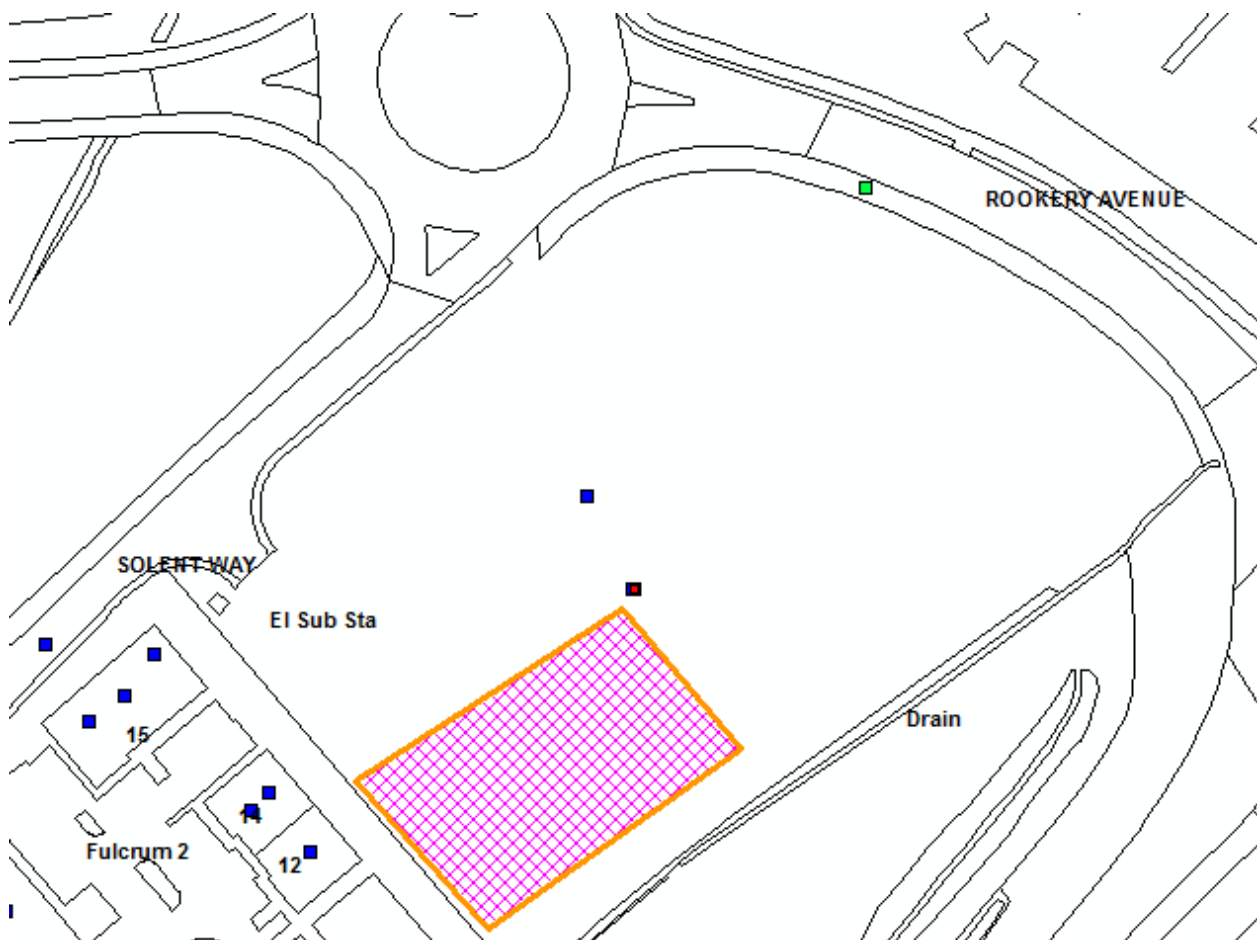


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**Case No:** 18/02163/FUL  
**Proposal Description:** The erection of a drive-thru restaurant (Class A3/A5 - Sui Generis) with associated advertisements, car parking, access, servicing, landscaping, engineering works and ancillary works.  
**Address:** Land Off Solent Way Whiteley Hampshire  
**Parish, or Ward if within Winchester City:** Whiteley  
**Applicants Name:**  
**Case Officer:** Robert Green  
**Date Valid:** 17 September 2018  
**Recommendation:** Application Permitted

**Link to Planning Documents :** <https://planningapps.winchester.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PF1U2SBPIX000>



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**General Comments**

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

**Site Description**

The application sits within a 0.2ha site which is currently undeveloped and contains unmanaged grassland.

To the north of the site, a Lidl supermarket has recently been completed which is accessed by an entrance point to the north-west of the application site. The proposal would also be accessed at this point.

To the south-west sit existing buildings which are in B2 use (as part of Fulcrum 2), whilst a dense area of trees sits to the south-east and divides the site from Whiteley Way, the main thoroughfare into the Whiteley settlement.

The surrounding area is characterised by commercial premises which have a central access point (Solent Way). There is clear evidence that the area has been developed in phases, with Fulcrum 2 to the south-west containing buildings of a similar appearance.

Opposite the application site, an area known as 'Fulcrum 6' is currently undeveloped. An application for three business park units is currently under assessment under application 18/02879/FUL.

**Proposal**

The proposal is to construct a drive-thru restaurant with associated advertisements, car parking, access, servicing, landscaping, engineering and ancillary works. The submitted details confirm that this is for a KFC restaurant.

The proposal would sit between the recently completed Lidl and the existing office buildings in Fulcrum 2, with an area of parking to the front and a drive-thru system which loops around the building.

A separate advertisement consent application (18/02164/AVC) has been submitted to apply for the advertisements which are shown in the submitted plans for this application.

**Relevant Planning History**

- 17/00164/FUL - Erection of foodstore (Use Class A1) with customer car park and associated landscaping – Approved 13.04.2018

**Consultations**

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WCC Engineers: Drainage:

- Site is within Flood Zone 1.
- Drainage condition requesting details for the processing of surface and foul water requested.
- Following confirmation from Southern Water that capacity exists and disposal can be provided, the Drainage Engineer raises no objection.

WCC Engineers: Highways:

- A highway objection on the number of spaces provided is not raised.
- The layout and servicing facilities are acceptable.

WCC Head of Environmental Protection:

- No adverse comments subject to the inclusion of conditions.

WCC Head of Strategic Planning:

- Original response confirmed that the proposal is contrary to policy SHUA3 and the submission of a sequential test was required to consider further material reasons which may outweigh the policy.
- Following further submissions, an addendum response was received which removed objections raised.

WCC Head of Landscape (Trees):

- Concern originally raised regarding omission of Arboricultural Impact Assessment
- Supporting information received and no objection raised.

WCC Head of Landscape (Ecology)

- No objection raised regarding submitted information subject to the inclusion of conditions and further information.

Hampshire County Council (Highways)

- Concern originally raised regarding information submitted which was discussed with applicant which was subsequently received.
- The Parkway South Roundabout improvement scheme can accommodate the proposed KFC and other identified traffic growth in the area.
- A contribution has been agreed for these works and no objection is raised.

Southern Water:

- Southern Water can provide foul and surface water sewage disposal to service the proposed development.
- Condition recommended for details to be submitted in consultation with Southern Water.

Fareham Borough Council

- Raise no objection to the proposed development.

Meon Valley Police

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- No Comment Received.

**Representations:**

Whiteley Town Council

- Application is contrary to policy CP9 as it involves the loss of an employment site and CP10 as it encourages car use.
- Contrary to policy SHUA3 as the proposal do not provide employment uses under B1, B2 and B8.
- Concern raised over compliance with policy DM17 as parking spaces may be used by staff.
- Roads surrounding the application site suffer congestion at peak times which will be exacerbated if restaurant is constructed ahead of planned infrastructure improvements.
- Concerns over litter issues; proposals to manage litter are welcomed but concerns remain.
- Opening hours appear excessive.
- As the site is a SINC, reassurance is required to ensure works are robustly overseen and monitored.

16 letters received objecting to the application for the following reasons:

- No necessity for another fast food outlet.
- Enough restaurants in Whiteley
- Will encourage more litter, gathering of cars and general noise.
- Will further compound the traffic issue in the surrounding area.
- Inadequate parking in surrounding area.
- Significant odour pollution, antisocial behaviour and general disruption.
- Increase of potential anti social behaviour
- Application should be put on hold and resubmitted when local roads have been redeveloped.

Reasons aside not material to planning and therefore not addressed in this report

- Location is too close to the school and could encourage poor eating habits.

4 letters of support received.

- Long overdue.
- More jobs to the area.
- Good for the local economy.
- Adds another service to Whiteley which can be walked to which prevents the need to drive to other KFCs.

**Relevant Planning Policy:**

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Winchester Local Plan Part 1 – Joint Core Strategy

- DS1 – Development Strategy and Principles
- SH1- Development Strategy for SHUAs
- CP8- Economic Growth and Diversification
- CP9 – Retention of Employment Land and Premises
- CP10 – Transport
- CP11 – Sustainable Low and Zero Carbon Built Development
- CP13 – High Quality Design
- CP15 – Green Infrastructure
- CP16 – Biodiversity
- CP17 – Flooding, Flood Risk and the Water Environment

Winchester Local Plan Part 2 – Development Management and Site Allocations

- SHUA3 - Solent 2 Employment Allocation
- DM7- Town District and Local Centres
- DM15- Local Distinctiveness
- DM16- Site Design Criteria
- DM17- Site Development Principles
- DM18- Access and Parking
- DM19- Development and Pollution
- DM20 – Development and Noise
- DM21 – Contaminated Land
- DM33 - Shopfronts
- DM34- Signage

National Planning Policy Guidance/Statements:  
National Planning Policy Framework 2018

**Planning Considerations**

Principle of development

The application site is within the defined settlement boundary of Whiteley and is within an area allocated for employment uses under policy SHUA3 of the Local Plan Part 2 (Development Management and Site Allocations). The main requirement under policy SHUA3 is that development throughout the allocation provides a range of employment uses within Use Classes B1, B2 or B8. As the proposal offers a Class A3/A5 Sui Generis use the proposal does not strictly comply with this policy.

To establish the principle of development on this site, it is therefore required to assess whether this site is the most suitable location to fulfil a need (through a sequential test), alongside whether the proposal would undermine the long term planned viability and vitality of the existing town centre. It is also important to assess whether the loss of an

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allocated site for this use is acceptable.

As the proposal is for a town centre use on a site which is an out of centre location, a test is required to ensure that there are no sequentially preferable sites (i.e. other alternative sites in the vicinity which are within a town centre location). The Strategic Planning team originally raised concern regarding the development and requested an upgraded Sequential Test.

This approach is in response to the National Planning Policy Framework, where paragraph 86 reads that *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.*

Following requests made by the Policy Officer, an upgraded and more detailed sequential test was submitted for consideration and an addendum was received.

This sequential test confirms that other available sites are not being marketed for alternative uses and there is no evidence that the sites could become available within the next 6 months.

A local land estate agent search has also been undertaken. This looked at town centre properties that are currently being marketed and concludes that they are not suitable for drive thru restaurants which require a bespoke site with vehicle access and circulation space. It is also considered unviable to demolish existing buildings and replace with the drive thru model.

A site in Whiteley opposite the application site is also currently being marketed but again this is a site allocated for Class B uses and is outside the town centre so no more preferential than the existing site.

The sequential test therefore fails to find an alternative suitable site and a drive-thru facility has specific requirements which mean that town centre sites are often not suitable.

In compliance with the NPPF, as a suitable town centre site is not available or considered to become available, the use of this site for the development is considered acceptable.

It is, however, acknowledged that the site has an allocation for employment uses (B1, B2 and B8) under policy SHUA3 which the proposed use does not strictly fall under (as an A3/A5 use).

This was also the case for the remainder of the site where a A1 use class Lidl food store has been constructed which equally did not strictly comply with policy SHUA3. The outcome of the assessment on that application was that the release of this employment allocated site was justified and as a result the principle of development was accepted and the development allowed. The food store is now operating.

The key policy for consideration is CP9 of the Local Plan Part 1. This seeks to retain a mix of existing and allocated employment land. Losses of employment land are therefore only permitted where retaining a business use on the site would not be reasonable.

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In the circumstances of this case, the application site is relatively small (at 0.21ha) and placed in the corner of a larger site, the remainder of which is now occupied by a retail food store because the marketing has established that there is no demand for Class B uses on this site. The drive-thru is in-line with the store building itself and surrounded to the front by its associated parking facilities. The result of this is that there is synergy between the food supermarket and a drive-thru restaurant, as these sites share an access and can only be accessed by passing through the grounds of the A1 food store. As a result, a drive-thru supermarket is considered an appropriate use for this small parcel of undeveloped land and its size, location and physical integration with an alternative use equally limits the opportunities the site could offer for an employment use.

In addition, the drive-thru itself is expected to generate 55 jobs and so does provide a level of employment to the site which is the overarching aim of this allocation and its policy.

Therefore, it has been demonstrated that this is a suitable location for this development. A sequential test has shown that alternative sites are not available and an out of centre site is justified. In addition, the loss of the remaining part of this allocated site has been justified by the recent surrounding development which relates to the proposed use alongside the generation of jobs as a result of this application.

Design/layout

The building maintains a single storey and contains two clear elements with shallow shed-sloped roofs. This rises to a maximum height of 5.1m at the glazed end of the building which faces toward the Fulcrum 2 business units. The most prominent view (from Solent Way and the Lidl car park) shows the side elevation of the building which uses wall cladding in a mixture of beige, grey and dark brown alongside the associated advertisements.

The store design and materials respond appropriately to the Lidl supermarket to the north and the design of the building is considered acceptable.

In terms of general layout, the building sits toward the rear of the site. Vehicles would enter in the western corner of the site with accesses to both the drive-thru route and parking facilities to the left upon entering. The drive-thru route then loops around the outer perimeter of the site on the Lidl store edge and along the rear boundary. It is at this location where food would be despatched from the drive-thru windows. This route then continues before connecting back into the Lidl car park.

The layout of the site is therefore as expected for a drive-thru restaurant, with the parking facilities viewed as a physical expansion to the Lidl facilities and a small building to the rear of the site. The layout of the site is therefore considered acceptable and responds to the layout of the surrounding Lidl supermarket.

In regards to advertisements, the use of advertisements on the building itself are not considered excessive, and this will equally be assessed under the associated Advertisement Consent application.

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There are a number of signs proposed throughout the application site. The majority of these are small scale and show the food menu or marketing information. The most substantial are signs 10 (which sits at the entrance to the site from the Lidl car park and is a pole sign with a height of 8m and is internally illuminated) and 3 (which forms the height restriction barrier for the drive-thru route). Whilst large in scale, these are placed in appropriate locations within the site and due to the set back from the main roadway as a result of the Lidl car park are not overly prominent from the Solent Way street scene.

Impact on character of area and neighbouring property

The area is characterised by the commercial and industrial uses which form the Solent Way area. On the eastern side of the road (which includes the application site) the majority of buildings are smaller office buildings. The Lidl supermarket is a large addition to the area and has altered the character of this gateway site. The proposal responds to the character of the area by offering a suitable building design with materials which complement those used on surrounding buildings. In addition, as the site is located in the far corner of an alternative use, views from prominent viewpoints are largely read in relation to the larger food supermarket and this equally results in the advertisements not being overly prominent from the public realm.

Therefore it is not considered that the development would result in an adverse impact on the character of the area.

The proposal site is surrounded by an A1 (retail) use to the north and B1 (office) buildings to the south. Concern has been raised regarding the potential noise and odour impact on the occupants of these properties, with particular emphasis on the surrounding office uses.

The submitted odour assessment concludes that the odour risk from the development is very high. As a consequence, the assessment continues to offer abatement options which are in line with DEFRA guidance for facilities with a very high risk of impact and concludes that with this mitigation in place, odour impact at nearby sensitive receptors would be reduced to an acceptable level.

This information has been assessed by the Council Environmental Health Officer (EHO) who raised no adverse comments to its contents. Condition 08 has therefore been included to request a scheme for the installation of equipment to control the omission of odour in line with the submitted assessment. As this must be submitted prior to the use of the development, this provides the opportunity for the Authority to ensure that the appropriate mitigation techniques are implemented and to confirm that the reports submitted at application stage continue to be the most appropriate method in the interests of surrounding occupants.

The noise assessment concludes that impact from the operation of the restaurant would not result in a significant adverse impact and this has been assessed by the Council's EHO who raises no adverse comments or objections. Condition 03 has also been included to obtain a full acoustic report to be submitted before the selected mechanical equipment used for the restaurant is installed. This provides the opportunity to ensure that an adverse noise impact does not occur and that the reports submitted at application are complied with.

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In addition, a number of other conditions have been included in the interests of surrounding amenity. These include an hours of use restriction and a plan showing details of lighting across the site.

Landscape/Trees

The entire Solent Way business site, including the application site, is covered by a Tree Preservation Order (TPO). Therefore any development in this area is required to be supported by full Arboricultural Impact Assessments. This report concludes that no trees are required to be removed to facilitate the development and a Construction Exclusion Zone has been proposed in order to protect surrounding trees. This report, and the methodology it contains, has been referred to and is enforced by condition 13. Therefore, an impact on the surrounding trees has not been demonstrated and no objection has been raised.

Highways/Parking

As a strategic application, the Highways department at Hampshire County Council (HCC) have been consulted throughout the application where the submitted Transport Assessment has been assessed.

The initial response from HCC raised concern and requested further details regarding tracking movements within the site, the background data which has formulated the conclusion of the applicant's transport assessment and a more detailed Travel Plan. The requested details were subsequently submitted.

The Highways Authority (HA) has confirmed that it is satisfied that the 'Keep Clear' markings proposed will assist in reducing the risk of KFC inbound vehicles queuing back onto the Solent Way road network should there be a queue of vehicles existing Lidl and blocking the proposed KFC access.

The HA has also reviewed comparable sites within Hampshire and concludes that the number of trips forecasted to use the restaurant are comparable to other KFC restaurants which have been permitted within Hampshire, where not all of the traffic associated with the restaurant will be 'new' to the network, but rather passing by or already using the surrounding road infrastructure in any case.

However, it is important to acknowledge that a significant concern raised by objectors to the development is the impact on the surrounding highway infrastructure and the concern that this proposal would worsen the existing situation.

Improvement works are to be undertaken under a joint initiative between Highways England and Hampshire County Council to improve Junction 9 of the M27 and Parkway South/Whiteley Way/Rookery Avenue Roundabout and these works are due to commence in Summer 2019; with the development site being related to the latter.

The additional information provides models which demonstrate that the HCC improvement scheme at the Parkway South Roundabout is capable of accommodating the proposed KFC traffic together with other identified traffic growth in the area as a

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result of other strategic development. The modelling has been undertaken in accordance with parameters first agreed by the HA.

As the development directly benefits from the infrastructure improvement scheme, a financial contribution has been sought and will be secured by a legal agreement. This provides a contribution of £38,000 toward the scheme and a further £9,750 for a Travel Plan which is discussed further in this section.

As a result of the additional information supplied during the course of the application and the contribution to be made toward infrastructure improvement in the area, no objection has been raised by the Highways Authority subject to the inclusion of a legal agreement and conditions which have been agreed.

Concern has been raised regarding the timing of the submission of this application, with comments quoting that the infrastructure should be completed prior to any further development. Whilst this point is acknowledged, the Planning Authority cannot prescribe the timing of the submission of an application or the precise commencement period (other than ensuring commencement starts within 3 years). Notwithstanding this, the Highways Authority response states that works are due to start on the highway improvement scheme in Summer 2019. If Members are minded to approve the application, the case remains subject to the formation of a legal agreement and a number of conditions which require approval prior to the commencement of any work taking place on the site. It is therefore likely that works may be taking place simultaneously alongside the highway improvement works. In addition the Construction Traffic Management Plan as requested by condition 07 will secure an appropriate arrangement for traffic management over the construction period.

Following the agreement of the principle of development from a strategic highways point of view, the WCC Highways Engineer notes that as WCC have no adopted parking standards for a development of this nature, as the traffic the development would generate has been agreed by the Highways Authority this results in the amount of parking spaces and the likely turnover of spaces being considered acceptable from a Highways point of view and a highways objection is not offered on these grounds. The layout of the parking and servicing facilities are acceptable.

Concern has been raised regarding the amount of parking spaces provided and the amount of staff the site would employ, concluding that the spaces will be used by staff members rather than users of the restaurant. On this point, draft Travel Plans have been submitted which sets out KFC's commitments to provide measures to encourage staff and customers to travel to the restaurant by alternative means of travel to the private car. The final plan will appoint a Travel Plan co-ordinator within the restaurant who will be responsible for making staff aware of the travel options available to them and to ensure the on-going monitoring of the aims of the Plan are completed in liaison with HCC. A contribution of £9,750 is to be paid to HCC to provide resource to ensure the Travel Plan is complied with, and this will be achieved by way of legal agreement.

Other Matters

Ecology

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The application site and Lidl supermarket sit within the Whiteley Meadow Site of Importance for Nature Conservation (SINC) and as a result Ecological reports have been submitted in support of the application. This report concludes that the small site contains semi-improved grassland which is a downgrade from the grassland type expected on the SINC at the time of classification.

Notwithstanding this, a financial contribution has been offered to support the management of remaining SINC's within the local area in terms of compensation for the loss of the degraded grassland on the site and this matter will be secured by a legal agreement.

The report continues to provide a number of suitable recommendations to lessen the impact on surrounding biodiversity. This report has been assessed by the Council Ecologist who raises no objection to the proposal subject to the recommendations made within the report being carried out.

A relocated reptile receptor is required and at time of writing (29.03.2019), a suitable site had not been found. The location of this receptor will be subject to conditions and the details of the legal agreement and this provides an opportunity for the Authority to assess the suitability of this receptor site.

#### Healthy Eating

A number of comments have raised an issue with un-healthy eating habits and raised concern regarding the proximity of the site to the local Primary school. Whilst these concerns have been acknowledged, the issue of who uses the facility falls outside of the scope of this planning application and is not therefore considered a factor that could influence the planning decision.

#### Planning Obligations/Agreements

In seeking the planning obligation(s) and financial contributions for Highway Infrastructure Improvements and Ecological Enhancements 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.

#### **Recommendation**

Application Approved subject to:

(a) the successful completion of a legal agreement (unilateral undertaking or section 106) to obtain the following:

- The provision of the Travel Plan and associated approval and monitoring fees / bond of £9,750;
- The provision of KEEP CLEAR marking at the site access as shown in principle on Drawing 3042.01 and;
- A financial contribution of £38,000 towards the Parkway South Roundabout Improvement Scheme.

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- Ecological Enhancements and a financial contribution toward the management of other local SINC's to compensate for the loss of habitat.

**(Note: If the Legal Agreement is not completed within 6 months then the application may be refused without further reference to Committee)**

and

(b) and the following condition(s):

### **Conditions**

#### **Time Limit**

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

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

#### **Approved Plans**

02 The development hereby approved shall be constructed in accordance with the following plans

Location Plan received 14.09.2018

Proposed Site Plan [drawing 0000/2018/G121] revision D received 14.09.2018

Proposed External Elevations [drawing 0000/2018/G211 Revision D] received 14.09.2018

Proposed Roof Plan [0000/2016/G128] received 14.09.2018

Proposed Shell Plan [0000/2017/G127] received 14.09.2018

Proposed Site Landscaping Plan [drawing 0000/2018/G124 Revision C] received 14.09.2018

Proposed Site Signage Plan [drawing 0000/2018/G123 Revision C] received 14.09.2018

Signage Details [drawing 0000/2018/G132] received 14.09.2018

Mechanical Layout [drawing E5118] received 14.09.2018

Noise Impact Assessment [project number 1818170 dated 16th August 2018]

Odour Impact Assessment [reference 2382r2 dated 31st August 2018]

Tree Survey and Arboricultural Impact Assessment Report [reference JSL3141\_770A dated October 2018 and received 14.09.2018]

Tree Survey Report by RPS [reference JSL3141 dated August 2018]

Drainage Statement by Stuart Michael Associates [reference 6133.DS dated August 2018]

Preliminary Ecological Appraisal [reference ECO00373\_871 dated September 2018] received 14.09.2018

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

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**Pre-Commencement Conditions**

03 Detailed proposals for the disposal of foul and surface water must be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water before the commencement of the development hereby permitted.

The development must then proceed in accordance with the approved details and be fully implemented prior to the use of the proposal hereby permitted.

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

04 Before externally mounted mechanical equipment is installed and operated on the premises, a full acoustic report (with a scheme of attenuation measures) shall be submitted and approved in writing by the Local Planning Authority. The equipment shall be installed and maintained in accordance with the approved scheme.

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

05 Prior to the commencement of development on the site, details of biodiversity enhancement measures must be submitted to and approved in writing by the Local Planning Authority.

05 Reason: In the interests of local biodiversity and ecology in compliance with policy CP16 of the Local Plan Part 1 (Joint Core Strategy)

06 Protective measures, including fencing and ground protection, in accordance with the Tree Survey and Arboricultural Impact Assessment Report [reference JSL3141\_770A dated October 2018 and received 14.09.2018. submitted to the Local Planning Authority shall be installed prior to any demolition, construction or groundwork commencing on the site.

The Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) and ground protection can be inspected and deemed appropriate and in accordance with Tree Survey and Arboricultural Impact Assessment Report [reference JSL3141\_770A dated October 2018 and received 14.09.2018. Telephone 01962 848403

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. Telephone 01962 848403

No development, or site preparation prior to operations which has any effect on compacting, disturbing or altering the levels of the site, shall take place until a person suitably qualified in arboriculture, and approved as suitable by the Local Planning Authority, has been appointed to supervise construction activity occurring on the site. The arboricultural supervisor will be responsible for the implementation of protective measures, special surfacing and all works deemed necessary by the approved arboricultural method statement. Where ground measures are deemed necessary to protect root protection areas, the arboricultural supervisor shall ensure that these are installed prior to any vehicle movement, earth moving or construction activity occurring on the site and that all such

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measures to protect trees are inspected by the Local Planning Authority Arboricultural Officer prior to commencement of development work.

A pre-commencement meeting will be held on site before any of the site clearance and construction works begins. This will be attended by the site manager, the Arboricultural consultant and the LPA tree officer.

06 Reason: To ensure protection of surrounding trees under policy DM24 of LPP2

07 No development shall take place until a Construction Method and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The statement must include details of:

- the parking of vehicles for site operatives and visitors
- construction traffic access
- the provision of a turning area for delivery traffic within the confines of the site
- designated areas for the loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- wheel washing facilities
- the hours when construction work shall be undertaken
- measures to control the emission of dust and dirt during construction

The approved statement shall be adhered to throughout the construction period.

07 Reason: To ensure that the impact of the construction works on the surrounding area is minimised.

08 Full details of the vehicle cleaning measures proposed to prevent mud and spoil from vehicles leaving the site must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

The approved measures must be implemented before the development commences and adhered to throughout the construction period.

No vehicle shall leave the site unless its wheels have been cleaned sufficiently to prevent mud and spoil being carried on to the public highway.

08 Reason: In the interests of highway safety.

### **Pre-Use Conditions**

09 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, the scheme shall include odour abatement levels specified section 4.2 of the Odour Impact Assessment submitted by Redmore Environmental, dated 31 August 2018. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

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

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10 Details of any external lighting of the site shall be submitted to, and approved in writing by the Local Planning Authority prior to the use commencing. 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.

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

11 A Waste Management Plan shall be submitted to and approved by the Local Planning Authority before the use commences. The Waste Management Plan shall include the following details:

- a) the location of any refuse storage
- b) a projection of food waste volumes and demonstration of a suitable and sufficient waste storage capacity
- c) the refuse collection details including times/days of waste collections

11 Reason: To protect the amenity of occupiers of nearby premises and in the interest of public health.

**Other Conditions**

12 The materials to be used in the external surfaces of the development hereby permitted must be in accordance with Proposed External Elevations [drawing 0000/2018/G211 Revision D] received 14.09.2018 unless otherwise agreed in writing by the Local Planning Authority.

12 Reason: To ensure a high quality appearance is achieved.

13 The soft and hard landscaping must be completed in accordance with drawing 0000/2018/G124 Revision C unless otherwise agreed in writing by the Local Planning Authority.

All hard and soft landscape works shall be carried out in accordance with the approved details.

Hard landscaping works shall be completed prior to the use of the proposal hereby permitted.

The soft landscaping shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

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13 Reason: To improve the appearance of the site in the interests of visual amenity.

14 The use hereby permitted shall only open to customers within the following times 0700-0000hrs.

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

15 The recommendations contained within Preliminary Ecological Appraisal [reference ECO00373\_871 dated September 2018] received 14.09.2018 must be adhered to.

15 Reason: In the interests of local biodiversity and ecology in compliance with policy CP16 of the Local Plan Part 1 (Joint Core Strategy)

16 No arboricultural works shall be carried out to trees other than those specified and in accordance with the Tree Survey and Arboricultural Impact Assessment Report [reference JSL3141\_770A dated October 2018 and received 14.09.2018.

Any deviation from works prescribed or methods agreed in accordance with the Tree Survey and Arboricultural Impact Assessment Report [reference JSL3141\_770A dated October 2018 and received 14.09.2018 shall be agreed in writing to the Local Planning Authority.

16 Reason: To ensure protection of surrounding trees under policy DM24 of LPP2

**Informatives:**

1.

In accordance with paragraph 38 of the NPPF (July 2018) , Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

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

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

2.

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

Local Plan Part 1 - Joint Core Strategy: MTRA1,

Local Plan Part 2 – Development Management and Site Allocations: DM15, DM16, DM17 (add policies as required)

3.

This permission is granted for the following reasons:

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

4.

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WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

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

5.

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, 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>

7.

Please be advised that Building Regulations approval may be required for this development. Please contact WCC Building Control Department for more information (T: 01962 848176, E: [buildingcontrol@winchester.gov.uk](mailto:buildingcontrol@winchester.gov.uk))

8.

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).

9.

A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (03303030119 or [www.southernwater.co.uk](http://www.southernwater.co.uk))

10.

**Case No: 18/02163/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

To avoid the drainage system becoming blocked and to prevent its contents overflowing within the kitchen, adjacent premises and land, it is recommended that all commercially operated kitchens are fitted with a grease interceptor.

11.

The applicant is advised that they should contact the WCC Environmental Health Department to discuss proposals in complying with food safety legislation. The applicant is reminded of the need to register the food business at least 28 days prior to opening. Food Hygiene (England) Regulations 2006; Regulation (EC) No 852 2004.

To register your food business go to [www.winchester.gov.uk/apply](http://www.winchester.gov.uk/apply) and complete the form found under Food Business Registration.

12.

The applicant is advised that if the premises are to be used for the sale or supply of alcohol, the provision of regulated entertainment (live or recorded music, dancing, plays, films, sporting events etc.) or the provision of hot food between 2300 and 0500, they may be required to apply for a Premises Licence under the Licensing Act 2003. For further information contact the City Councils Licensing section on 01962 848 188.