal site currently has paved parking along the east portion of site, and the land forward of the building has seating adjacent the building's terrace and tables within the entire front grassed area within its garden. There is a

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children's wooden climbing frame built recently forward of a fir tree within the front grassed area as well. The site has a low picket fence surrounding the roadside boundary and some of the pub garden area, with a hedgerow along its west boundary that runs along an access road used by two dwellings north of the pub (Myrtle Cottage and Lesal). The site sits across the road from woodland protected under a TPO, and 36m from a designated ROW (Hole Lane).

The existing pub has its premises license opening hours Sunday-Wednesday 11.00-23.20, Thursday-Saturday 11.00-00.20 with some exceptions during specific bank holidays. Live music is allowed within the pub's main building only Thursdays 20.00-23.30 and inside recorded music for entertainment during bank holidays 20.00-23.30. (There are no restrictions to background music during opening hours.) No external speakers are permitted, as well as no light pollution toward neighbouring properties. (Details reference within license PREM253 - 20/00779/LAVDPS).

It is relevant to note that the applicant can apply for a Temporary Events Notice (TEN) that would allow special events up to 12 times/year to allow for later operating hours and music in the garden and this is currently coordinate and controlled by the WCC Licensing Team.

### **Proposal**

The proposal is to retain and finish the partially-built garden building upon hardstanding within the front garden of the pub. The building is partially open to its east side with seating for up to 36 people. The building is to have an enclosed kitchen space for use of a pizza oven. The building is 14.2m long by 6.7m wide approximately, with eaves height up to 2.9m, and ridge height of 4.4m approximately (of a dual-pitched roof), with 3 rooflights. The facing materials are timber cladding (to be dark stained) with a slate roof, and inside walls are built of red brick and timber frames (the roof and rear/side walls will be insulated). The building is positioned approximately 33m back from Curdridge Lane, and 16m forward of the pub, and aligned 1m away (parallel) to its front side (west) boundary line.

The proposed use of the building is to provide covered seating and provision for a pizza oven within an existing pub garden space. The regular intended use of the outbuilding and its kitchen/pizza oven facilities proposed has been agreed with the WCC Environmental Health officer to be Monday-Thursday 12.00-20.30, Friday-Saturday 12.00-22.00 and Sunday 12.00-20.00 (and controlled by Condition 2). The building will continue to fall within its current licensing permissions of no external music or speakers (Condition 3) or lighting that may create light pollution – although it is understood the internal low-level lighting such as festoon lighting may be installed within the roof void and what is necessary for its cooking facility. (Details of lighting will be submitted to the LPA for approval as Condition 4.) In addition to normal pub operating hours, the building's proposed use is to allow the occasional event such as wakes, christenings and weddings. When applicable to the event requiring special licensing permission, a Temporary Events Notice will be required and monitored/approved as one of its 12 temporary events per year by the WCC Licensing Team.

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**Relevant Planning History**

- 93/00439/OLD (W4475/03) (PER 13.07.1993) Replacement outbuilding and single storey extension: Details of the application included extensions for kitchen and alterations to parking and drive/access within the site.
  - Condition 2: Controls space for parking, drive and turning for up to 40 vehicles to be retained for such purposes.
  - Condition 10: No sound amplifying equipment shall be installed outside the premises.
  - Condition 11: Details of external lighting submitted for approval for the new extension: These details included 1no. wall light over each pub entrance, and 4no. wall lights in the new patio area fixed only to the wall on the eastern boundary to a height of 2m.
  - Condition 16: Equipment shall be installed to suppress and disperse fumes or smells produced by cooking.
- 03/00867/FUL (PER 13.05.2003) Single storey extension to side
- 06/03118/FUL (PER 07.08.2007) Erect picket fence around front lawn

**Consultations**

Hampshire County Council: Highway Authority

No objection. A condition will be added to retain the existing parking arrangement (Condition 8).

Service Lead for Environment: Environmental Protection

No objection, subject to a condition to restrict use of the garden structure/pizza oven within restricted hours (Condition 2). Additional advice received to include conditions to restrict the use of live/entertainment music as per the licensing agreement PREM253 20/00779/LAVDPS for clarity (Conditions 3).

Service Lead for Environment: Ecologist

No objection, subject to a condition to approve lighting details (Condition 4) and to proceed with recommendations of the Ecological Impact Assessment (Condition 5).

Service Lead for Environment: Landscape Officer

A comment of concern to the visual impact of the building upon the locality and suggested further consideration to policies DM15 (Local Distinctiveness) and DM16 (Site Design Criteria) should be addressed. A condition will be included to require planting to soften the appearance within its rural setting (Condition 6), and the retention of an adjacent hedgerow.

Service Lead for Environment: Drainage Engineer

No objection, subject to condition for SuDS installation to be approved by the LPA (Condition 7).

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**Representations:**

Curdrige Parish Council – An objection was received on the 30<sup>th</sup> April 2022. However, as this report was drafted, the Parish have asked to withdraw their original comment of objection in order to resubmit an amended version (to be received by 10<sup>th</sup> June 2022 and published within the public comments online, and included within the Chair's/Members' Update Sheets).

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

- Traffic creation would be to a potentially dangerous level as cars park on blind bend when the parking lot is full; the events use would add to the insufficient levels of parking; parking along the verge makes it difficult for 2-way traffic.
- The details do not restrict the use for take-away service of the pizza oven; therefore adding further harmful impacts to parking/traffic. During lockdown the pub offered pizza takeaway – potential increase to traffic/parking issues.
- The acoustic report (Clarke Saunders Acoustics dated Feb 2022) is ambiguous from a baseline situation as it is impossible to rationalise future noise levels to Baron Court (dwelling west) will increase rather than moderately reduce with increased events use. The assessment and survey were held during a time when the pub was closed for its kitchen renovation, not during the busier times/days when opened fully.
- The pub facility upgrades include a 'flame grill' industrial cooker and this currently has shown an uptick in customer visits. The new building will increase further use to the site (contributing to noise and parking issues).
- The building does not replace existing seating as the building/hardstanding were built partially-over previous parking spaces.
- Use for events would produce unacceptable noise levels in a residential area if music is involved. (This has already been experienced from some of the neighbours.)
- Noise levels, lighting and parking were controlled within 93/00439/OLD application and should remain relevant to this application.
- Concern with potential fire hazard of the timber construction with overhanging branches.
- Cooking odours and potential smoke from pizza oven would cause a nuisance.
- Size and design of the building, materials use, and the pizza oven flue not in-keeping with the area or the Victorian pub building; building out of scale with the existing pub garden and its rural charm.
- Site plan incorrectly demonstrates Baron Court's building perimeter for consideration.
- Other pub facilities use (i.e. toilets) have not been addressed with the increased table seating.
- Objection to the fact that commencement of the building works occurred without the necessary planning approvals in place.

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

- The building creates additional facilities for the local community's use; creates a

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community hub; would increase further connections and partnerships with St Peter's Church (Curdrige) with a lunch club for older members and other events.

- The building will create additional jobs to the local area; pub supports employment for the locals.
- Has managed to thrive throughout the pandemic when other local pubs could not and this is an asset to the community.
- The structure and its use ensures the viability of an important local business.
- Adds additional covered outdoor seating to the site.

Two Neutral Representations received from different addresses citing the following material planning reasons included in both sections above:

- The concept of the garden building and its use is supported to ensure viability of local business. But has concerns with parking and impact to the local roads, and a concern with noise levels of the events.
- Mixed feelings as the building has yet to be in use and do not know what impact it would have; happy for the recent awards received with the Cricketers Inn's success but also have concerns for noise and parking. Experience is that noise levels continue past the time advertised, but hope the staff will encourage those causing noise at late hours to move on (especially during summer hours when windows are often open within nearby dwellings).

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

#### National Planning Policy Framework 2021

- Para 7 - the proposal meets the test of sustainable development including the economic, social and environmental objectives.
- Para 39 - pre-application engagement and front-loading.
- Para 47 - planning law requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.
- Para 85 – development to meet local business and community needs in rural areas outside settlement boundaries (and not well-served by public transport) is sensitive to its surroundings and does not have an unacceptable impact on local roads.
- Para 119 - planning decisions should promote the effective use of land in meeting the need for homes and other uses while safeguarding and improving the environment and ensuring safe and healthy conditions.

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

- DS1 – Development Strategy & Principles
- MTRA1 – Development Strategy Market Towns and Rural Area
- MTRA3 – Other Settlements in the Market Towns and Rural Area
- CP6 – Local Services and Facilities
- CP10 – Transport
- CP11 – Sustainable Low and Zero Carbon Built Development
- CP13 – High Quality Design
- CP14 – Effective Use of Land
- CP16 – Biodiversity

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

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- DM1 – Location of Development
- DM10 – Essential Facilities & Services in the Countryside
- 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

Supplementary Planning Document

- National Design Guide 2019
- High Quality Places 2015
- Air Quality SPD September 2021
- Curdridge and Curbridge Village Design Statement 2002

Other relevant documents

- Climate Emergency Declaration Carbon Neutrality Action Plan 2020-2030
- Statement of Community Involvement 2018 and 2020
- Landscape Character Assessment March 2004 and emerging LCA December 2021
- Biodiversity Action Plan 2021

**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) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal is outside the settlement boundary of Curdridge and the principle of development is acceptable providing it complies with the relevant policies and material planning considerations.

**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**

Outside defined settlement boundaries, development proposals which accord with the Development Plan will be permitted where they do 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 (Policy DM23 of the Local Plan Part 2). Policy DM15 of the Local Plan Part 2 (LPP2) would allow development that respects the qualities, features and characteristics that contribute to the local distinctiveness of the area. Policy DM16 of

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LPP2 allows development that responds positively to the character and appearance of the area in terms of design, scale and layout. What is considered significant to the public views of The Cricketers Inn are the open views from the roadside through the existing beer garden toward the historic pub building. There is a large tree within the front garden, with taller trees surrounding the pub along its side and rear boundaries and woodland across the roadside (south). The area has been assessed as primarily residential, with dwellings along the roadside with agricultural and open fields beyond.

The garden building has been part-retrospectively built with its walls and roof. The building is designed with its pizza oven/kitchen area enclosed with open bays of seating that face out toward the beer garden. Materials are slate with a red round ridge tile to its dual-pitched roof, and timber cladding to the external walls that are to be dark-stained to match the dark window and door frames (already fitted). The use of the timber cladding creates a more utilitarian appearance when compared to the Victorian pub building. Although the size and scale of the building partially interrupts the open views toward the pub building itself, and brings built form into a previous undeveloped pub garden, the impact is not considered to be detrimental to the tranquillity of the rural residential setting due to its lightweight materials (timber cladding).

The WCC Landscape officer had concerns of the visual impact upon the setting from initial discussions. The western boundary has a low laurel hedge that is to be retained. However, further planting around the south and north side of the garden building's elevations would help soften its appearance when viewed from the more public areas. A planting scheme to include retention of the adjacent hedgerow boundary would be required for approval by the LPA prior to use of the building (Condition 6).

The design and position of the garden building set back into the site away from the road, together with a planting scheme condition to soften the building's appearance, is considered to not have a harmful impact on the existing area's rural character within the public views along Curdridge Lane and Lockhams Road, and therefore complies with DM15, DM16 and DM23 of the LPP2.

### **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.

### **Neighbouring Amenity**

Policies DM17, DM19, DM20 and DM23 of the LPP2 lists Site Development Principles that must be followed, including that the proposal must not have an unacceptable adverse impact on adjoining land or neighbouring amenities by reasons of overlooking, overshadowing or overbearing, or any other adverse impact to primary amenity spaces, including noise and lighting impacts.

Potential Noise Impacts to Neighbouring Amenities:

Barons Court is the dwelling nearest the garden building (west). What is shown in the site plans is not up-to-date as the Barons Court has had a garage removed and a kitchen extension built that includes a small office/study along the boundary approved in 2020

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(built in early 2021). The retrospective pub garden building is positioned approximately 5m away from the boundary of Barons Court. The building's extraction and flue from the pizza oven is nearer the kitchen extension of Barons Court. The acoustic report (Clarke Saunders Acoustics dated 22 Feb 2022) has assessed the proposed equipment extraction fan for the pizza oven at a distance of 11m from the dwelling and has considered the existing use of the site for patrons within the beer garden. The conclusion from that assessment is the extraction fan within the pub garden's setting would have a low impact. The assessment also noted that the garden building will replace existing outdoor patron noise with a partially-enclosed structure, and therefore not contributing further to any additional patron activity.

The WCC Environmental Protection officer had also reviewed the details of the noise impact assessment and the existing use of the site. Although the building will bring further cooking equipment nearer a neighbouring dwelling, the equipment has met the noise thresholds to not have a detrimental impact. The existing use of the pub garden for seating will be replaced with enclosed seating – therefore the retention of the building is considered acceptable in terms of potential impacts of noise upon neighbouring dwellings. There will be a condition added (Condition 2) that will control the use of the building to comply with terms of its premise opening license in order to reduce any further potential residential noise impacts.

Although Barons Court is the nearest dwelling to the garden building, events such as wakes, christenings and weddings may have an impact on the wider community as the pub is near other dwellings built north and east of the pub, as well as across Curdrige Lane south. The applicant can obtain a temporary events license to the site up to 12 times/year, and this would also include the use within the pub garden. This temporary events license could potentially allow live or recorded music played outside of the restrictions of the premises license, but those permissions would be controlled by the Licensing Team. The retention of the garden building for such purposes does not contribute to an increased impact to the residents, but would only provide covered seating or kitchen/pizza cooking provision for such events (if required). The normal use of the building for such purposes is not considered to have a harmful impact to the area's primary amenities in terms of noise, but Condition 3 will be included to ensure there are no outside speakers installed or used on the garden building, or no musical instruments or live music, to comply with its premises license during the normal permitted times/days of use. With this condition in place, the proposal is therefore considered to comply with Policy DM20 of the LPP2 (Development and Noise).

**Potential Light and Odour Impacts to Neighbouring Amenities:**

The proposal does not include any external lighting, but only low-level internal lighting. The details will require approval prior to installation. (Condition 4 will be required to approve any lighting details at the request from the WCC Ecologist, in order to assess any potential harmful impacts to biodiversity.) There has been a portable pizza cooking facility on site previously. The WCC Environmental Health Officer has reviewed the proposed pizza oven specifications, and its extraction and flue is considered appropriate for a pub garden's use. The Environmental Health Officer had no further objections to the use of the pizza oven in terms of potential impact of cooking odours upon neighbouring amenities due to the distance from neighbour dwellings and the extraction specs involved.

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**Building Control Inspections:**

The garden building will be subject to Building Control's inspections, so the use of the flue and its location will be required to abide by fire regulations (and all other safety regulations) so no further harmful impact is expected with these inspections in place.

Considering all neighbouring dwellings surrounding the retrospective garden building, no adverse impact is expected in terms of noise, lighting, odours and fire safety with the retention of use of the garden building. The development is not built to a scale to create any overbearing or overlooking issues. Therefore the proposal is in compliance with DM17, DM19, and DM20 of the LPP2.

**Sustainable Transport**

The Planning Statement provided details of the location of the Botley train station to be 1.5 miles away (within walking distance) and a regular hourly bus (X9) that links the site with larger villages and towns (Eastleigh, Colden Common, Hedge End, Botley, Bishops Waltham, Waltham Chase, Swanmore). There is on-site parking available for up to 32 vehicles within the existing and proposed site plans. Although the previous parking spaces were reduced after the July 2020 pub's manager change with some garden alterations, this application is to consider whether the retention of the garden building and its future use would have an additional harmful impact upon the existing parking and traffic.

Although parking is a common concern of the Curdridge Parish Council and the local residents noted within the public comments received, the planning application is for the approval of a pub garden building with cooking facilities within its existing setting, and an assessment must consider if the building's retention will have a further adverse impact upon parking and highway safety. The Hampshire Highways officer had visited the site, and reviewed the details provided. The consultation assessment was based upon the retention and use of the garden building: the building displaces some of the previous garden seating with a similar area of garden seating – therefore there was no objection raised from the Highways officer in terms of highway safety within this application's details. From a planning perspective within this application, the assessment is to rely on the HCC Highway Officer's advice.

It is worth noting that there is evidence that the pub has had an increased footfall due to the recent efforts of the new manager, leading to winning national pub awards. Commercial parking assessments are primarily based upon a restaurant or pub's seating area measurements (not by the number of tables and seating), but this application is not displaying a further increase in existing dining space, or a reduction of its current parking for use, as a direct relationship to the garden building's retention, in order to refuse the application on this basis alone. It is considered that this application has no further impact on the existing parking arrangements with the displacement of garden seating with covered seating. However, it is reasonable for us to request that a minimum of 32 vehicle spaces are retained on site via Condition 8 due to the increase in recent footfall. The site has sustainable links via public transportation and there is sufficient traffic movement within the proposed parking arrangements. Therefore the garden building's retention is in compliance with CP10 of the LPP1 and DM18 of the LPP2.

**Ecology and Biodiversity**

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In regards to environmental nutrient levels, while the proposed development is within Winchester District where foul water is distributed into the European designated areas Solent SPAs/Ramsar sites via water treatment plants, the proposal is not for overnight accommodation and so does not trigger an assessment of increased nitrate levels.

An Ecological Impact Assessment (ECOSA dated Feb 2022) was submitted as part of the assessment given the rural character and proximity to trees and woodland nearby. The assessment has concluded that no further harmful impacts are expected to the retention of the garden building and its use, and has proposed a bat box as enhancement on an existing tree within the wider ownership of the site, as well as two house sparrow terraces to be installed in the rear wall of the garden building. This will be controlled by Condition 5 (Enhancement), along with Condition 4 (Lighting) to approve any lighting proposed prior to installation. Although there is no plan to alter the existing nearby hedgerow, this will be conditioned to be retained as an inclusion within Condition 6 (Landscape) in order to maintain potential for nesting birds near the site.

Overall, it is considered that the proposal therefore complies with LPP1 Policy CP16 (Biodiversity).

### **Sustainable Drainage**

Due to the area's location in Flood Zone 1, there was no objection raised from our Drainage Engineer. Changing more than 95 sqm of grass land to hardstanding was a concern, but can be addressed with a Sustainable Drainage System (SuDS) that will future-proof surface water runoff with an appropriate allowance for climate change. Due to the retrospective nature of the application, these details have been conditioned to be submitted for the approval by the LPA and installed within 3 months of the planning decision (Condition 7).

### **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**

The proposed part-retrospective garden building is sited in within an existing pub garden used for its patron's seating, with the inclusion of a pizza oven, and consideration has been given to its relationship to the character of the area, residential amenities, and to the host building in terms of size, scale and design. Although the building works have started prior to planning determination, consideration to its retention and impact is not considered to cause sufficient harm on a detrimental level to require its removal to revert back to open garden seating only.

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The use of the existing pub garden and its facilities is already established, so the retention of the garden building is considered to be in compliance with Policies MTRA1 (Development in Market Towns/Rural Areas) or CP6 (Local Services and Facilities) of the LPP1 or DM10 (Essential Facilities/Services in Countryside) of the LPP2.

The application is therefore considered to be acceptable and in accordance with the development plan.

**Recommendation**

APPROVE subject to the following conditions:

1. The development hereby approved shall be as already partially built on site and shown in the following plans received:

- Location Plan, drawing 22007\_303\_rev B amended 05.04.2022
- Proposed Site Plan, drawing 22007\_301\_rev F amended 27.05.2022
- Proposed Elevations, drawing 22007\_302\_rev D amended 20.04.2022
- Proposed Roof & Floor Plan, drawing 22007\_304\_rev B amended 20.04.2022

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

2. The use of the garden building including the use of the pizza oven and kitchen area hereby permitted shall only open to customers within the following times:

- Mon-Thurs 1200-2030
- Fri-Sat 1200-2200
- Sun 1200-2000

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

3. No sound amplifying equipment shall be installed or used within or surrounding the garden building hereby approved, including the use of musical instruments.

Reason: To protect the amenities of the occupiers of nearby properties, and to accord with the Premises License (PREM253 - 20/00779/LAVDPS)

4. Details of any lighting within use of the garden building shall be submitted to, and approved in writing by the Local Planning Authority prior to installation and use of the development. The lighting scheme should be in accordance with Guidance Note 08/18 produced by the Bat Conservation Trust and Institute of Lighting Professionals. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and protected species from light pollution.

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5. The recommendations within the Ecological Impact Assessment (Ecosa, February 2022) shall be adhered to throughout all phases of the development and the enhancement features be sited prior to the development coming into its intended use and retained thereafter.

Reason: To safeguard protected species and maintain biodiversity in accordance with CP16 and the NPPF 2021.

6. Prior to the completion and use of the garden building hereby approved, details of a soft landscape scheme are to be submitted and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season. If within a period of five years after planting, if any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless the Local Planning Authority gives its written consent to any variation. These details shall include the following as relevant:

- Planting Plan near the north and south elevations of the building, and retention of the nearby existing hedgerow retention noted;
- Written specifications and schedules of plants, noting species, sizes and proposed numbers/densities where appropriate.

Reason: To maintain the tree/vegetation cover and the contribution that trees/vegetation make to the character and amenity of the area and countryside.

7. Within 3 months of this decision, details of a provision for a Sustainable Drainage System (SuDS), to handle runoff from this proposal in 1 in 100-year storm events with an appropriate allowance for climate change, shall be submitted to and approved in writing by the Local Planning Authority, and installed within that timeframe. The details shall include either infiltrating into the ground or attenuating to discharge into the system at a rate that is as near to greenfield runoff rate as practicable. The approved details shall be fully maintained for the life of the proposal, unless otherwise agreed in writing by the LPA.

Reason: To ensure satisfactory provision of surface water drainage.

8. The minimum number of spaces (32) defined with the Proposed Site Plan, drawing 22007\_301\_revF amended 27 May 2022 shall be maintained for customer parking, unless otherwise approved in writing by the LPA.

Reason: To retain proper provision of off-street parking, and in the interest of highway safety.

9. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those as detailed in the Materials section of the associated application forms.

Reason: To ensure a satisfactory visual relationship between the new development and its surroundings.

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**Informatives:**

1. The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works can commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with. If works commence on site before all of the pre-commencement Conditions are discharged then this would constitute commencement of development without the benefit of planning permission and could result in Enforcement action being taken by the Council. The submitted details should be clearly marked with the following information:

The name of the planning officer who dealt with application

The application case number

Your contact details

The appropriate fee

Further information, application forms and guidance can be found on the Council's website

- [www.winchester.gov.uk](http://www.winchester.gov.uk)

2. 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.

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

- Local Plan Part 1 Joint Core Strategy: DS1, MTRA1, MTRA3, CP6, CP10, CP11, CP13, CP14, CP16

- Local Plan Part 2: DM1, DM10, DM15, DM16, DM17, DM18, DM19, DM20, DM23

4. 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.

5. 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.

Flexibility of hours may be acceptable due to the Covid-19 emergency in line with the Business and Planning Bill 2019-21 <https://services.parliament.uk/Bills/2019-21/businessandplanning.html>

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. Where construction site working hours are limited by a planning condition you can apply under Section 74B of the Town and Country Planning Act 1990 which provides a temporary fast track to vary existing conditions.

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PLANNING COMMITTEE

<https://www.gov.uk/government/publications/construction-working-hours-draft-guidance/draft-guidance-construction-site-hours-deemed-consent>

6. During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

7. 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 Practise

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

8. Please be advised that Building Regulations approval may be required for this development. Please contact WCC Building Control Department for more information <https://www.winchester.gov.uk/building-control>

9. The applicant should note that this permission does not give any property rights to building on or encroach over or under the adjoining property. The applicant may be required to serve notice under the Party Wall etc Act 1996.