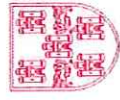
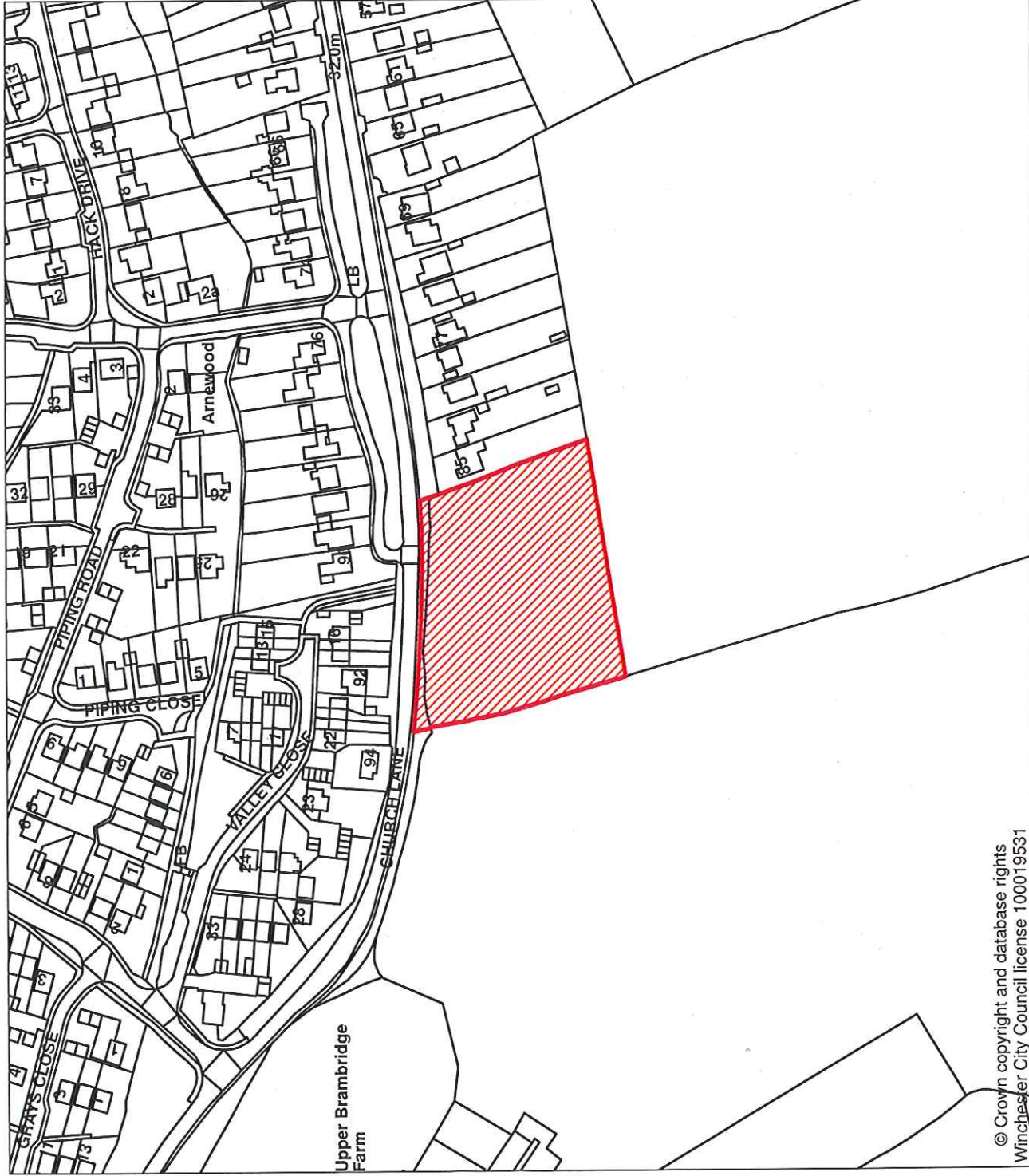


# Land at Church Lane, Colden Common, Hampshire

16/00819/OUT



Winchester  
City Council



## Legend

Scale: 0 0.0275 0.055 0.11 KM

Organisation	^ Organisation
Department	^ Department
Comments	^ Comments
Date	13/06/2016
MSA Number	^ MSA Number

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**Item No:** 01  
**Case No:** 16/00819/OUT / W24457  
**Proposal Description:** A Garden Village comprising up to 13 open market and 8 affordable houses, including a community orchard and major new public open space.  
**Address:** Land At Church Lane Colden Common Hampshire  
**Parish, or Ward if within Winchester City:** Colden Common  
**Applicants Name:** Bloombridge LLP  
**Case Officer:** Mr Simon Avery  
**Date Valid:** 18 April 2016  
**Site Factors:** Civil Aviation  
Contaminated Land Consultation  
Within 50m of Listed Building  
**Recommendation:** Application Refused

### General Comments

This application is reported to Committee because of the number of letters of support received.

Amended plans and documents have been received providing more information to support the application as follows:

- A 'New Footpath and Public Open Space' document
- An analysis of the LPP2 community engagement exercise in Colden Common by Ramidus Consulting Limited
- A Transport Statement
- A highway engineering drawing and road safety audit of the proposed Site Access

### Site Description

The application site is a greenfield site with open land to the west and south. It is part of a large field that lies to the south of Church Lane. The redline site consists of 0.87 hectares of land with the overall field which is owned by the applicant (or in which they have an interest) consisting of a further 7.82 hectares of land. To the east of the site is a linear ribbon of dwellings fronting the lane. The west and to the rear are farmland and meadows. On the opposite site of Church Lane is housing. There is a public footpath which runs along the southern boundary of this land in the same ownership. This footpath links into a lane called Nob's Crook which also joins Church lane to the east.

The site is relatively flat meadow enclosed by hedgerows with some large trees also around the boundaries. It sits within the 'Durley Claylands' Landscape Character Area as defined by the Winchester Landscape Character Assessment.

### Proposal

- This is an outline application for 21 dwellings with all matters reserved.
- The development is described as a Garden Village comprising up to 13 open market and 8 affordable houses, including a community orchard and major new public open space.



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- The application is supported by an Illustrative Masterplan indicating the proposed 21 dwellings on a site area of 0.87 hectares.
- The Masterplan also suggests that this represents a first phase of a potential larger development with a further 45 dwellings shown to the south of the application site in land owned by the applicant.
- The majority of the community orchard and public open space is shown on the Masterplan as being located outside of the red line of the application site to the south within the remainder of the field that is under option by the applicant.

### **Relevant Planning History**

None.

### **Consultations**

#### Head of Strategic Planning

- The site lies outside the defined settlement boundary of Colden Common and the proposed market/affordable housing is not of a type acceptable in the countryside. There is therefore a clear conflict with statutory adopted development plan policies.
- LPP1 is clear that its proposed housing targets should be met in a plan-led way. This approach was supported by the Local Plan Inspector who agreed that any review of the settlement boundaries should be through LPP2. The NPPF also stresses the importance of a plan-led system and the presumption in favour of sustainable development relates to proposals that accord with the development plan.
- The LPP2 has reached the Examination stage and the hearing sessions, which including the Colden Common policies and allocations, commence on 12 July 2016.
- The LPP2 represents the Plan that the Council would wish to adopt and is a material consideration.
- The Council can demonstrate an adequate supply of housing land and there is, therefore, no justification for releasing this site in advance of the process anticipated by LPP1. To do so would undermine the proper planning of the area as it fails to take account of the range of development needs that may exist, the potential sites on which to meet them, and the ability of alternative sites to provide for development needs.
- The development of this site has been considered through the LPP2 process, alongside other options, weighed against all the factors, including the views of the local community in accordance with the development plan process and localism, and this site is not seen as the most suitable and preferred location.
- The principle of development conflicts with up to date development plan policies and there are no material considerations which would warrant making an exception to these policies.

#### Strategic Housing

- The proposals should meet the requirements of Policies CP2 and CP3 of the LPP1, of WCC's Affordable Housing SPD and the nationally described space standards of policy DM2 of the LPP2.
- The Council will also expect that all new affordable units should be constructed to

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### Part M4 Category 2 of the Building Regulations.

#### WCC Highways

- No objections.
- The proposed access is to take the form of a bell mouth junction, so this will ultimately need the consent of HCC as highway authority, and will need to be covered by a suitable agreement.

#### Head of Landscape

- The Colden Common VDS is clear that a distinctive feature of the village is the rural landscape of fields and woods which exists outside the triangle formed by the B3335 (Highbridge Road), the B3354 (Main Road) and Church Lane.
- A development in the location proposed would intrude in to this rural landscape and would begin to erode the relationship between the village and its countryside setting.
- The development would also intrude in views looking north toward the village from the public footpath running south of the site. In some of these views the southern edge of the village is not apparent and the impression gained is of an unspoilt rural landscape.
- The proposed development would harm this setting to the village and be contrary to Policy CP20.
- The site sits within the 'Durley Claylands' Landscape Character Area. A key issue in this area is '*suburbanisation and urban fringe encroachment*'. A 'Built Form Strategy' for the area seeks to '*conserve the nucleated form of Colden Common and Bishops Waltham*'. It is clear that the intention is to limit suburban sprawl around either settlement.
- The final conclusions of the WCC Landscape Appraisal for Colden Common (August 2013), which informed the preparation of the Local Plan Part two and the selection of sites for development, are a clear reflection of this strategy in that the majority of green field sites outside of the triangle were found to be landscape sensitive.

#### Head of Landscape – Open Space

- Additional publically accessible open space, over and above that required to serve the on site residential population, would be welcome, but is not necessary to make the development acceptable in planning terms.
- Colden Common does have shortfalls of open space, but the Sandyfields site could provide enough green space on site to both serve the needs of the resident population and overcome shortfalls in the village.
- There is therefore no planning need to bring forward any more public open space in Colden Common at this current time.

#### Head of Landscape – Trees

- No objection in principle but a full Arboricultural Impact Assessment and Method Statement will be required.

#### Environment Agency

- The application has a low environmental risk.



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HCC Flood and Water Management

- Further information in relation to surface water management will be required at reserved matters stage.
- There are concerns regarding the use of deep borehole soakaways and proof will be required that the Environment Agency have accepted this as a suitable drainage methodology.
- The mechanism for securing long-term maintenance of the drainage system will need to be agreed between the applicant and the Local Planning Authority.

Southern Water

- No objections

WCC Drainage

- Foul water will have to go to the public foul sewer in Church Lane.
- The ground in this location has poor drainage properties and any surface water system will have to be disposed of using a SuDS.
- Consideration could be given to storage on site to irrigate the proposed orchard and open space.

Natural England

- The proposal is not likely to have a significant effect on the interest features for which River Itchen SAC has been classified and will not damage or destroy the interest features for which the River Itchen SSSI has been notified. This SSSI does not represent a constraint in determining this application.
- The impact on the SDNP must be carefully assessed.
- This application may provide opportunities to incorporate features into the design which are beneficial to wildlife.

Head of Landscape – Ecology

- Ecological surveys have been undertaken to assess the potential impacts of the proposals.
- This application is at outline stage, however, for the LPA to assess the case to the required degree then a suitable level of detail is required.
- In theory the proposals are solid, however a full understanding of the site and proposals as a whole would require robust evidence of all species and habitats that could be impacted by the works.
- Further information is required about bats, dormice, badgers,
- There are references to extended phased developments in to the site to the south and further information on this would aid the assessment of the Land at Church Lane case.

Archaeology

- No objections.

**Representations:**

Colden Common Parish Council

- The Parish Council objects to this application on the following grounds:
- This site is outside the current settlement boundary and is therefore an application for development in the Countryside.

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- This area of land is deemed as highly sensitive in landscape terms in Winchester City Councils landscape study in September 2013.
- The Parish Council proposals for sites to be allocated for development was submitted to WCC on the 2 October 2013. This report endorsed community led sites to meet the target of 250 new houses in Colden Common between now and 2031.
- Local Plan Part 2 is due to be examined in July 2016 and this site is not included.
- No other sites other than those included in LPP2 are required to meet the housing target in LPP1.
- The application for 165 new homes at Sandyfields, Main Road has recently been approved (subject to the S106 agreement). This site is proposed for development in Local Plan part 2 and makes the necessary settlement boundary changes to accommodate the LPP1 housing target for the village and demonstrate a 5-year land supply.
- WCC Landscapes have confirmed that the Sandyfields development, which has now been approved subject to the S106 agreement, will by itself overcome the shortfall of open space in the village by providing an additional 2.46 ha of publically accessible Natural Green Space.
- Even when the additional residents at Sandyfields are factored in, Colden Commons open space deficit will be turned into a 0.77ha surplus by the addition of the open space on offer at Sandyfields i.e. 1.3 ha on site and 2.46 ha woodland.

42 letters received from 31 households objecting to the application for the following reasons:

- Increased pedestrian access would affect privacy and enjoyment of neighbouring property.
- Impact on wildlife habitat / birds / loss of green site /open space.
- Concern about the safety of the access / speed of traffic on Church Lane / danger of getting from the site to facilities.
- Conflict with settlement boundary / localism / LPP2 / Village Design Statement
- This area was one of the least favoured when the public was consulted.
- Other villagers are unlikely to use an open space here without driving to it.
- Travel from this site to the local amenities and primary school would increase local traffic on an already busy road.
- Village infrastructure / amenities / transport network cannot take more housing.
- Local Plan part 2 has already been agreed and progressing and these properties are not necessary.
- Sandyfields will meet the housing target for Colden Common.
- The additional traffic would create additional noise.
- This development would rob the village of its green character.
- This SHLAA site was not taken forward under Local Plan Part 2.
- The site has been rated as a highly sensitive landscape by Winchester City Council.
- Erosion of strategic gap between Winchester / Eastleigh.
- There are brownfield areas that could be developed.
- A zebra crossing would urbanise what is a rural location.
- There is no shortage of recreational and open space in Colden Common.
- Increase in noise and air pollution.
- The proposal for 21 dwellings is merely the first phase of development.



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- Continuing this ribbon development and gradually building in the fields alongside roads will alter the perception of Colden Common as a rural environment.
- The document from Ramidus Consulting Ltd is not impartial.

Letter of objection from the Campaign for the Protection of Rural England (CPRE)

- The application is in an area of high landscape quality, and in a very important area of open countryside separating Colden Common from the urban areas to the south in Eastleigh.
- It is part of the critical buffer that prevents urban south Hampshire coalescing with the villages and settlements of rural Winchester.
- The landscape here is open and undulating, with fine views from many directions.
- There are unlikely to be any possible mitigation measures which might make this site acceptable, as it is the very fact of development per se in this area of open countryside that makes this proposal so unsuitable.
- This approach to Colden Common along Church Lane is one of open and rural countryside, which is part of the setting of the village. If this application were to be permitted this important approach and setting would become one dominated by housing development and road access to the site.
- Screening would not mitigate the significant adverse change in the landscape which would result. A large built up area on this site would cause harm to the intrinsic character and beauty of this sweep of countryside, as well as light pollution causing harm to dark skies.
- NPPF Paragraph 109 requires the planning system to conserve and enhance the natural and local environment by protecting and enhancing "valued" landscapes. The meaning of "valued" was considered in a recent Appeal Decision (APP/J3720/A/2219604) in which it is recognised that "valued" landscape does not equate to "designated" landscape.
- CPRE consider this site is a "valued" landscape, and accordingly the proposed development would be contrary to NPPF paragraph 109, as well as the policies for protection of landscape assets, local distinctiveness and sense of place set out in LPP1 Policy MTRA4 and LPP1 Policy CP 20.
- The benefit of the proposed development would not significantly and demonstrably outweigh the adverse impacts.

13 letters of support from 9 households plus 1 letter from the applicant.

- This is a natural infill / extension of the village.
- It is a small site / village garden development in keeping with local area.
- Large public open space for children and dog walkers / will help meet a deficiency in open space provision in the southern part of the village.
- Close to main facilities and services and amenities / good links to shop, rural landscape, school footpaths and public transport.
- Good access / small development, reducing any traffic issues.
- No impact on ancient woodland.
- The site is close to the school without having to cross main busy road.
- Spreading development throughout the village is what was originally requested by residents.
- The housing will make a useful contribution in meeting some of the housing needs of the village.
- The scheme will be of mixed housing type and tenure including affordable housing for local needs.

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- This is a very well-researched and well-considered development proposal.
- It provides much-needed housing as well as other community benefits.
- It is well connected and in close proximity to village facilities and is in a sustainable location.
- Sites such as these offer a more diverse and sympathetic outcome in comparison with large development sites promoted by major housebuilders with standard products.
- The application constitutes sustainable development as it helps meet an identified local housing need via a logical and accessible extension to the existing built-up area.
- The proposal is respectful of its Heritage setting and considerate of the local character and vernacular.

### 1 Letter of comment from author of document by Ramidus Consulting Ltd

- The local engagement survey is flawed and the Parish Council were wrong to use this survey as the basis for decision making.
- There is no material difference between the top few sites and the results could equally be used to support a strategy that disperses small sites throughout the village.

### **Relevant Planning Policy:**

#### Winchester District Local Plan Review (WDLPR)

CE19 - 24 – Residential Developments in the Countryside  
DP3 – General Design Criteria  
DP4 – Landscape and the Built Environment  
DP5 – Amenity Open Space  
HE1 – HE2 – Archaeology  
HE14 – Listed Buildings  
H3 – Settlement Boundary  
T2 - T4 – Transport and Parking

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

DS1 – Development Strategy and Principles  
MTRA1 – Development Strategy for Market Towns and Rural Area  
MTRA2 – Market Towns and Larger Villages  
MTRA4 – Development in the Countryside  
CP1 – Housing Provision  
CP2 – Housing Mix  
CP3 – Affordable Housing  
CP4 – Affordable Housing on Exception Sites  
CP7 – Open Space, Sport & Recreation  
CP10 – Transport  
CP11 – Sustainable Low and Zero Carbon Built Development  
CP13 – High Quality Design  
CP14 – Effective Uses of Land  
CP15 – Green Infrastructure  
CP16 – Biodiversity  
CP17 – Flooding and Water Environment  
CP20 – Heritage and Landscape Character



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CP21 – Infrastructure and Community Benefit

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

- CC1 – Sandyfields Housing Allocation
- CC2 – Clayfield Park Housing Allocation
- DM1 – Location of New Development
- DM5 – Open Space Provision for New Developments
- DM14 – Local Distinctiveness
- DM15 – Site Design Criteria
- DM16 – Site Development Principles
- DM17 – Access and Parking
- DM22 – Rural Character
- DM23 – Special Trees, Important Hedgerows and Ancient Woodlands
- DM25 – Archaeology

Hampshire Minerals & Waste Plan

- Policy 15 – Safeguarding Mineral Resources

National Planning Policy Guidance/Statements:

- National Planning Policy Framework

Supplementary Planning Guidance

- Colden Common Village Design Statement
- High Quality Places March 2015
- Affordable Housing February 2008
- Residential Parking Standards December 2009
- Winchester District Landscape Character Assessment (Durley Claylands Character Area) March 2004

**Planning Considerations**

Principle of development

The site lies outside the defined settlement boundary of Colden Common (WDLPR saved policy H3) and the proposed market/affordable housing is not of a type acceptable in the countryside (LPP1 policy MTRA4). There is therefore a clear conflict with statutory adopted development plan policies.

LPP1 is clear that its proposed housing targets should be met in a plan-led way. This approach was supported by the Local Plan Inspector who agreed that any review of the settlement boundaries should be through LPP2. The NPPF also stresses the importance of a plan-led system and the presumption in favour of sustainable development relates to proposals that accord with the development plan. The LPP2 has reached the Examination stage and the hearing sessions, which include the Colden Common policies and allocations, commence on 12 July 2016.

The LPP2 represents the Plan that the Council would wish to adopt and is a material consideration. The development of this site has been considered through the LPP2 process, alongside other options, weighed against all the factors, including the views of the local community in accordance with the development plan process and localism, and this site is not seen as the most suitable and preferred location.

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Two to other sites, Sandyfields Nursery and Clayfield Park are in fact the sites identified as those most suitable to provide additional housing in Colden Common and are allocated in LPP2 under Policies CC1 and CC2. In the context of the presumption in favour of sustainable development in the NPPF there is an argument that allocated sites should be approved if applications which are submitted fully conform to LPP2 policy requirements. The Council has already approved a number of sites in advance of LPP2 being adopted where they have met all the specific LPP2 policy requirements and have demonstrated that they are high quality schemes, providing the appropriate mix and type of housing, a robust landscaping framework, a layout based on good urban design principles, as well as satisfying other important requirements such as highways and drainage.

This is the case with the Sandyfields site where an outline application for 165 dwellings (14/01993/OUT) was considered by Planning Committee in April 2016 and was resolved to be approved. In doing so the Council has supported the allocation of the Sandyfields site in the LPP2.

The owner of the Clayfield Park site (LPP2 policy CC2) has confirmed support for housing development. Given the remaining term of the LPP2 is up to 2031 it is not a requirement that all allocated sites are deliverable within the first 5 years.

The Planning Statement submitted with the application includes an assessment comparing the relative merits of the Church Lane site to other potential locations and seeks to demonstrate that the application site is the best site. However this is a matter for the LPP2 Examination.

The Planning Statement also contends that the Church Lane site should be permitted irrespective of whether there is a shortfall or not as the currently proposed smaller site development of 21 dwellings, even if added to the Sandyfields site, would still keep within the terms "about" in policy MTRA2. However, while additional housing may be welcome inside the settlement boundary, this site remains outside of the settlement boundary and in a location not preferred by the local community and sensitive in landscape terms. Furthermore, while precedent may not be a valid reason for refusal the site is clearly intended as a first phase of a larger development, as demonstrated by the various submissions made to the Council since 2013 including the Illustrative Masterplan submitted with this application.

The Planning Statement makes reference to the 5 year supply position however there is no justification to make exceptions as the Council can demonstrate an adequate supply of housing land. The 2015 Annual Monitoring Report sets out the details and explains the methodology which shows that there is an available land supply of 7.0 years for the period 2015-2020 and 8.1 years for the period 2016-2021 (excluding a buffer which would take the requirement to 5.25 years requirement based on a 5% buffer). These figures are based on the 'Liverpool' method of calculating the housing requirement, which the Council considers is the appropriate methodology. The alternative 'Sedgefield' method of calculation still shows a supply of 5.6 years for the period 2015-2020 and 6.4 years for the period 2016-2021.

As the Council can demonstrate an adequate supply of housing land there is therefore no justification for releasing this site in advance of the process anticipated by LPP1. To do so would undermine the proper planning of the area as it fails to take account of the



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range of development needs that may exist, the potential sites on which to meet them, and the ability of alternative sites to provide for development needs.

Housing is allowed outside of the development boundaries in exceptional circumstances such as to provide affordable housing to meet the specific local needs of particular settlements. Such 'exception sites' are covered by Policy CP4 of the LPP1 which sets out the particular requirements in such circumstances. However, this application does not meet these requirements as it is seeking to provide a larger proportion of market housing. Neither does this proposal meet other aspects of the exception sites policy in that it does not have the support of the local community, as demonstrated in the Village Development Strategy for Colden Common as endorsed by the Parish Council for inclusion in the LPP2.

While the proposal offers substantial provision of public open space outside of the application boundary, the open space provided with Sandyfields application will meet any deficits in Colden Common. Even if this were not the case, the benefit of the open space being offered with the Church Lane application would not outweigh the clear conflict with up to date development plan policies which restrict residential development in the countryside and there are no material considerations which would warrant making an exception to this.

In terms of affordable housing, the proposal is for the development of 21 dwellings including 8 affordable homes which is just below the 40% normal requirement of policy CP3 of the LPP1. If this were an acceptable site to develop, the affordable housing would need to be secured through a S106 Legal Agreement as well as a contribution to make up the contribution to the full 40%. The application is therefore not in conflict with Policy CP3.

CP2 of the LPP1 requires the majority of homes to be in the form of 2 and 3 bed houses and again, if the development of the site was acceptable, such a requirement could be secured at reserved matters.

In summary, the Local Plan Part 1 expects any review of settlement boundaries or site allocations, where necessary, to be through Local Plan Part 2 and this approach is consistent with the conclusions of the LPP1 Inspector's Report and the approach promoted in the NPPF. Sites within the District which have been identified by the local community as preferred locations for additional housing have been approved in advance of LPP2 where high quality schemes have been submitted. This is not however a site endorsed by the local community and following the comparative assessment of alternatives for inclusion in the LPP2 the application site remains outside the proposed revised Colden Common settlement boundary.

As existing settlement boundaries are to be maintained until LPP2 is adopted the proposal is therefore subject to the provisions of policy MTRA4. In that respect, the proposed housing does not accord with any of the types of development that could be permitted under policy MTRA4 and the principle of development is not acceptable.

Design/layout

The Illustrative Masterplan shows 21 dwellings situated within the application site with roadways, private gardens, parking spaces and landscaping. If the site was within the settlement boundary or was a site allocated for housing, then it is accepted that there is



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sufficient room on the 0.87 hectares to provide this number of units and associated development in a satisfactory way. A suitable design and layout could therefore be agreed at reserved matters stage. However, as the site is not within the settlement boundary and is not allocated for housing, then the introduction of development along the lines shown in the Illustrative Masterplan would be contrary to policy and would be harmful to the landscape.

### Impact on character of area and neighbouring property

Colden Common Village Design Statement (VDS) identifies that a distinctive feature of the village, which its residents wish to see protected and enhanced, is the rural landscape of fields and woods which exists outside the triangle formed by the B3335 (Highbridge Road), the B3354 (Main Road) and Church Lane. The current development boundary has been established to preserve this distinction.

A development in the location proposed, south of Church Lane, would intrude in to this rural landscape and would begin to erode the relationship between the village and its countryside setting, particularly as perceived by people resident on and using Church Lane.

The development would also intrude in views looking north toward the village from the public footpath running south of the site. In some of these views the southern edge of the village is not apparent and the impression gained is of an unspoilt rural landscape.

It is therefore considered that the development of this site would have a harmful impact on the character of the village at this point and its rural context.

Policy CP20 of the LPP1 seeks to conserve and enhance the historic environment. There is a Grade II listed property called Keepers Cottage situated obliquely opposite the site across Church Lane. However, the Illustrative Masterplan indicates that proposed buildings would be set back from the Lane. While the plan is only illustrative it demonstrates that there is sufficient room on site to locate new buildings and introduce planting in an arrangement which would avoid adverse impact on the heritage asset.

Saved policy HE1 of the WDLPR seeks that adequate provision is been made for the preservation in situ and ongoing management, conservation and protection of archaeological sites. No archaeological remains are currently known within the application site. However there is some potential for archeological remains to occur within the site as outlined in the Heritage Assessment submitted in support of this application. Groundwork's associated with the development have the potential to impact on any buried archaeological remains that may be present within the site.

It is however considered unlikely that there are any archaeological remains present that would be deemed worthy of conservation and which might then form an overriding constraint to development. The Council's archaeologist has advised that in the first instance intrusive trial trenching would be an appropriate way of assessing the site. Should any archaeological features, deposits or finds be located then further mitigation works can be undertaken as appropriate.

In terms of possible impacts on residential amenity, the Illustrative Masterplan shows development adjacent to the existing housing located to the east. However, the plan indicates significant landscaping along the boundary with this neighbouring property and



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it is not considered that this arrangement would result in any adverse impact on residential amenity. Overall, there is sufficient space on this site to devise a scheme at reserved matters which would be acceptable in terms of its impact on neighbouring amenity in terms of existing and new properties.

Landscape/Trees

*Landscape*

This site sits outside of the settlement boundary of Colden Common in the countryside.

The WCC Landscape Character Assessment (2004) describes the importance of the District's landscape, both locally and nationally *and the pressures which are being placed upon it*. This site is within the 'Durley Claylands' Landscape Character Area. A key issue in this area is '*suburbanisation and urban fringe encroachment*'. A 'Built Form Strategy' for the area seeks to '*conserve the nucleated form of Colden Common and Bishops Waltham*'. It is clear that the intention is to limit suburban sprawl around either settlement *and to confine development to within settlement boundaries*.

The Council has also undertaken a Landscape Appraisal for Colden Common (August 2013) as part of the LPP2 process which concluded that this site is sensitive in landscape terms. The Appraisal rated the application site as "highly sensitive" and the rest of the field within the same ownership as "most sensitive" in terms of adverse impacts on the rural landscape and potential impacts on the effectiveness of the landscape gap between Colden Common, Fair Oak and Bishopstoke.

The applicant however is contending that the site is not sensitive in landscape terms, partly due to the fact that it is not near the South Downs National Park, the boundary of which lies to the east of the village. As such, the landscape is not designated.

However, just because the site is not within a designated landscape such as the National Park, does not mean that it is not sensitive in landscape terms. The NPPF, as part of the fifth Core Principle, states that planning should recognise 'the intrinsic character and beauty of the countryside'. Paragraphs 109 and 113 of the Framework identify that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing **valued** landscapes.

It is necessary therefore to consider whether the landscape of which the site forms part is appropriately regarded as 'valued' for the purposes of the NPPF. 'Valued' is not the same as 'designated'.

The Counsel for the Protection of Rural England (CPRE), have objected to this application, and have referred to an appeal decision dated June 2015 which deals with the issue of 'valued' landscapes (APP/J3720/A/14/2219604 – land opposite Springfields, Napton Road, Stockton). This decision and an associated legal ruling of 6 Feb 2015 (concerning a proposal at Bishops Cleeve ID15 Stroud v SSCLG (2015) EWHC 488 (Admin)) clarify that 'valued' landscapes and 'designated' landscapes are not one and the same thing.

Moreover the ministerial letter of 27<sup>th</sup> March 2015 removes any doubt concerning the intention of national policy on this matter. It says:

*'while National Parks, the Broads, Areas of Outstanding Natural Beauty and Heritage*



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*Coasts rightly enjoy the highest degree of protection, outside these designated areas the impact of development on the landscape can be an important material consideration'.*

This is reflected in policy CP20 of the LPP1 which seeks to support new development which recognises, protects and enhances the District's distinctive landscape and its setting, which may be designated or undesignated.

The Council considers that landscape relevant to the development of this site is 'valued' because its sensitivity to housing development has been systematically classified for planning purposes in the WCC Landscape Appraisal. This document was a comparative assessment and the conclusion that this site was sensitive confers 'value' to it in landscape terms. The fact that the assessment was both systematic and consistent lends weight to its outcomes.

There is therefore evidence to suggest that the site forms part of a landscape which may reasonably be regarded as 'valued' in the sense intended by the NPPF. Core Planning Principle 7 of the NPPF states that *'allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework.'*

The development of housing on this site would be clearly harmful in landscape terms, introducing built form outside of the settlement boundary in a sensitive 'valued' landscape. The harm would arise due to the total loss of the existing rural countryside character by the introduction of residential development such that the character would be fundamentally changed. There are also likely to be complete changes in the views both from Church Lane where a view of open countryside would be obstructed by new development and from the footpath which runs to the south of the site from where two open gateways in the hedgeline allow views of a rural landscape which would be completely changed in character. The creation of a new bell mouth junction onto the public highway would exacerbate the impact on landscape character by reducing the existing hedgerow and introducing hard urban features onto this rural green lane.

The applicant has argued that the visual impact could be mitigated through the introduction of suitable planting. However, The third edition of Guidelines for Landscape and Visual Impact Assessment sets out a 'mitigation hierarchy', which advises that the best way to avoid significant adverse landscape and visual effects is firstly to avoid developing on a greenfield site which is outside the defined settlement boundary and in the countryside. Even if the development of the site were acceptable in principle then it has not been demonstrated that any measures proposed to mitigate adverse landscape and visual effects can be delivered in practice. The applicant is proposing a substantial block of new woodland to the south but it is unclear if this is technically achievable, practically deliverable or likely to be sustainable in the future. In addition to this, such mitigation by itself might give rise to a further round of impacts and effects if it is not appropriate to this landscape.

The proposal therefore conflicts with Policy CP20 of the LPP1, the WCC Landscape Character Assessment, the findings of the WCC Landscape Appraisal for Colden Common, the guidance within the Colden Common VDS and the NPPF.

*Trees*



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Based on the information provided the development would not result in the loss of any high quality trees.

### *Open Space*

The proposal offers extensive public open space in association with the development rather than as part of the development since the great majority of this is outside of the application site on adjoining land within the blue rather than the red line. Policy CP7 expects new housing development to make provision for public open space in accordance with the standards, preferably through on-site provision. Policy CP7 also seeks "improvements" in the open space network in general and reference to existing shortfalls in provision in the supporting text are made to justify the "presumption against the loss of any open space" in the policy. Policy CP15 refers to addressing deficits in local green infrastructure provision "where appropriate" and "appropriate for the scale of the development" which this proposal greatly exceeds.

This housing application is proposing that there be substantial amounts of green space on site. Additional publically accessible open space, over and above that required to serve the on site residential population, would be welcome, but is not necessary to make the development acceptable in planning terms.

Colden Common does have shortfalls of open space when assessed against Policy CP7, but it has been satisfactorily demonstrated to officers that the Sandyfields site could provide enough green space on site to both serve the needs of the resident population and overcome shortfalls in the village.

1.3 ha of informal green space and play space could be provided on the Sandyfields site and approximately 2.46 ha of accessible natural green space could be provided adjacent to the site in Stratton's Copse. This would have the effect of easily overcoming the 0.66 ha shortfall in the village.

There is therefore no planning need to bring forward any more public open space in Colden Common at this current time and limited weight can be given to the off-site open space offered.

### Highways/Parking

The applicant has submitted drawing numbered 131083/A/01 which shows the vehicular access in principle. The access is to take the form of a bell mouth junction, so this will ultimately need the consent of HCC as highway authority, and will need to be covered by a suitable agreement. HCC as Highways Authority have agreed that a suitable junction can be provided that would meet the requirements of advice contained within Manual for Streets.

With regard to the principle of the proposal, based on TRICS data submitted, it is likely that the development would generate approximately 13 additional vehicular movements in the am peak and 12 in the pm peak. Over the course of a 12 hour day (0700 - 1900), the development would generate approximately 95 two way vehicular traffic movements. Given this small amount of additional traffic there are no highway objections to the proposal.

The internal layout of the scheme including streets and parking spaces would need to be worked out in detail at reserved matters stage if a scheme progressed to that point.



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Policy CP10 of the LPP1 requires development to be located and designed to reduce the need to travel. The use of non-car modes particularly walking and cycling should be encouraged through travel plans, management and improvements to the existing network, and improvements to accommodate additional traffic should be undertaken (or funded) where necessary.

A Transport Accessibility Assessment was undertaken as evidence to support the consideration of alternative sites through the LPP2 process. This indicates that the application site has 'good access' to facilities and services. This rating (ranging through 'excellent', 'good', 'adequate', and 'poor') is based on the site's proximity using average walking distances from the farthest part of the site to public transport, the local centre shops and facilities and the primary school.

There is a pavement along the south side but not on the north side of Church Lane in the vicinity of the site. However, pedestrian access to the school and community centre can be achieved by crossing the road into the loop of Church Lane that connects with Brickmakers Road to the north of the main junction or into the footpath that connects to the eastern end of Valley Close, thence to Tees Farm Road. In terms of rural paths the information submitted with the application indicates that a link would be provided across the field to the south to link to the east-west running Colden Common footpath 21.

### Other Matters

#### *Flood and Water Management:*

Policy CP17 of the LPP1 deals with flooding, flood risk and the water environment. The Council's Drainage Officer has indicated that this ground is subject to poor drainage such that surface water would need to be addressed through the provision of a Sustainable Drainage System.

Hampshire County Council as Local Lead Flood Authority has provided comments in relation to the application as a statutory consultee in relation to surface water drainage for major developments. The application is supported by a Flood Risk Assessment. HCC has noted that the information provided within the documentation is minimal in relation to surface water management. However, there is no objection in principle to the proposals on drainage grounds as the site is not within a high risk flood zone and therefore the full details of all the elements of drainage could be addressed at reserved matters stage if a scheme progressed to that point.

#### *Ecology:*

Policy CP16 of the LPP1 deals with Biodiversity and supports development which maintains, protects and enhances biodiversity across the District and delivers a net gain in biodiversity.

The River Itchen Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) is within 2km. Suitable protection measures and buffers looking at drainage and runoff in particular have been proposed.

Ecological surveys have been undertaken to assess the potential impacts of the proposals. If the scheme progressed to reserved matters stage, further details such as robust evidence of all species and habitats that could be impacted by the works would be required for the Local Planning Authority to have a full understanding of the site and



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proposals as a whole. However, in theory the proposals are solid, and therefore the submitted information is sufficient for an outline application.

Proposals for habitat enhancement have been received and are endorsed. These include a habitat buffer strip around trees and hedgerows and planting including orchards.

In summary, in terms of ecology, further detailed information and surveys would be required at the next stage.

*Issues raised by the applicant*

The applicant has raised a number of concerns about the process of site allocation and how this application and the Sandyfields application (14/01993/OUT) have been dealt with by the Council as follows:

- The Community Engagement Group "Commonview" (which was appointed by the Parish Council) undertook community consultation which did not favour the allocation of this site but instead identified Sandyfields as the preferred site. The applicant considers that this process was flawed and has recently commissioned a report to this effect by Ramidus Consulting Ltd. The Council is satisfied that the consultation process was fairly and robustly undertaken and any challenges to this need to be resolved at the LPP2 Enquiry.
- The applicant does not accept that that Sandyfields site can accommodate about 165 dwellings. However, following amendments to the application, officers considered this number could be satisfactorily achieved and that the Sandyfields Masterplan provided a framework for a high quality development. The Sandyfields application came to Committee in April and Members resolved to grant planning permission subject to the completion of a S106 agreement.
- The applicant considers that, as Sandyfields was approved in advance of the LPP2 Enquiry, so should this application. The clear distinction is that Sandyfields was the site identified by the local community for additional housing whereas Church Lane was not. This community support and inclusion in the emerging LPP2 as an allocated site provided the basis, in line with Government Guidance, for approving Sandyfields as officers considered the application met all policy requirements and provided a high quality scheme. As the Church Lane application does not benefit from community support and is not included in the LPP2 as an allocated site, there is no basis for approving this application in conflict with the development plan.
- The applicant considers that, as the required number of dwellings for Colden Common as a whole is 'about 250', then 21 further dwellings at Church Lane, in addition to the number being provided at the allocated sites Sandyfields (CC1) and Clayfield Park (CC2) fits within this allowance i.e. 271 can be considered 'about 250'. However, if the required number of houses is provided by the two allocated sites, then there is no requirement to provide additional housing outside of the settlement boundaries. Arguments about the number of houses and definition of this wording are matters for the LPP2 Enquiry. Furthermore, if additional housing were required, all of the potential sites would be considered and it is noted that the community has not identified the Church Lane site as the next most suitable one for development.

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**Conclusion**

This site lies outside the current settlement boundary of Colden Common. The settlement boundaries are proposed to be changed through LPP2 but this site is not one that has been identified as suitable or preferable to accommodate additional housing. Therefore the proposals represent new housing in the countryside for which there is no justification and which would be contrary to national and local planning policies.

In addition to this the proposals are considered to be harmful to the landscape character of the area.

Reasons for refusal are also included relating to the need to make provision for affordable housing and education contributions

**Recommendation**

Application refused for the following reasons

**Reasons:**

01 The proposal is contrary to Policies MTRA1 - MTRA4 of the Local Plan Part 1 - Joint Core Strategy, the saved policies of the Winchester District Local Plan Review 2006 (particularly H3), emerging Policy DM1 of the Local Plan Part 2 and the National Planning Policy Framework in that it represents residential development outside the settlement boundary of Colden Common. There is no justification for making an exception to these policies as the Council can demonstrate an adequate supply of housing land.

02 The proposal would be so significant that to grant permission would undermine the Local Plan Part 2 process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging Local Plan, which is at an advanced stage but not yet formally part of the development plan.

03 The proposed development is contrary to Policies CP20 of the Local Plan Part 1 - Joint Core Strategy and Policy DP3 of the Winchester District Local Plan Review 2006 in that it would extend development outside the built-up area of Colden Common into an area of countryside which is highly sensitive and falls within the Durley Claylands Landscape Character Area. By introducing development on this site the proposals would be detrimental to the landscape character of this area and the rural setting of Colden Common.

04 The proposed development is contrary to Policy CP3 of the Winchester District Local Plan Part 1 - Joint Core Strategy, in that it fails to make appropriate provision for affordable housing.

05 The proposed development is contrary to Policy CP21 of the Winchester District Local Plan Part 1 - Joint Core Strategy, in that it fails to make contributions towards Education.

**Informatives:**

01. In accordance with paragraphs 186 and 187 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;



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- 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 in a meeting on 6th June 2016.

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

Winchester District Local Plan Review (WDLPR):

CE19 - 24 - Residential Developments in the Countryside  
DP3 - General Design Criteria  
DP4 - Landscape and the Built Environment  
DP5 - Amenity Open Space  
HE1 - HE2 - Archaeology  
HE14 - Listed Buildings  
H3 - Settlement Boundary  
T2 - T4 - Transport and Parking

Winchester Local Plan Part 1 - Joint Core Strategy (LPP1):

DS1 - Development Strategy and Principles  
MTRA1 - Development Strategy for Market Towns and Rural Area  
MTRA2 - Market Towns and Larger Villages  
MTRA4 - Development in the Countryside  
CP1 - Housing Provision  
CP2 - Housing Mix  
CP3 - Affordable Housing  
CP4 - Affordable Housing on Exception Sites  
CP7 - Open Space, Sport & Recreation  
CP10 - Transport  
CP11 - Sustainable Low and Zero Carbon Built Development  
CP13 - High Quality Design  
CP14 - Effective Uses of Land  
CP15 - Green Infrastructure  
CP16 - Biodiversity  
CP17 - Flooding and Water Environment  
CP20 - Heritage and Landscape Character  
CP21 - Infrastructure and Community Benefit

Winchester Local Plan Part 2 - Development Management and Site Allocations (LPP2):

CC1 - Sandyfields Housing Allocation  
CC2 - Clayfield Park Housing Allocation  
DM1 - Location of New Development  
DM5 - Open Space Provision for New Developments  
DM14 - Local Distinctiveness  
DM15 - Site Design Criteria  
DM16 - Site Development Principles  
DM17 - Access and Parking  
DM22 - Rural Character

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DM23 - Special Trees, Important Hedgerows and Ancient Woodlands  
DM25 - Archaeology

Hampshire Minerals & Waste Plan  
Policy 15 – Safeguarding Mineral Resources

National Planning Policy Framework

Supplementary Planning Guidance  
Colden Common Village Design Statement  
High Quality Places March 2015  
Affordable Housing February 2008  
Residential Parking Standards December 2009  
Winchester District Landscape Character Assessment (Durley Claylands Character Area)  
March 2004