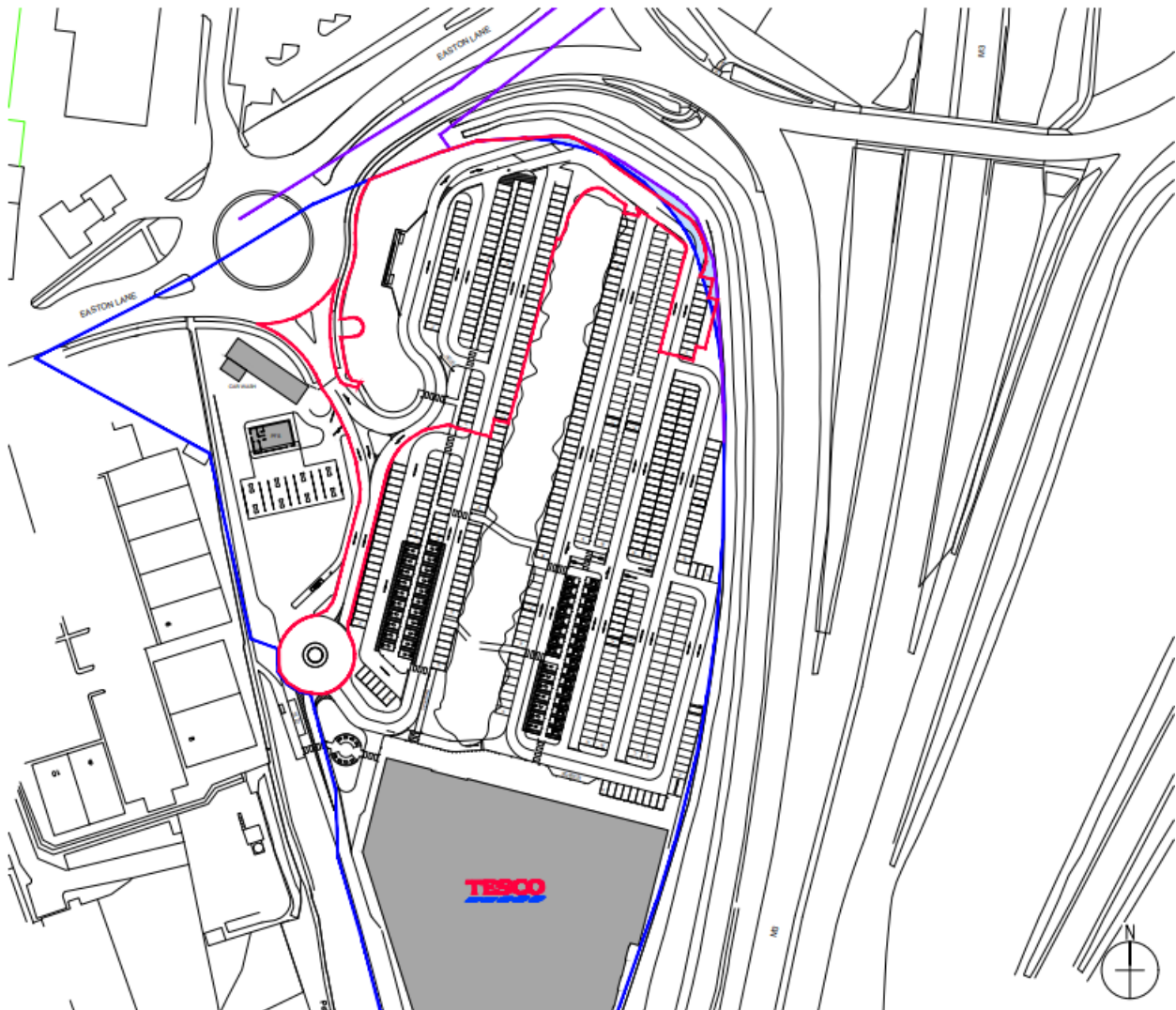


WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Case No:** 22/00230/FUL  
**Proposal Description:** (amended plans 25.03.2022) Erection of a freestanding restaurant with drive-thru facility, car parking, landscaping and associated works, including Customer Order Displays (COD) and Play Frame (Class E/Sui Generis).  
**Address:** Tesco Stores Ltd Easton Lane Winchester Hampshire SO23 7RS  
**Parish, or Ward if within Winchester City:** St Bartholomew  
**Applicants Name:** McDonald's Restaurants Ltd  
**Case Officer:** Mrs Megan Osborn  
**Date Valid:** 3 February 2022  
**Recommendation:** Application Permitted  
**Pre Application Advice** Yes (18/02505/PRE)

**Link to Planning Documents** – enter in reference number 22/00230/FUL

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



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### **Reasons for Recommendation**

The application is recommended for permission as it is considered that this development is acceptable in terms of the relevant planning policies as set out in the Winchester District Local Plan. It is considered that the development will not result in any material negative impact on the use and character of the area and would not harm neighbouring residential amenity in accordance with policies CP8, CP9, CP10 and CP13 of the LPP1 and WIN1, WIN11, DM7, DM15-18 of the LPP2.

### **General Comments**

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

In addition, it was requested to be seen at committee by Ward Councillor Cook.

### **Amendments to Plans Negotiated**

Amended plans have been submitted that update the landscaping plan in line with the request from officers. This includes the widening of the pedestrian /cycle access from the cycleway onto the patio.

### **Site Description**

The application site is located to the north end of the existing Tesco car park in the north eastern part of Winnall.

The surrounding area is made up for a mixture of commercial uses, including Tesco, two petrol filling stations, a car wash, Homebase, costa drive thru, Halfords, Pets At Home, Currys and Wicks. These are all set within a wider industrial park.

The site links the National cycle route 23 and has a public footpath running adjacent to it.

### **Proposal**

The proposal is for a detached McDonalds Drive Thru, car parking, landscaping, signs (although these have not got advertisement consent) and a play frame.

The proposal will provide 33 parking spaces, 2 accessible spaces and 3 grill bays. There will be 4 bike stands.

### **Relevant Planning History**

The existing site is occupied by Tesco, which is located to the south of the main site. The rest of the site is made up of car parking and Tesco petrol station and a recycling station.

Tesco has a number of planning applications on the site, but none that are relevant to this

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specific proposal.

## **Consultations**

### Service Lead for Community – Landscape

Commented on 16<sup>th</sup> March 2022, requesting more information and then again on 24<sup>th</sup> August 2022. Further information was submitted during the process of this application and as a result of the information, no objections have been raised.

### Service Lead for Community – Ecology

Commented on the 11<sup>th</sup> May 2022 requesting more information and then again on the 6<sup>th</sup> September 2022. Comments were based on the information submitted in the Preliminary Ecological Appraisal Report (July 2022). The proposals within the report are acceptable.

### Service Lead for Community – Trees

After changes were made to the tree works to avoid the tree routes, no objections were raised, subject to conditions. (Conditions 11-13)

### Hampshire County Council – Highways

Commented on the 5<sup>th</sup> May 2022 with a holding objection requesting more information, further comments were made, following more information being submitted on the 31<sup>st</sup> August 2022. No objections were raised, subject to a condition and a legal agreement being signed. (Condition no 3)

### National Highways

Commented 5<sup>th</sup> May 2022, which requested more information before commenting, then further comments were submitted following more information on the 30<sup>th</sup> June 2022. Based on the site boundary drawing provided by the applicant (Drawing no: 6968-SA-8901-AL01 G) and the conclusion reached from the overlaid plans, the national Highways Authority are satisfied that proposal will not materially impact safe operation of the strategic road network (SRN).

### Hampshire County Council Lead Flood Authority

The information provided is acceptable and therefore no objections are raised, subject to a condition. (Condition 5)

### Southern Water

No objections.

### Service Lead for Community – Drainage

No objections.

### Service Lead for Development Management – Strategic Planning

No objections see main report.

### Service Lead for Historic Environment – Urban Design

No objections.

### Service Lead for Environment – Environmental protection

No objections subject to conditions.

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Service Lead for Community – Contamination

No objections.

**Representations:**

Councillor Sue Cook, Colden Comment and Twyford Ward

*'As a Winchester City Councillor I wish for this Application to be heard and decided upon by the Winchester Planning Committee. This Application would have an adverse effect on the residential area that is nearby and it would also add to the congested Winnall Estate and the nearby Junction that has daily traffic issues. Sadly this theme of Drive Thru is known for its Anti-Social behaviour that it attracts and with the nearby Car Park that looks to lose 80 plus Car Parking spaces is a recipe for disaster. Any motorist that travels on a day to day basis would surely not miss the unkept Tesco car park and the surrounding junction on the Winnall approach plus the verges and this drive thru would add to the vast amounts of litter that is discarded by regular users of the Area.*

*As a Council we want to encourage Health and Wellbeing but this application is against that in so many levels and for that reason I wish for this application to be heard by the Planning Committee and Winchester In fact already have a McDonalds in the City so why should we approve this outlet?'*

City of Winchester Trust

- The superfluity of signage proposed could lead to confusion.
- This suggests an increase in traffic and congestion on an already overcrowded site, which will become busier due to proximity to new motorway junction.

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

- Adverse impact on traffic
- This proposal would remove some of the disabled spaces for Tesco
- This would result in large amounts of rubbish on the streets
- There is not enough information in relation to the cycle and pedestrian routes
- The transport assessment is inadequate
- This will add to emissions, given the Winchester City Councils carbon neutrality action plan
- This contravenes the Winnall Development Framework
- Objections in relation to the proposal and the cycle route

Non material reasons:

- This would result in anti-social behaviour

**Relevant Government Planning Policy and Guidance**

National Planning Policy Framework

Section 2 – Achieving sustainable development

Section 4 – Design –making

Section 6 – Building a strong, competitive economy

Section 7 – Ensuring the vitality of town centres

Section 15 – Conserving and enhancing the natural environment

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The National Planning Policy Framework is supportive of sustainable development with the development plan as the starting point for decision making. Where a planning application conflicts with up to date development plans, permission should not usually be granted.

Para 87 requires local planning authorities to apply a sequential test to planning applications for main town centre uses which not in an existing centre. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Annex 2: Glossary defines Main Town Centre Uses and includes restaurants and drive thru restaurants.

National Planning Practice Guidance

Consultation and pre-decision matters

Design: process and tools

Determining a planning application

Use of planning conditions

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

DS1 Development Strategy and Principles

WT1 – Development Strategy for Winchester.

CP8 – Economic Growth and Diversification.

CP9 – Retention of Employment Land

CP10 – Transport

CP11 – Sustainable Low and Zero Carbon Built Development.

CP13 – High Quality Design

CP14 – Effective Uses of Land

CP19 – South Downs National Park

CP21 – Infrastructure and Community Benefit

The Plan seeks to retain existing employment land and buildings (CP9) unless this would not be reasonable or realistic. Proposals should be acceptable in terms of transport, parking, design, efficient use of land, and infrastructure provision (CP10, CP13, CP14, and CP21).

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

WIN1 – Winchester Town

WIN3 – Views and Roofscape.

WIN11 – Winnall

DM1 – Location of New Development.

DM7 – Town, District and Local Centres.

DM15 – DM17 – Local Distinctiveness / Site Design / Development Principles

DM18 – Access and Parking

Development in Winchester should follow the principles set out in policy WIN1, as well as being appropriate in terms of conserving local distinctiveness and following appropriate site design and development principles (DM15 – DM17).

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Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Air Quality SPD September 2021

The Winnall Planning Framework (adopted 2015 SPD):

The framework has the following 3 objectives;

1. Encourage businesses to start up, stay and grow in Winnall.
2. Provide facilities to support business functions that make this a desirable place to work.
3. Provide space for creative and cultural start-up businesses, as well as those in low carbon industries.

The Framework envisages defining a retail / trade corridor along Easton Lane beyond which no further retail / trade uses will be permitted. The Framework also sets out that Easton Lane should be re modelled as a 'civic boulevard', with strong frontages and good landscaping to create an attractive gateway into Winnall and Winchester. Any opportunities for redevelopment should adhere to standard Local Plan policies regarding design, setting and amenity. Where opportunities arise, development should respond positively to the moors / South Downs National Park and network of green spaces in the area, without impacting on the landscape value or biodiversity of these spaces. Although the proposed use is not retail it may be acceptable as a supporting / ancillary use provided it passes the sequential test requirements.

Other relevant documents

Climate emergency declaration carbon neutrality action plan 2020 – 2030

Statement of Community Involvement 2018 and 2020

Winchester District Economic Development Strategy 2010-2020

Hampshire Economic Assessment

Landscape Character Assessment March 2004 and emerging LCA December 2021

Biodiversity action plan 2021

Waste Management Guidelines and Bin Arrangements

**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 is a full planning application for the erection of a freestanding restaurant with drive-thru facility, car parking, landscaping and associated works, including Customer Order Displays (COD) and Play Frame (Class E/Sui Generis).

The application site is within the defined settlement boundary of Winchester and subject to the provisions of policy WIN1. The site lies within the car park / recycling area associated with the Tesco superstore (retail use).

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The site is surrounded by other industrial / commercial uses to the north, west and south and to the east is the M3 motorway and slip road to the Winnall roundabout. The main Tesco superstore is to the south of the site with car parking between it and the proposed application site. There is a petrol filling station and car wash also within the Tesco site to the west of the proposed application site.

The site is adjacent to the boundary with the South Downs National Park and the area around the Winnall roundabout where National Highways are proposing environmental improvements, which will have some bearing on the consideration of this application. See assessment of this further in the report.

The development plan for the area seeks to retain existing employment land and buildings (CP9) unless this would not be reasonable or realistic. The site is currently in retail use and occupied by a Tesco superstore. Policy WIN11 deals specifically with the Winnall area, including this site, and seeks to implement the Winnall Planning Framework. The site is within sub area 2 where the Council will adopt a more flexible approach in applying policy CP9 and may permit employment-generating uses outside of the B1, B2 and B8 Use Classes. The proposed use will generate a degree of additional employment on the site.

Policy DM7 (LPP2) requires town centre uses which include A1 – A5 uses to be located within the defined centre of Winchester identified on the policies map. The proposed application is for a main town centre use in an out of town location. The application is supported by a sequential test report which shows that there are no sites available or suitable in a sequentially preferable area. Sequentially preferable sites should be within Winchester town centre, followed by sites on the edge of the centre with final preference being for out of centre sites.

This policy is designed to prevent development having an adverse impact on the vitality and viability of the town centre. DM7 may allow for small scale town centre uses (up to 278m<sup>2</sup>) outside of the defined centre where they provide a local facility or service but the proposed use is in excess of this threshold and so is subject to a sequential test. The submitted sequential test report is dated January 2022 and picked up any suitable units in the town centre or edge of town that have become vacant due to the impacts of the pandemic. The report concludes that there are no suitable sites available for this type of development in the town and this would seem to be the case due to the specific requirements of a drive thru restaurant facility. The report states that the proposed development would not adversely impact on the vitality of the town centre. The site is in a good location to benefit from a significant amount of passing trade from users / visitors to the mix of other uses in the vicinity. The site is highly accessible (by car) from the main road junctions (A34, M3). The site is also accessible by foot, cycle and public transport (bus) which already services the supermarket.

Policy WIN11 (LPP2) aims to ensure that Winnall remains the main employment area for Winchester and planning permission will be granted for proposals which are in accordance with the Development Plan and the approach for Winnall as set out in policy WIN11 and the Winnall Planning Framework. Development proposals should;

i) Provide a range of employment opportunities. The proposal will afford some employment opportunities and the application form sets out that the proposed use will provide the equivalent of 50 full time positions.

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ii) Provide tangible improvements to the public realm. The site is close to Easton Lane and it may be possible to provide some planting or pedestrian links etc which could be improvements to the public realm. From the submitted plans it appears that the existing mature planting may be compromised by the proposals, these have been assessed by the landscape officer and it is found acceptable given that further planting is proposed.

iii) Wherever feasible provide an attractive, active frontage which addresses the street and avoids bland rear/side elevations onto Easton Lane. From the layout plan it appears that the proposed building is relatively close to Easton Lane and even at single storey will be visible, however this has been assessed and the proposed design of the building is considered acceptable this location on the roundabout with other buildings closer and higher in relation to the road.

iv) Provide parking for staff and commercial users to meet the requirements of the proposed development. The application is supported by a transport assessment which considers the access and parking and confirms that there will be a loss of 85 car spaces on the site as a whole but some spaces will be shared. The loss of this parking to Tesco is considered acceptable as they have ample parking remaining. There is also sufficient parking for the restaurant and drive through facility. Overall, this is considered acceptable.

v) Where a new town centre use is proposed, provide evidence to show that the use requires an out-of-centre location and that a “sequential approach” has been applied to demonstrate that the use could not reasonably be accommodated in a more sequentially-preferred location. A sequential test report has been submitted with the application and concludes that no alternative sites close to town are available and that the proposed development will not adversely impact on the vitality of the town centre. Officers agree with this conclusion.

Winchester City Council has produced a Carbon Natural Action Plan, which declares a climate emergency in the Winchester District. This aims to ‘ensure we put all we need into making local life more environmentally sustainable’ (Winchester Climate Emergency – Carbon Neutrality Action Plan 2020-2030). Whilst this proposal is for a drive thru use and therefore, the very nature of this is to be used by car, supporting information has been submitted, which officers have assessed, and it was concluded that the use of the drive thru would involve of a lot of shared trips to the site and therefore not as many new trips specifically to this site for this use alone. The Transport Assessment states that the site is:

*‘sustainable because it facilitates shared trips with the Tesco and pass by trips on Easton Lane, therefore 34% of traffic generated by the restaurant during the Friday Pm peak and 42% during the Saturday peak would have negligible impact on the network. The site also benefits from the infrastructure in situ which already serves the existing Tesco such as the cycle route and bus stops on Easton Lane. The restaurant would also benefit from the pedestrian/cycle improvements at the M3 Junction 9 Roundabout when the National Highways proposals come forward. Cycle parking would be provided on site for staff and customers with direct access from the existing pedestrian/cycleway. It is proposed to provide a £10,000 contribution towards the feasibility and future delivery of improved public realm and cycleway links to the city centre as requested by the Highway Authority. A Travel Plan would also be provided to encourage sustainable travel by staff.’*



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Therefore, given the measures detailed above in the Transport Assessment, it is not considered that the proposal would be unacceptable in terms of the overall aims of the Council wide Climate Emergency.

**Assessment under 2017 EIA Regulations.**

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

**Impact on character and appearance of area**

The proposed layout and design of this proposed drive thru is considered acceptable in relation to the surrounding context of the site and the building is a single storey flat roof construction and therefore it is considered that it will not result in a negative form of development from the street scene.

Therefore it is considered that the proposal complies with policy WIN11, CP13, DM15 and DM16 of the LPP1 and LPP2.

**Development affecting the South Downs National Park**

The application site is located 0.3km 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.

The impact on the proposal on the National Park has been assessed and in conclusion the development will not result in any material impact towards the National Park and is therefore in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

**Neighbouring amenity**

There are no immediate residential neighbours therefore it is considered that the proposal complies with policy DM17 of the LPP2.

**Sustainable Transport**

The current use of the site is occupied by Tesco Store parking bays which is accessed by the southern arm (Tesco access road) of the five-arm Easton Lane Roundabout, and another two-way traffic bell mouth access into the car park on the east side of the Tesco access road.

The applicant has used traffic surveys undertaken in January/February 2020 of the Easton Lane roundabout and are considered by the Highway Authority as acceptable for use.

The proposed restaurant would utilise the existing access off the east side of the Tesco access road. The application proposes amendments to the access lanes into the Tesco car park and proposed restaurant. Drawing 3610-SK-17 and 3610-S0K-19 shows

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dimensions of the access road and visibility splays. The applicant has widened the pedestrian access to 3 meters wide which ties in to the existing shared use path on Easton Lane and the Highway Authority is satisfied that pedestrians and cyclists can safely directly access the site. However, further consideration should be given for cyclists who are accessing Tesco stores to get them safely onto the existing cycle provision on Easton Lane via dropped kerbs suitable for cyclists or similar. The Highway Authority accepts that this can be adjusted through the Section 278 process should this application be approved.

The Highway Authority requested the applicant stop-up the southerly pedestrian crossing to make the pedestrian crossing arrangement safer for users and prevent use of a sub-standard crossing point and this is now shown on the aforementioned drawings.

These works will need to be undertaken through a Section 278 legal agreement and the applicant should be aware that they will need to enter into Hampshire County Council's S278 design check process. This forms part of a Grampian condition on this application.

Clarity was requested over the width between parking bays to ensure cars could easily access and egress the spaces. Drawing 3610-SK-17 shows that the aisle width to be 6m and is considered acceptable.

The latest 5 year data from Hampshire Constabulary has now been interrogated by the applicant and concluded that one recorded accident has occurred on the Easton Lane roundabout and does not indicate any existing deficiencies within the highway that would be exacerbated by this development and is accepted by the Highway Authority.

The vehicle tracking drawing in Appendix 7.2 of the Transport Statement demonstrates 32 standard size cars from the ordering window to the end of the access road into Tesco not including cars demonstrated to be waiting on pedestrian crossings. The Drive-Thru lane is determined to be of an acceptable length to provide sufficient space for long queue lengths to wait off the local highway network and also not interfere with access to the Tesco car park.

A Delivery Management Plan (DMP) has been submitted by the applicant to support the application and reduce the impact on the local road network when the site requires access and servicing by delivery vehicles.

Servicing of the site will be managed by McDonald's delivery partner across all sites and works using 'just-in-time' deliveries.

Swept path analysis has been provided which shows that a 16.5m HGV and a refuse vehicle can access and manoeuvre through the site safely. It is noted that parking spaces within the site are required to be closed off for the vehicles to enable access and egress in a forward gear. Staff will know the time slot of the deliveries and will restrict parking on the affected spaces. The site is allocated a 2 hour delivery slot, usually the same time every week, and it is proposed that this is between the hours of 20:00 and 08:00, outside of the peak hours of the restaurant when parking within the site is lower and is therefore considered acceptable.

The Highway Authority is satisfied that the measures contained with the plan will reduce the impact on the local highway network. The DMP should be secured by condition to ensure that it is complied with in perpetuity.

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The Highway Authority was concerned that the previous three sites used to predict trip generation did not fully replicate the location of this proposed development site as two of the three sites were not located adjacent to a strategic road network.

The applicant has provided data from two sites which are located on trunk roads and in similar locations to the proposed development site. These sites are located in Newport and Redhouse. An additional site from the TRICS database, located in Harlow, has been included for the Saturday peak hour to ensure trip rates are considered robust.

The applicant has stated that not all trips associated with the development will be 'new' trips on the local road network. Three different trip types have been presented within the Transport Assessment; Additional, Diverted and Shared. This is a common methodology when assessing this type of development. Concerns were raised that due to the location of the development site, it is envisaged that the diverted trips from the strategic road network will be higher than the presented rates and therefore should be revisited.

The local planning authority is satisfied that the methodology and data provided is robust and considered acceptable for use in this instance for this site. The data states the proposed site will generate circa 113 and 112 new two-way trips in the Friday and Saturday Peak respectively. All other vehicles accessing the development site will already be on the local and strategic road network.

Distribution of the trips has been split by each trip type; new, pass-by/diverted and shared.

New trips have been calculated by reviewing population of the surrounding catchment area. It suggests that 72% of traffic will originate from the west of the development site, i.e. Winchester City Centre and 28% from the east of the site i.e. local villages (Kings Worthy, Alresford etc).

Pass by/diverted trips from the M3 have been calculated based on the surveys at existing McDonald's restaurants near-by the strategic road network as set out in the above table (23% in the Friday peak and 22% in the Saturday peak).

The remainder of the pass-by trips and shared trips have been split using existing traffic counts on the Easton Lane junction.

The above methodology is considered robust and industry standard and this is therefore acceptable.

The Easton Lane junction has been modelled using the ARCADY computer modelling program. This software provides Mean Maximum Queue (MMQ) and Ratio of Flow to Capacity (RFC) outputs which assess the demand against the theoretical capacity of a Junction.

It is acknowledged that the Easton Lane roundabout does experience queuing and delay at peak times, however this is largely attributed to queuing back from the M3 Junction 9 gyratory. It is noted that National Highways have not raised any objection to the application and the future Junction 9 improvement scheme, if approved, will significantly reduce traffic over the gyratory which may improve the relationship of operation between the two junctions.

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On review of the modelling, the local planning authority is satisfied that the increased vehicular traffic associated with this development will not result in a severe impact to the operation of the local highway network.

The Winchester Movement Strategy seeks to reduce traffic levels and re-allocate road space across Winchester City in order to provide an enhanced public realm for active travel users. A contribution of £10,000 towards the feasibility and future delivery of improved public realm and cycleway links to the city centre is therefore necessary in order to mitigate the impact of this development.

The financial contribution has been agreed by the applicant and should be secured through a Section 106 legal agreement should the application be approved.

Having regard to above the proposal complies with planning policy DM18 of the LPP2. A Section 106 is required for the financial contribution and to secure the details on plan number 3610-SK-17 and 3610-SOK-19. Additional conditions are proposed relating to providing a travel plan for the site, a construction method statement and a delivery management plan. (See condition 3)

### **Ecology and Biodiversity**

Hazel dormice are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended) meaning it is an offence to disturb, injure or kill a hazel dormouse or to intentionally or recklessly damage, destroy or obstruct access to any place used for shelter or protection. Given the suitability of the dense scrub on site and dormouse records within the local area the LPA ecologist concluded that it is likely that a dormouse mitigation licence will be required from Natural England to undertake the proposed works.

After further discussions with the applicant's ecologist it was justified why a licence is not necessary, in this instance. Therefore it was concluded, by the local planning authority ecologist, that the mitigation proposed is acceptable and therefore a licence is not needed in this instance. The use of a non-licence method statement has been well justified.

This is acceptable subject to conditioning the method statement, the PEA and the net gain assessment. (See condition 3)

This application does not include any overnight accommodation and therefore no nitrate mitigation is required.

This proposal is therefore considered to comply with policy CP16 of the LPP1.

### **Sustainable Drainage**

The information submitted by the applicant in support of this planning application indicates that surface water runoff from the application site will be managed through a filter trench and a cellular soakaway (infiltration). This is acceptable in principle since the ground investigation report showed that infiltration is feasible at the site.

Therefore the proposal complies with policy CP17 of the LPP1.

### **Equality**

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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 sequential test concluded that the site is acceptable for the proposed use of the drive thru, and this site was found to be acceptable in terms of impact to the wider city. The highways implications of the site were also found to be sound.

Therefore, the development will not result in any material negative impact on the use and character of the area and would not materially harm neighbouring residential amenity in accordance with policies CP8, CP9, CP10 and CP13 of the LPP1 and WIN1, WIN11, DM7, DM15-18 of the LPP2.

**Planning Obligations/Agreements**

In seeking the planning obligation for a contribution to highways works, the Local Planning Authority has had regard to the tests laid down in para 204 of the NPPF which requires the obligations to be necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

**Legal Agreement – Heads of Terms**

- £10,000 towards the future delivery of improved public realm and cycleway links to the city centre
- Highway works as shown indicatively on drawings 3610-SK-17 and 3610-SOK-19. This should include the additional cycle dropped kerbs.

**Recommendation**

Application Permitted subject to the S106 obligations noted above and 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall be those as detailed in the submitted plans.

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

3. The development hereby permitted shall be carried out in accordance with the plans listed below unless otherwise agreed in writing by the local planning authority:

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Site Location Plan AL10 K  
Block Plan P102 E  
Proposed site plan P104 K  
Tesco site plan P114 C  
Elevations and sections P105A  
Ground floor and roof plans P106A  
Landscape plan 18053-VL-McD\_L01 F  
Sections and indicative building visuals SK37  
Goal post height restrictor and COD/Canopy  
Playland plans E11-003-V01-S  
Construction Environmental management plan NB8901  
Biodiversity Net gain calculations report Version 1/Aug 2022 (Practical Ecology)  
Preliminary ecological appraisal report Version 2/July 2022 (practical Ecology)  
Delivery Management plan ADL/CC/3610/16A  
Transport Assessment ADL/CC/3610/16B  
Travel Plan ADL/CC/3610/16A

Reason: For the avoidance of doubt, to ensure that the proposed development is carried out in accordance with the plans and documents from which the permission relates to comply with Section 91 of the Town and Country Planning Act 1990.

4. Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of odour from the premises shall be submitted to, and approved in writing by, the Local Planning Authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason: To ensure that cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties.

5. The drainage system shall be constructed in accordance with the Flood Risk Assessment Ref: 4200371/ZM/008. Any changes to the approved documentation must be submitted to and approved in writing by Local Planning Authority and Lead Local Flood Authority. Any revised details submitted for approval must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations.

Reason: To ensure satisfactory provision of foul and surface water drainage.

6. No development shall take place until an updated Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). The CEMP shall include, but not be limited to, the following:

- The proposed construction traffic routes to the site, to be identified on a plan;
- Construction Traffic Management Plan (to include the co-ordination of deliveries and plant and materials and the disposing of waste resulting from demolition and/or construction so as to avoid undue interference with the operation of the public highway, particularly during the Monday-Friday AM Peak (0800-0900) and PM Peak (1630-1800) periods);
- An estimate of the daily movement of the construction traffic;
- The hours of construction work and deliveries;

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- Area for the parking of vehicles of site operatives and visitors;
- Area for the loading and unloading of plant and materials;
- Area for the storage of plant and materials used in constructing the development;
- Details of waste management arrangements;
- Consideration of emissions to air, water and land. Including noise & vibration, dust, general discharges and appropriate mitigation strategies;
- The storage of materials and construction waste, including waste recycling where possible;
- Risk Assessments and Method Statements for the works; and
- contact details of personnel responsible for the construction works.

Reason: To mitigate any adverse impact from the development on the M3, to ensure that the M3 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

7. No development shall take place until a detailed “BREEAM Excellent” design stage certificate demonstrating how the development will meet “BREEAM Excellent” for energy and water, or a justification as to why the “BREEAM Excellent” rating cannot be met, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with the approved details.

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2012 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

8. Prior to the occupation of the building hereby permitted, information demonstrating (post construction stage) that the development will meet “BREEAM Excellent” standard for energy and water, or the information justifying why the development cannot meet “BREEAM Excellent” in relation to condition 7, 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 2012 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

9. Prior to any external lighting being installed, details shall be submitted to and approved, in writing, by the Local Planning Authority. Details should include information of the timing of lighting switching on and off and any dimming of lighting proposed. Development shall be undertaken in accordance with the approved details.

Reason: To protect the appearance of the area, the environment and local residents from light pollution.

10. The adverts shown in the submitted plans are not approved as part of this application.

Reason: Separate advertisement consent is required.

11. No development shall take place until all Protective measures, including fencing and ground protection, in accordance with the Arboricultural method statement (Haydens

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Arboricultural consultants dated 25/1/21) and the submitted Tree protection plan ref. 8217-D-AIA drawn by Haydens submitted to the Local Planning Authority is installed.

Reason: To ensure protection and long term viability of retained trees and to minimise impact of construction activity.

12. The Arboricultural Officer shall be informed prior to the commencement of construction of special surfacing under tree canopies so that a pre commencement site visit can be carried out.

Reason: To ensure protection and long term viability of retained trees and to minimise impact of construction activity.

13. No development shall take place until the Local Planning Authority's Arboricultural Officer is informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with the Arboricultural method statement (Haydens Arboricultural consultants dated 25/1/21) and the submitted Tree protection plan ref. 8217-D-AIA drawn by Haydens). Such measures shall be retained during the construction period.

Reason: To ensure protection and long term viability of retained trees and to minimise impact of construction activity.

**Informative:**

1. In accordance with paragraph 38 of the NPPF (July 2019), 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 the applicant was updated of any issues after the initial site visit.

2. 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.

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

Local Plan Part 1 - Joint Core Strategy: DS1, WT1, CP8, CP9, CP10, CP11, CP13, CP14, CP19, CP21

Local Plan Part 2 - Joint Core Strategy: Development Management and Site Allocations: WIN1, WIN3, WIN11, DM1, DM7, DM15, DM16, DM17, DM18,

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.

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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 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.

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

5. 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.

6. 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 on this please refer the Construction Code of Practice

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

7. 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)

8. The applicant should ensure that the Trade Effluent discharge licence has been obtained, before the connection to the public sewerage network can be approved.

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This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.