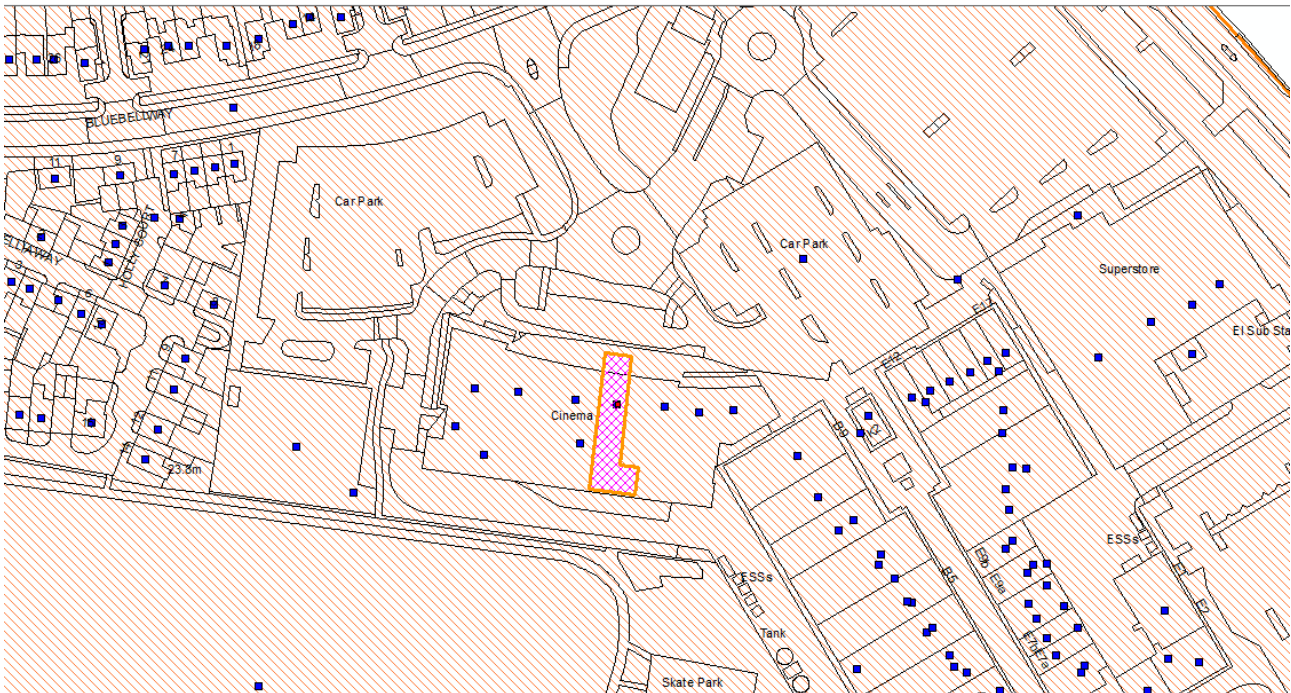


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 25/01883/VAR
Proposal Description: Variation of condition 4 of planning application 14/02677/FUL relating to the extension of operating hours for unit F4
Address: Unit F4 Whiteley Shopping Centre Whiteley Way Whiteley Fareham
Parish, or Ward if within Whiteley Town Council
Applicants Name: JD Wetherspoon plc
Case Officer: Joe Toole
Date Valid: 15 September 2025
Recommendation: Permit
Pre Application Advice No

Link to Planning Documents

[Link to page – enter in reference number 25/01883/VAR](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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Reasons for Recommendation

The development is recommended for permission as it is considered that the extension of operating hours would not have an adverse impact on the character of the area in accordance with Policies DM15 and DM16 of the LPP2 and D1 of the Emerging Local Plan, and would not result in significant harm to the amenities of neighbouring residential properties, sufficient to warrant a reason for refusal in accordance with policy DM17 of the LPP2 and D7 of the Emerging Local Plan.

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General Comments

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

Amendments to Plans Negotiated

The proposal was originally to change the operation hours of Unit F4 to 07:00 – 00:00. During the course of the application, this has been amended to be from 08:00 to 00:00 to mitigate the impact of the development on neighbouring residential properties. This resulted in amendments to the Planning Statement and the Premise Management Plan.

Site Description

Unit F4 is situated within the northern section of Whiteley Shopping Centre, a retail and leisure development located between Portsmouth and Southampton, off Junction 9 of the M27 motorway. The shopping centre, opened in 2013, featuring over 50 stores, restaurants and cafes.

Unit F4 is part of the centre's leisure complex, which includes a cinema and several dining units. The unit to which this application relates was formally Jurassic Grill.

To the north and west of the unit there is residential development and to the south and east there is a mixture of commercial development and a recreation park.

Proposal

The proposal is to extend the operational hours for Unit F4 from 07:00 to 23:00 Monday to Saturday and 10:00 to 22:00 on Sundays and Public Holidays to 08:00 to 00:00 on all days, including Sundays and Public Holidays.

A Lawful Development Certificate was granted under reference 25/01102/LDP confirming Unit F4 as a Public House (Sui Generis use).

Relevant Planning History

Application Ref.:	Proposal	Decision & Date
13/00157/FUL	(AMENDED PLANS - (Removal of footpath links to recreation ground and Camellia Way, installation of traffic control boom) Development comprising 9 screen multiplex cinema and 2633sq meters of supporting ground floor units within use classes A3, A4, D1 and D2; adjustments to the landscaping and car parking provision, introduction of an acoustic fence and associated	Approved 17.05.2013 Condition 4 part iv imposed: No ground floor unit or premises shall be open to customers or patrons outside 0700 to 2300 Monday to Saturday and 1000- to 22.00 on Sundays and recognised

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	ancillary works at Whiteley town centre	Public Holidays and shall not conduct any form of trade outside those hours.
14/02677/FUL	Removal of condition 4 and 19 to permitted permission 13/00157/FUL to extend the trading hours of ground floor units F6 and F7 within the cinema complex	Approved 21.04.2015 Condition 4 part iv imposed: (No ground floor unit or premises shall be open to customers or patrons outside 0700 to 2300 Monday to Saturday and 1000- to 22.00 on Sundays and recognised public holidays except for units F6 and F7 which shall not be open to customers or patrons outside the hours of 07.00 to 23.30 Monday to Saturday and the hours of 10.00 to 23.00 on Sundays and recognised public holidays. No trade of any form shall be conducted outside these hours.
25/01102/LDP	Confirmation of Unit F4 as Public House (Sui Generis) (Amended Description)	Lawful Development Certificate Approved 25.07.2025

Consultations

Service Lead – Public Protection (Environmental Health)

No adverse comments to this application, subject to a condition requiring that the 'Premise Management Plan' submitted as part of the application, forms part of the granted planning permission.

Service Lead – Licensing

Licence approved. You will see that the hours granted for licensable activities are until 23.30 and the opening hours until 00.00.

A licence can be granted, as in this case, without the appropriate planning permission in place. The licence is not permitted to be used by the licence holder for licensable activities outside of any hours granted by planning, until such time that they are updated.

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Objections were received for the licensing application; however, the licence was granted after a Licensing sub-committee hearing.

Representations:

Councillor Vivian Achwal, Ward Councillor for Whiteley

Strongly object to the working hours being extended.

Having checked the neighbouring drinking establishments surrounding the Whiteley area, none of them are open after 2300 hours. In fact, some close at 22:00. I therefore see no reasons at all that an extension of opening hours until midnight should be permitted.

The proposed site at Unit 4 at Whiteley Shopping Centre is opposite many residents' homes and the disturbance that might be caused by customers leaving the establishment late at night, in fact in the early hours of the morning, is not acceptable in a quiet residential area. I know a number of residents who live next to or opposite Unit 4, they do shift work and need to be able to sleep in a calm environment.

I live on a main road in Whiteley, our bedroom faces the main road. We have been disturbed late at night by patrons walking home after being at The Parsons Collar, with loud noises and screaming! I have also witnessed patrons when walking home finding open areas and public spaces to use a public toilet on their way home from the pub!

If the Officers are minded to extend the opening hours and support this application, please can I ask that it goes to the planning committee to make a decision and that there is a site visit before the committee meeting.

Whiteley Town Council

Object: closing time should be 11.30pm as for the other businesses. This will set an unwelcome precedent and increases the risk of noise nuisance and anti-social behaviour impacting on the adjoining residential areas.

Neighbour Comments

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

- Not necessary as other restaurants are not open late
- Concerns with crime, anti-social behaviour and litter
- Noise and disturbance concerns on surrounding residential properties
- Significantly different times to other premises
- Economic pressure on nearby establishments to extend their hours of operation to succeed

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

- Good additional to other surrounding businesses

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- Opening hours should not be a problem provided they are enforced and reporting arrangements are in place for any issues
- Would offer a safe, well managed environment for those who wish to stay out a little later
- Strong reputation for discouraging antisocial behaviour and ensuring customer safety
- Large CCTV coverage
- Proposed hours are consistent with licensing norms for a mixed-use leisure and retail centres
- Most customers indoors
- Boost for local economy

Relevant Government Planning Policy and Guidance

National Planning Policy Framework (NPPF)

1. Introduction
2. Achieving sustainable development
3. Plan-making
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
11. Making effective use of land
12. Achieving well-designed places

National Planning Practice Guidance (NPPG)

- Determining a planning application
- Effective use of land
- Making an application
- Noise
- Town centres and retail
- Use of planning conditions

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

DS1 – Development Strategy and Principles

CP6 – Local Services and Facilities

CP8 – Economic Growth and Diversification

Winchester District Local Plan Part 2 – Development Management and Site Allocations (LPP2)

DM1 – Location of New Development

DM7 – Town, District and Local Centres

DM20 – Development and Noise

Local Plan (Regulation 19) 2020 – 2040

E8 – Local Shops, Services and Facilities

E5 – Enhancing Employment Opportunities

E7 – Maintaining the Vitality and Viability of Town Centres

E3 – Town Centres Strategy and Hierarchy

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D7 – Development Standards

Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Air Quality Supplementary Planning Document 2021

Planning Considerations

Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 48 of the National Planning Policy Framework (NPPF) require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The Regulation 19 Local Plan has been agreed by Full Council and the examination is now subject to public consultation on the Proposed Main Modifications. Therefore, the emerging policies can be given moderate to significant weight in the assessment of development proposals in advance of Adoption.

The principle of the development was assessed and considered to be acceptable under the previous planning applications (13/00157/FUL, 14/02677/FUL and 25/01102/LDP). Whilst the Emerging Local Plan has reached Regulation 19 stage, it continues to align with the overarching objectives of the current Local Plan and this application seeks only to amend the wording of conditions of consent. As such, the overall principle of development therefore, remains 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 unit is part of the centre's leisure complex, surrounding by various commercial units and car parks. It also adjacent to the main Whiteley Shopping Centre.

The proposed extension of operational hours for Unit F4 is expected to result in a modest increase in activity to and from Whiteley Shopping Centre. The unit would remain open an additional 30 minutes on Mondays to Saturdays and one hour longer on Sundays compared to Units F6 and F7, introducing some additional evening activity. Furthermore, the unit would open at 08:00 on Sundays, earlier than the adjacent units which open at 10:00.

It is important to note that the cinema complex within the centre is permitted to operate until 02:00 on Mondays to Saturdays and until 00:30 on Sunday mornings. In addition, the proposed hours would align closely with those of the McDonald's unit, which was granted permission under application 23/01487/FUL to operate between 07:00 and 00:00 daily. Given that the proposal relates to a single unit within a large shopping/leisure complex, involves only a minor increase in operating hours, and does not extend beyond the hours of other existing units (such as the cinema and McDonald's), it is considered that the

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change would result in a limited increase in associated activity and would not adversely affect the character of the area. The proposal is therefore considered to comply with Policy CP13 of LPP1, Policies DM15 and DM16 of LPP2, and Policies D1 and D7 of the Emerging Local Plan.

Development affecting the South Downs National Park

The application site is located 4.8 km 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 2024. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 189 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.

Due to the distance and intervening features, an adverse impact on the National Park and its statutory purposes is not identified.

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 nearest residential properties are located along Camellia Drive, approximately 97 metres, across the car parking area serving this part of the commercial centre of the town. The closest properties along Bluebell Way are approximately 110 metres away, again separated with the car parking area in-between.

A Premise Management Plan was provided with the application which sets out various mitigation measures to limit neighbour disturbance. These include the following:

- No amplified music
- Limited capacity
- Controlled operation hours
- Staff training to limit noise when arriving/leaving
- Zero tolerance of bad behaviour
- No loitering outside
- Taxi protocol
- CCTV surveillance

The Council's Environmental Health Team has been consulted on the application, and these measures are considered to be appropriate in managing the impact on the surrounding neighbouring amenity. A condition is attached to ensure that the Premise Management Plan is fully adhered to throughout the operation of the business on the premises. It is important to note that in addition to planning control exerted by this condition, in the event of any report of public nuisance, the Environmental Protection Act 1990, provides additional protection for neighbouring residents.

All dwellings are considered to be sufficiently separated from the residential development to avoid any significant noise disturbance arising from the proposed extension of operating

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hours. The modest increase in operating times, together with the existing site management arrangements, is not expected to create issues beyond those associated with the current hours and remains within acceptable limits for public and residential amenity. It is also important to note that the Shopping Centre already operates with established late-night opening hours; therefore, the proposal would not introduce any new or unfamiliar sources of noise to the area.

It is worth noting the Licensing permission granted on site limits the supply of alcohol to no later than 23:30.

In light of the above, it is considered that the proposal will not further impact upon the amenity of the wider area and is in accordance with Policy DM17, DM20 of the LPP2 and Policy D7 of the Emerging Local Plan.

Transport

The site is within the Whiteley town centre, where traffic generating uses should be located and well-served by the local road network with appropriate parking provision. The change in operation hours is not likely to materially alter the amount of traffic generation over and above previous uses on this site. It is therefore considered that the proposal will have a neutral impact on highway safety, air quality, sustainable travel and parking ratio/standards, and is in accordance with Policy CP10 of the LPP1, DM18 of the LPP2 and T2 of the Emerging Local Plan.

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 variation of the trading hours for this unit is not considered to have an adverse impact on the character of the area, would have a limited and acceptable impact on neighbouring amenity, by virtue of controlled mitigation measures and would not have an adverse impact on the highway network/parking numbers. Therefore, the proposal has been recommended for permission, subject to conditions.

Recommendation

Approve subject to the following conditions:

Conditions

1. The development hereby permitted shall be carried out in accordance with the approved plans as listed below, with the exception of the internal subdivision of blocks which shall be the subject of conditions 4 and 5 listed below.

Approved plans:

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Corstorphine + Wright, Project No. 12846 Project: New Cinema Whiteley

Drg. No	Scale	Size	TITLE	Rev	Date
0001	1:100	A0	Ground Floor Plan	A	17.10.12
0002	1:100	A0	First Floor Plan Cinema level	A	23.01.13
0003	1:100	A0	Second Floor Plan Projection Level	A	23.01.13
0004	1:100	A0	Roof Plan	A	23.01.13
0110	1:100	A0	Sections sheet 1	L	23.01.13
0111	1:100	A0	Sections sheet 2	H	23.01.13
0113	1:100	A0	Proposed elevations sheet 1	B	23.01.13
0114	1:100	A0	Proposed elevations sheet 2	A	22.01.13
6000	1:100	A0	Site plan proposed	M	8.4.2013
6002	1:100	A3	Site location plan	D	8.4.2013

MacGregor Smith

1062- D01 1:1000 @A3 A1 Landscape Masterplan D 15.11.12

Terence O'Rourke

Noise Management Plans for units F6 and F7 17.11.14

Planning Statement

Premises Management Plan – November 2025

Reason: For the avoidance of doubt as to the scope of this planning permission.

2. At any time during the operation of the development hereby approved there shall be a minimum of four (4) ground floor units and subject to this requirement the following additional restrictions shall apply:

(i) There shall at all times be a maximum of two ground floor units occupied, or predominantly occupied, by activities within Use Class A4 (drinking establishments) of the Town and Country Planning (Use Classes) Order 1987 (as amended), with a combined gross floor area of no more than 860 square metres.

(ii) The maximum size of any unit at ground floor level shall not exceed 800 square metres.

(iii) Subject to (i) and (ii) above units may be operated as any concern within Use Classes A3 (restaurant and café), A4 (drinking establishments), D1 (non-residential institutions) and D2 (assembly and leisure) of the Town and Country Planning (Use Classes) Order 1987 (as amended), either wholly within that use class or as a mixture of these use classes.

(iv) No ground floor unit or premises shall be open to customers or patrons outside 0700 to 2300 Monday to Saturday and 1000- to 22.00 on Sundays and recognised public holidays except for units F6 and F7 which shall not be open to customers or patrons outside the hours of 07.00 to 23.30 Monday to Saturday and the hours of 10.00 to 23.00 on Sunday and recognised public holidays and Unit F4 which shall not be open to customers or patrons outside the hours of 08:00 to 00:00 Monday to Sunday and recognised public holidays. No trade of any form shall be conducted outside these hours.

For the avoidance of doubt the ground floor entrance foyer for activity located at 1st floor level, as shown on the approved plans, is excluded from this condition if used solely for access and egress for 1st floor activities.

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Reason: To promote sustainable development through a locally focussed town centre that maintains a diverse size and mix of A and D class uses and to protect the amenities of nearby residential properties.

3. At all times during the operation of the development hereby approved the first floor and second floor of the development shall only be used for activities within Use Class D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the following additional restrictions shall apply:

(i) The total floor area of the development above ground floor level shall not exceed a gross floor area of 3924 square metres.

(ii) Except for any cinema operation, no premises shall be open to customers or patrons outside 0830 to 2300 Monday to Saturday and 1000 to 2200 on Sundays and recognised public holidays;

(iii) in the case of a cinema operation, the premises shall not be open to customers or patrons:

outside the hours of 0830 to 0030 the following morning Sunday to Thursday (except as stated below);

outside the hours of 0830 to 0200 the following morning on Fridays and Saturdays

outside the hours of 0830 to 0200 the following morning on Sundays where the following Monday morning is a recognised public holiday

Reason: For the avoidance of doubt as to the scope of this planning permission, to enable flexible use of the floorspace within the D2 (assembly and leisure) use class.

4. The development hereby permitted shall be in accordance with the public realm and landscape masterplan and management plan outlined within planning reference 13/00157/FUL and retained thereafter.

Reason: To ensure that a high standard of public realm is achieved in accordance with the submitted details and to ensure that the development provides appropriate security measures in the interests of crime prevention.

5. If within a period of ten years after planting any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

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

6. The development hereby permitted shall be in accordance with the landscape management plan within planning reference 13/00157/FUL and retained thereafter.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of the site and to promote wildlife and bio-diversity interests.

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7. The development hereby permitted shall be in accordance with the BREEAM assessment provided within planning reference 13/00157/FUL and retained thereafter.

Reason: In order to ensure a sustainable form of development consistent with the objectives of the National Planning Policy Framework, the Climate Change and Natural resource management policies of the South East Plan and the interim and core strategy policies of the Local Development Framework.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment)(England) Order 2010 (or any Order revoking and re-enacting that Order with or without modification) no further plant, machinery, equipment, external aerials, antenna, extraction or ventilation equipment or any other structure (including structures for the support of signs) of any kind shall be erected on the site or attached to the buildings hereby permitted without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that development that would otherwise be permitted is considered prior to commencement of work on the site in accordance with Condition 6 so as to ensure a high standard of public realm.

9. The development hereby permitted shall be in accordance with the system for the disposal of sewage and surface water in accordance with the drainage strategy by Evolve Consulting Engineers Ltd and details (including layout plans, sections, manhole locations, calculations and identification of management responsibilities post implementation) and retained as such.

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

10. The development hereby permitted shall be in accordance with the surface water sewer soakaway system provided within planning reference 13/00157/FUL.

Reason: To prevent pollution of the water environment.

11. Inspection manholes shall be provided and clearly identified on foul and surface water drainage systems in accordance with the details approved in Condition 10.

Reason: To prevent pollution of the water environment.

12. No sewage or trade effluent (including vehicle wash or vehicle steam cleaning effluent) shall be discharged to any surface water drainage system.

Reason: To prevent pollution of the water environment.

13. Unless otherwise specified in the Travel Plan agreed as part of the Section 106 agreement for the development hereby approved, no commercial deliveries shall be taken at or dispatched from any unit or premises of the development except between the hours of 0700 and 2100 Monday to Saturday and 1000 to 1600 on Sundays, unless otherwise agreed in writing by the Local Planning Authority.

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

14. Unless approved in accordance with Condition 4 removable chairs, tables and associated paraphernalia only shall be placed outside in the location adjacent to the frontages of the ground floor units identified on the approved site plan. The chairs, tables and associated paraphernalia shall only be used for patrons of the ground floor units within the hours set out in Condition 2, namely 07.00 to 23.00 Monday to Saturday and 10.00 to 22.00 on Sundays and recognised public holidays except for units F6 and F7 which shall only be used between the hours of 07.00 to 23.00 Monday to Saturday and the hours of 10.00 to 22.30 on Sunday and recognised public holidays outside of which times they shall not be available to customers or patrons, being stacked and secured or stored to prevent their use. Outside of the operating hours detailed in Condition 2 tables and chairs shall be stored within the building hereby approved.

Reason: In the interests of nearby residential amenities.

15. The development hereby permitted shall be in accordance with the car park management plan provided within planning reference 13/00157/FUL.

Reason: In the interests of highways safety and the efficient functioning of the road network in the locality.

16. The development hereby permitted shall be in accordance with the traffic control boom (or any alternative traffic control device that operates so as to physically prevent vehicles from entering the parking area annotated 'North B' between the hours of 2200 and 0700 the following morning.

Reason: In the interests of nearby residential amenities.

17. The development hereby permitted shall be in accordance with the acoustic fencing details along the west boundary (including the position of the fence) provided within planning reference 13/00157/FUL and be retained as such.

Reason: In the interests of the amenities of neighbouring properties.

18. The Noise Management Plan submitted for ground floor food and drink retail outlets unit F6 and unit F7 shall be adhered to and followed throughout the occupation and operation of the units with the noise controls identified in the Noise Management Plan fully implemented from the first occupation of either unit.

Reason: In order to control noise to a reasonable level in the interests of the amenities of neighbouring properties.

19. The Premise Management Plan submitted for unit F4 shall be adhered in perpetuity with the noise measures identified.

Reason: In order to control noise to a reasonable level in the interests of the amenities of neighbouring properties.

Informatives:

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01. In accordance with paragraph 39 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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this instance the applicant was updated of any issues after the initial site visit.

02. 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.

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

Local Plan Part 1 - Joint Core Strategy: DS1, CP6, CP8

Local Plan Part 2 - Joint Core Strategy: Development Management and Site Allocations: DM1, DM7, DM20

Emerging Local Plan 2020 – 2040: D7, E3, E5, E7, E8

04. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements (as set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024) are considered to apply as follows:

- The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990.