

Planning Development Control Committee

Update Sheet

22 August 2013

The information set out in this Update Sheet includes details relating to public speaking and any change in circumstances and/or additional information received after the agenda was published.

WINCHESTER CITY COUNCIL APPLICATIONS

Item No	Ref No	Address	Recommendation
WCC 01	12/02424/FUL	A R B Mechanical Ltd, Winchester Road, Waltham Chase, Southampton SO32 2LL	Permit

Agenda Page: 3

Officer Presenting: James Jenkison

Public Speaking

Objector:

Parish Council representative: Cllr Skelding

Ward Councillor:

Supporter: Robert Tutton (Agent)

Update

Condition 12 has been amended to read:

12 The existing storage containers and all external storage on the site shall be removed from the site or stored within the extension hereby approved or the existing building within 1 month of the substantial completion of the extension or its occupation, whichever is the sooner. Thereafter no containers shall be brought onto the site and no external storage shall be undertaken on the site.

12 Reason: In the interests of neighbouring residential amenities and the amenities of the locality.

Item No	Ref No	Address	Recommendation
WCC 02	13/00858/FUL	Snakemoor Farm, Snakemoor Lane, Durley, Southampton SO32 2BW	Refuse

Agenda Page: 15

Officer Presenting: James Jenkison

Public Speaking

Objector:

Parish Council representative:

Ward Councillor:

Supporter: Justin Packman (Agent)

Update

There was a typographical error in the first paragraph of the proposal description on page 17. The proposed building will be set back approximately 4.6 metres from the front boundary, not 1.6 metres.

SOUTH DOWNS NATIONAL PARK AUTHORITY APPLICATION

Item No	Ref No	Address	Recommendation
SDNP 01	SDNP/12/03026/FUL	Exton Cottage, Allens Farm Lane, Exton, Southampton	Refuse

Agenda Page: 23

Officer Presenting: Jane Rarok

Public Speaking

Objector:

Parish Council representative:

Ward Councillor: Cllr Bodtger

Supporter: David Frere-Cook

Update

Ecology

Consultation response from the Council's Ecologist:

The application is supported by insufficient information to be able to determine the application. Insufficient surveys have been carried out on this building which has high bat potential (the survey work carried out is not in line with the Good Practice Guidelines). Although bats have been recorded it is not possible to have confidence based on one dusk-dawn survey (May 2012) that all bat use of the building has been recorded and therefore that there is full information about the presence and nature (location, access points, species and numbers of bats etc) of all roosts. It is likely that an offence will occur (I disagree with the conclusion that works can be carried out avoiding an offence under the principle of Continued Ecological Functionality) as the existing roosts will be lost as a result of the works (even if compensatory roosts will be provided as part of the proposals).

Where developments affect European protected species (EPS), permission can be granted unless the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations and is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.

The proposals are likely to lead to an offence but based on the information I would suggest it is unlikely that Natural England would issue a licence to carry out the works. As such I would not recommend permission is granted, and any reasons for refusal should include there being insufficient information for the planning authority to determine the ecological impacts of the proposals and to discharge their duty under the Habitats Regulations.

The building is of a construction, age and in a location that could have implications for European Protected Species. A Bat Report Phase 1 and 2 has been submitted.

One survey has been undertaken and concludes that “two Common Pipistrelle bats were observed and recorded to emerge from two different access points”. The report goes on to state that “one of these bats is roosting between tiles and bitumen roofing felt, while the other one appears to be roosting between the tiles and the wooden roof beams or possibly in a cavity at the internal wall top”.

The Council’s Ecologist comments that insufficient surveys have been carried out on this building which has high bat potential (the survey work carried out is not in line with the Good Practice Guidelines). Although bats have been recorded it is not possible to have confidence based on one dusk-dawn survey (May 2012) that all bat use of the building has been recorded and therefore that there is full information about the presence and nature (location, access points, species and numbers of bats etc) of all roosts.

The Council’s Ecologist believes it is likely that an offence will occur and she does not agree with the conclusion that works can be carried out avoiding an offence under the principle of Continued Ecological Functionality as the existing roosts will be lost as a result of the works (even if compensatory roosts will be provided as part of the proposals).

The Council is required apply the ‘three derogation tests’ under the Habitats Regulations. Planning permission can only be granted if a development proposal is able to meet those tests:

1. *the consented operation must be for ‘preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment’; (Regulation 53(2)(e)).*

For the reasons explained in the report officers don’t consider the proposal is policy compliant and therefore are of the view this test is not met.

2. *there must be ‘no satisfactory alternative’ (Regulation 53(9)(a));*

Given the policy objection to this conversion officers’ view is that the test has not been met as there may be other uses which could have less impact on the building whilst acknowledging the proposal would repair and refurbish this historic building which is considered worthy of retention and capable of being brought back into an economic use.

3. *the action authorised ‘will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range’ (Regulation 53(9)(b)).*

This test is not met given the level of information provided (see above).

An additional reason for refusal is recommended as follows:

The proposal is contrary to policies CP16 of the Winchester District Local Plan Part 1 in that it does not provide sufficient survey information for the Local Planning Authority to properly assess the impact upon protected species (bats). Therefore it

is considered that the local planning authority is unable to discharge its duty under the Habitats Regulation and be satisfied that the 'three derogations tests' under the Habitats Regulations can be met and planning permission be granted.

An additional 37 letters of support have been received:

Sympathetic restoration of the building;

Layout would provide for a "disabled friendly home";

Residential would be the best and only feasible use for this building;

Addresses the shortage of properties in the area.

End of Updates