



Legend

Scale: 0 0.0275 0.055 0.11 KM

Organisation	Winchester City Council
Department	Winchester GIS
Comments	1:2500
Date	15/03/2017
PSMA Number	100019531

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE AGENDA

Item No: 1
Case No: 16/03027/OUT
Proposal Description: Proposed 4-bed dwelling (2 storey) with garage
Address: Land West Of Birch Lodge Trampers Lane North Boarhunt
Hampshire
Parish, or Ward if within Boarhunt
Winchester City:
Applicants Name: Mrs Shirley Privett
Case Officer: Lisa Booth
Date Valid: 10 November 2016
Site Factors:
Civil Aviation
County Heritage Site
Solent Disturbance and Mitigation Zone
Recommendation: Application Refused

General Comments

This application is reported to Committee because of the number of letters of support received which are contrary to the officer's recommendation; at the request of Boarhunt Parish Council (whose request is appended in full to this report); and at the request of Councillor Cutler, whose request is appended in full to this report

This is a resubmission of a previously refused applications ref: 16/00551/OUT and 13/02384/OUT. **The applications are similar albeit the red line site area has changed slightly from the previous 2013 application. The Design and Access Statement has been updated and refers to brownfield/previously developed land, that the proposal is an infill development and local support.**

Site Description

Grassed open land which formed part of a former small holding (equestrian, etc) and landfill site.

Various outbuildings to the north of the proposal site and domestic outbuildings opposite the existing dwelling Birch Lodge.

Long private access drive to site.

Land rises up towards the north of the site.

Well screened with a variety of trees and woodland surrounding the site.

Proposal

The proposal is an outline application with all matters reserved. The applicants wish to build a new dwelling and then sell their existing dwelling Birch Lodge. Therefore, this application will consider the principle of a new dwelling and garage on the site.

It has been indicated by the applicant that a two storey, four bedroom dwelling with garage could be accommodated on the land. However this is not a detailed matter for consideration in relation to this outline application.

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE AGENDA

Relevant Planning History

- W04159 - Erection of one dwelling - 13/09/1978
- W04159/01 - Erection of dwelling – Refused 17/06/1980
- W04159/02 - 13/02384/OUT - (AMENDED DESCRIPTION) Single storey detached house (OUTLINE). REF 14th January 2014.
- 15/02459/PNACOU - Proposed change of use from an agricultural barn to a residential dwelling (C3) – Prior Approval not required – 23/12/2015
- 16/00221/PNACOU - Change of use from an agricultural barn to a C3 residential dwelling – Prior approval not required – 24/03/2016
- 16/00551/OUT - Proposed 4-bed dwelling (2 storey) with garage (OUTLINE) – Refused – REF 5th July 2016.

Consultations

Engineers: Drainage: No objection subject to condition

“No public foul water sewer is available in North Boarhunt and due to the clay subsoil it is unlikely that a septic tank of treatment plant will work which leaves a cess pit which is the least desirable disposal option.

Please apply a condition so that a drainage strategy will be required for the dwelling detailing how foul and storm water are to be disposed of should a full application be forthcoming.” *(Carried over from previous application)*

Engineers: Highways: No objection

“This proposal does not contain any significant highway issues and is unlikely to impact on highway safety.” *(Carried over from previous application)*

Head of Environmental Protection: No objection subject to condition

“I have examined the proposals in detail and note that this site is located within 50m of a former authorised landfill site. Given this, there is a potential for gas or chemical contamination from the landfill to migrate onto the proposed development site and conditions be attached to any consent granted to ensure this is appropriately investigated.” *(Carried over from previous application)*”

Southern Water: No objection

“There are no public sewers in the area to serve this development. The applicant is advised to examine alternative means of foul sewage disposal. The Environment Agency should be consulted directly regarding the use of a private wastewater treatment works or septic tank drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to empty and maintain the works or septic tank to ensure its long term effectiveness. The planning application form makes reference to drainage using Sustainable Urban Drainage System (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Drainage details

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE AGENDA

should be submitted to the Local Planning Authority.” (*Carried over from previous application*)

Strategic Planning:

“This part of MTRA3 is not intended to allow otherwise unacceptable development simply because it has some support. The policy requires the ‘community need’ (not just an individual’s need/desire for a dwelling) to be identified through a Neighbourhood Plan or other ‘process which demonstrates clear community support’. This suggests a process which looks at local community needs, assesses possible sites and consults on them (in a similar way to NPs).

I think the only significant scheme where this clause was used was at Lower Upham, where the PC led a consultation on possible housing exception sites. But even in that case we were concerned that it was too heavily influenced by a developer and LPP2 para 4.10.2 was included to clarify the operation of MTRA3:

4.10.2 Therefore, no changes have been made to the boundaries of those settlements within the Plan area that are subject to policy MTRA3. The policy provides for additional development in all the smaller settlements where it would meet a community need and has its clear support. Early experience of this provision suggests there is a risk of it being used by landowners or developers to put pressure on communities to support developments that they have not identified a need for, or initiated. This is not the intention of the policy and, in applying it, the local planning authority will expect to see evidence that any community needs and benefits that are claimed for a proposal have been instigated by the local community or clearly identified through their Neighbourhood Plan, Parish Plan, or similar process.

The provision in MTRA3 is, therefore, intended to allow communities to identify and plan for community needs without going through the full NP process, but it does require a similar process to be followed. This is consistent with the last sentence of LPP1 para 6.26 which refers to a ‘controlled and considered process’.

Ecology

“HBIC has records of Priority habitat – Lowland mixed deciduous woodland on site, with ancient and semi natural woodland adjacent to site and woodland SINC within 500m. There must be a minimum of 15m buffer next to ancient and semi-natural woodland. It must be ensured that there is no light-spill on to the adjacent woodland that would disturb protected species including bats, and no lighting during construction impacts upon the surrounding habitat. It must be ensured that there are no impacts on adjacent ancient and semi-natural woodland habitat in terms of pollution and alterations to drainage.

A survey was undertaken in 2013 by Abbas Ecology and updated in January 2016 by Nicola Pyle with the Update Ecological Appraisal. The reports state that Japanese Knotweed is present on site, and being a non-native invasive species this requires eradication (long-term with monitoring) following Natural England and Environment Agency guidelines.

Biodiversity Enhancement measures are stated on page 6 of the 2016 report and are appropriate and should be adhered to.”

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE AGENDA

Representations:

Boarhunt Parish Council

- 'Boarhunt Parish Council fully support this application and if the Officer is minded to refuse the application, request that it be referred to Planning Committee for determination, especially as there is very strong support for this application from over 50 local residents.'

28 letters of support received from 26 different addresses (5 additional from those on petition)

- Hoped LPA will finally take notice of all the community support/local residents views.
- Good use of brownfield/industrial site which has been sensitively improved
- Will sit well in the village/logical proposal will benefit and enhance the village
- Lovely setting for proposed house
- Makes a contribution to tree planting/flora and fauna/maintained and improved woodland area
- Development out of site from the road
- Does not impact on anyone
- In line with other 'backfill' development
- Village needs more properties/development to encourage new families into the area
- Will bring much needed revenue for local community
- Been in village 100 years and would welcome more properties like this.
- If housing to be built in village, better on a brown-field site than greenfield or in-fill site.
- Council approved a converted barn – passed without question – do have concerns whether this was an act of positive discrimination due to the fact that the applicants were from an ethnic minority group. Wonder how robust Council's position would be if this application made by same ethnic minority family whose application sailed through.

1 petition with 59 signatures from 44 different addresses.

Relevant Planning Policy:

Winchester District Local Plan Review

DP3, DP4, H3, T4, CE22

Winchester Local Plan Part 1 – Joint Core Strategy

DS1, MTRA3, MTRA4, CP2, CP10, CP11, CP13, CP14, CP16

Winchester District Local Plan Part 2: Site Allocation and Development Management

Para 4.10.1, 4.10.2, DM1, DM15, DM16, DM17, DM22,

National Planning Policy Guidance/Statements:

National Planning Policy Framework – Para 55

WINCHESTER CITY COUNCIL PLANNING COMMITTEE AGENDA

Supplementary Planning Guidance Boarhunt Village Design Statement

Planning Considerations

Principle of development

It has been detailed in the D&A Statement that the land is "brownfield land" due to the lands previous uses as an extraction and land fill use and HGV/digger business. However, there is no longer any businesses operating from the land, and therefore its status as brownfield land (previously developed) is disputed. In any case notwithstanding the status of the land for the purposes of determining this application the land is allocated as countryside within the Development Plan for which there is a presumption against new housing in such location unless the residential development is deemed essential for other purposes such as agriculture, forestry, affordable housing etc. The following policies are applicable to this site and must prevail as laid out in the following policies:

The principle of residential development in the countryside is considered by Policy MTRA4 Winchester Local Plan Part 1. This policy lists certain criteria which would justify development in the countryside. These include there being an operational need for the development in the countryside for agriculture, forestry or horticulture, reuse of existing rural buildings for employment generation or affordable housing, and small scale tourist accommodation. None of the criteria are relevant to this proposal which is for a single new dwelling in the countryside.

Policy MTRA3 covers development within settlements with no clearly defined boundary where infilling of a small site within a continuously developed road frontage may be supported if in a form compatible with the village character. Whilst North Boarhunt falls within the settlement category of MTRA3, the application site cannot be considered to be an infilling site for the following reasons:

- located approximately 120 metres from Trampers Lane,
- located 50 approximately metres from the nearest dwelling Birch Lodge,
- located approximately 90 metres from Evergreen and Whitehaven,
- the site does not front the road
- the site does not fill a small gap between the existing dwellings; instead forming a back land position away from the defined building line fronting Trampers Lane.

An appeal was dismissed on 20 February 2017 for a similar proposal in a back land situation at Winters Road, Shirrell Heath. It is not considered that this proposal is significantly different to that case, albeit the site is not within the settlement gap. (ref: 15/02942/FUL - APP/L1765/W/16/3160828). Therefore, the Inspectors comments below are considered to be applicable to this case.

"14. With regard to paragraph 5 of Policy MTRA3, whilst the proposal would contribute to the local economy through spending on services, it would not do so to an extent which would substantially reinforce the settlement's role or function. Whilst I note the Appellant's strong family connections with the appeal site, no substantive evidence has been submitted to show that the proposal would meet a community need. The community aspirations set out in the responses to the Parish Plan questionnaire referred to by the Appellant are of a generic nature and do not demonstrate specific support for the proposed development."

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE AGENDA

15. *In addition, whilst Shedfield Parish Council and some local residents have expressed support for the proposal, the level of this support does not demonstrate clear support from the community as a whole. In this context the level of support received falls substantially below that which would be required for example to progress a Neighbourhood Plan through its referendum and other statutory processes. It is also not clear that the community itself has instigated the proposed development. For these reasons, I do not consider that the proposal would fall within the circumstances set out in paragraph 5 of Policy MTRA3, as supplemented by the additional explanation in paragraph 4.10.2 of the emerging WLP2. As a result of this and my earlier findings it also does not accord with Policy MTRA3 as a whole including its final paragraph."*

Policy MTRA3 also states that *"other development proposals may be supported to reinforce a settlement's role and function, to meet a community need or to realise local community aspirations. These should be identified through a Neighbourhood Plan or process which demonstrates clear community support."* There is no evidence that the proposal fits any of these criteria and there is no Neighbourhood Plan or community support for this proposal, other than the letters of representation supporting the proposal.

Paragraph 6.25 of LPP1 further explains: *"In these villages a modest level of development may be allowed which could help, for example, to retain the local school, Post Office, provide affordable accommodation, or encourage more small businesses and opportunities for young people. In others the development requirements may relate to very specific concerns that have been identified in a community plan or Neighbourhood Plan."*

Whole community support for isolated *market led* housing in the countryside is very unusual. It is noted that there is local support for a new dwelling in the countryside, however planning policies prevail and it is not considered that this proposal meets these policies.

In relation to exception housing schemes in the countryside there are correct measures to be undertaken in order to justify such development. Policy CP6 of LPP1 states: *"There may also be opportunities for sites to be brought forward as 'exception sites', to allow small scale rural affordable housing schemes to be permitted on sites where market housing would not be permitted. Such sites specifically respond to demonstrable local affordable housing needs and are covered elsewhere in this Plan (see policy CP4)".* Clearly as the proposal relates to market housing this policy is not applicable in this case.

This is further reinforced in LPP2 paragraphs 4.10.1 and 4.10.2. This part of MTRA3 is not intended to allow otherwise unacceptable development simply because it has some support. The policy requires the 'community need' (not just an individual's need/desire for a dwelling) to be identified through a Neighbourhood Plan or other 'process which demonstrates clear community support'. This suggests a process which looks at local community needs, assesses possible sites and consults on them (in a similar way to NPs).

Paragraph 55 of the National Planning Policy Framework 2012 (the Framework) guides local planning authorities to avoid isolated homes in the countryside unless there are special circumstances. The site of the proposed house, generally surrounded on three sides by open countryside and set well back from the road, would have an isolated character and would not meet any of the special circumstances listed in paragraph 55 of

WINCHESTER CITY COUNCIL PLANNING COMMITTEE AGENDA

the Framework.

The enhancement of the land by planting trees, tidying of land, biodiversity enhancements, etc is noted, but not considered to be of overriding benefit to overcome the objection to the development in principle (it is on private land and will provide no benefit for the wider community).

Policy CP11 of the LPP1 requires new development to achieve the lowest level of carbon emissions and water consumption which is practical and viable, and for residential development requires development to achieve Code for Sustainable Homes Level 5 for Energy and Level 4 for Water.

However, in March 2015 the Government announced updates to its standards which affect the Council's implementation of Policy CP11. Whilst Policy CP11 therefore, still remains part of the Development Plan and the Council still aspires to achieve its standards for residential development, Government advice now sets a maximum standard of 110litres/day for water efficiency and the equivalent of Code Level 4 for energy. Therefore, for applications determined after 26 March 2015, Local Plan policy CP11 will be applied in compliance with the maximum standards set out in Government advice.

The applicant has stated in their Design and Access Statement that the dwelling will be designed to ensure sustainable design and construction.

Design/layout

The application is in outline with all matters reserved. There are no indicative plans, but it is suggested that a two storey four bedroom dwelling is proposed. An indicative site location of the dwelling shows a dwelling measuring 18m by 10m. The impact of such a dwelling would be determined at detailed/reserved matters application stage.

Impact on character of area and neighbouring property

This is an outline application to establish the principle of a dwelling and garage on the red line site.

It is considered that a dwelling in this area would have minimal visual impact on the surrounding countryside due to the lay of the land and the dense screening of the site. However, it would be introducing a further domestic dwelling into a countryside location. One of the defining characteristics of the village is the frontage development adjoining Trampers Lane. Given the proposed development would be set back from the main road, sited behind two dwellings and further residential dwellings that front onto the High Street, it would be contrary to the prevailing pattern of development in the area. For these reasons the proposed development would unacceptably harm the character and appearance of its surroundings. The distance of the site from the road and from the run of houses along the road, gives it a greater bearing on the surrounding, open countryside.

Landscape/Trees

There are no trees within 20 metres of the proposed dwelling, therefore there will be none affected by the siting of the dwelling in the position shown on the submitted plans.

WINCHESTER CITY COUNCIL PLANNING COMMITTEE AGENDA

Highways/Parking

There are no objections to the proposal in regard to parking and highways issues.

Other Matters

In regard to reference to the conversion of a barn to a dwelling on neighbouring land, prior approval was sought for the conversion of an agricultural barn to the north of the site (ref: 15/02459/PNACOU and 16/00221/PNACOU). This conversion was allowed as permitted development under Class Q of Part 3 of the GPDO. There are different criteria in dealing with applications that do not require planning permission than those that do require planning permission. Thus there is no comparison as it is not considered that this proposal meets the requirements of the development plan.

Planning Obligations/Agreements

Given that the site lies within an area subject to the Solent Disturbance Mitigation Zone a financial contribution for £181 would be required. Were the Local Planning Authority be seeking the contribution via a S106 Planning Obligation it 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 Refused for the following reasons:

01 The proposed development is unacceptable in that the site is located outside defined settlement boundaries and is not an infill site within a continuously developed road frontage. As such the proposal represents unjustified and unsustainable residential development in an area of countryside, which would be unrelated to the needs of the rural community and which is sited within an unsustainable location with no or little facilities and services within a short cycle, walking distance or frequent public transport route, which would be contrary to Policies MTRA3 and MTRA4 of the Local Plan Part 1 - Joint Core Strategy, including LPP2 para 4.10.1 and 4.10.2, and Policies DP3 and H3 of the Winchester District Local Plan Review 2006 and paragraph 55 of the National Planning Policy Framework.

Informatives:

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

02 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;

- 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.

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE AGENDA

- In this instance the applicant was made aware of any issues at pre application advice stage and during the application process.

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

Local Plan Part 1 - Joint Core Strategy: DS1, MTRA3, MTRA4, CP2, CP10, CP11, CP13, CP14, CP16

Winchester District Local Plan Review 2006: DP3, DP4, H3, T4, CE22

Local Plan Part 2 - Development Management and Site Allocations: Para 4.10.1, 4.10.2, DM1, DM15, DM16, DM17, DM22

Boarhunt Parish
Council

From: Boarhunt Parish Council
Sent: Thu, 2 Feb 2017 13:55:56 +0000
To: Planning Mailbox Account; Lisa Booth
Subject: Boarhunt Parish Council Consultee Comments - Application 16/03027/OUT -
Land West of Birch Lodge, Trampers Lane, North Boarhunt PO17 6BU

Dear Lisa / WCC Planning Department,

Boarhunt Parish Council met yesterday evening (1st February 2017) and agreed the following Consultee comments for Planning Application 16/03027/OUT:-

'Boarhunt Parish Council fully support this application and if the Officer is minded to refuse the application, request that it be referred to Planning Committee for determination, especially as there is very strong support for this application from over 50 local residents.'

Yours sincerely,

Geoff Wright, FMAAT, SILCM
Clerk to Boarhunt Parish Council, Hampshire
3 Briarwood Close
Fareham
Hampshire
PO16 0PS

email: boarhuntpc@gmail.com website: <http://boarhuntparishcouncil.org>

Tel: 0755 7118073

Please note that I work from home on a six hour flexible basis and will respond to communications throughout the week.

**City Councillor's request that a Planning Application be considered by
the Planning Committee**

Request from Councillor: Neil Cutler
Case Number: 16/03027/OUT
Site Address: Land west of Birch Lodge, Trampers Lane, North Boarhunt
Proposal Description: Proposed 4 bed dwelling (2 storey) with garage
Requests that the item be considered by the Planning Committee for the following material planning reasons: I support this application principally because there is exceptionally broad community support for it. The interpretation of policy MTRA 3 regarding community support should be by committee. The definition of the site as brownfield should also be determined by committee

- Whilst requests will be accepted up to the determination of the application, Members should make their request as quickly as possible and preferably within the publicity period of the application. Otherwise the case may be determined under delegated powers soon after the expiry of the publicity period. The committee date for the application will depend upon when the request is received in relation to the committee cycle.
- It would be helpful if Members can indicate their preferred outcome to avoid it going to the committee unnecessarily
- Members should note that referral of an item to the Committee will require consideration as to whether a declaration of interests and / or pre-determination and bias may be necessary. If you require advice, please contact the appropriate Democratic Services Officer, prior to the meeting. *Councillors are reminded of their obligations to declare disclosable pecuniary interests, personal and/or prejudicial interests, and on Predetermination or Bias in accordance with legislation and the Council's Code of Conduct.*

Once completed, please email this form to the relevant Planning Case Officer and the Head of Development Management.