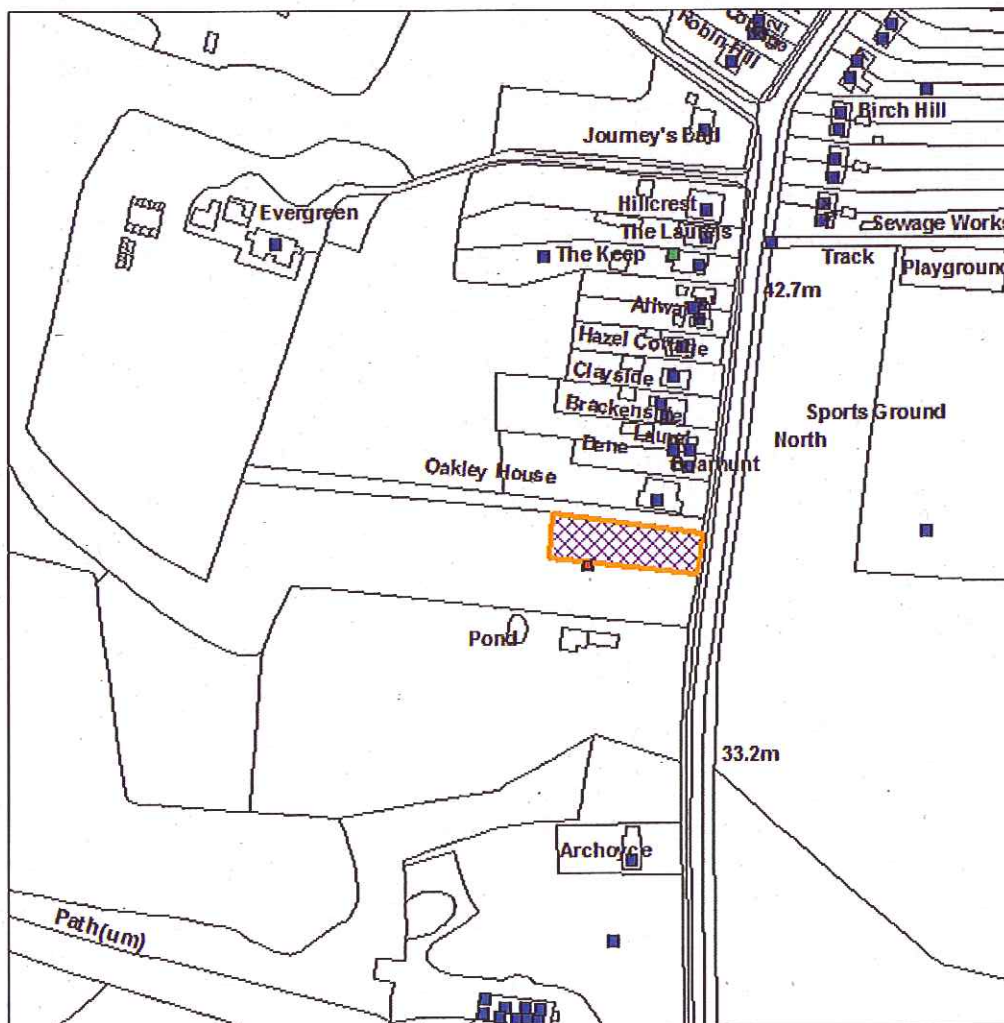


WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE AGENDA

Item No: 05  
Case No: 17/02829/FUL  
Proposal Description: Erection of dwelling  
Address: Land Adjacent To Oakley House Trampers Lane North  
Boarhunt PO17 6BY  
Parish, or Ward if within Winchester City: Boarhunt  
Applicants Name: Mr Daryll Pynigar  
Case Officer: Robert Green  
Date Valid: 6 November 2017  
Site Factors:

County Heritage Site  
CIL Zones for Winchester City Council  
Portsmouth Water Operational Area  
Solent Disturbance and Mitigation Zone  
Site of Importance Nature Conservation  
Recommendation: Application Refused



© Crown Copyright and database rights Winchester City Council License 100019531

Case No: 17/02829/FUL

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE AGENDA

## General Comments

This application is reported to Committee due to the number of supporting comments received contrary to the Officer's recommendation.

The application is also reported at the request of Boarhunt Parish Council and Cllr Cutler, whose correspondence has been attached as an appendix to this report.

An application for the construction of a dwelling was refused under delegated powers on 23.09.2016 (with application reference 16/01693/FUL). This application was refused for the following reasons:

*The proposed development is contrary to policy DP3 of Winchester District Local Plan Review (2006) and MRTA3 of the Winchester District Local Plan Part 1 in that the site is not an infill development as part of a continuous developed road frontage and;*

*The proposed development is also contrary to policy CP16 of the Winchester District Local Plan Part 1 in that it does not conserve or enhance the biodiversity of this sensitive site*

The application site in the case to be considered has been reduced compared to the previous application, so the remainder of the agricultural land now lies to the south of the dwelling, rather than residential curtilage as proposed in the refused application.

This application moves the dwelling closer to the roadway, in line with the front gable elevation of Oakley House. It is also reduced in width compared to the previous case, adding a larger front gable but maintaining a similar eaves height to the refused application. This submission does increase the ridge height of the dwelling (compared to the previous case) by over 1m to 8.69m.

## Site Description

The application site comprises of a 0.18acre plot of land which sits within a wider holding under the ownership of the applicant.

A tall laurel hedge borders the site along Trampers Lane to the east. To the north, a small fence divides the site from an access track which serves a holding to the rear. The south and west boundaries meet the remainder of woodland which previously covered larger parts of the site. An existing access point and gate lies in the south east corner of the site.

The site previously contained a number of trees which formed part of 'Little Wood' which have been removed in recent months. The ground is now made up of grass and mounds of material.

During the time of the site visit in December 2017, a large static caravan was present in the centre of the wider holding which straddles the border between the application site. This has been subject to an Enforcement Notice issued by the Council in December 2016. A subsequent appeal to the Planning Inspectorate (APP/L1765/C/17/3166669) resulted in the notice being quashed. The Inspectorate concluded that the mobile home is being used

**Case No: 17/02829/FUL**



**WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE AGENDA**

for shelter and storage facilities, ancillary to the use of the agricultural land. The mobile home on the site is therefore not a residential unit and a residential use does not exist on the site.

The surrounding area maintains a rural characteristic. The linear development line which characterises this area terminates at Oakley House (neighbouring dwelling to the north), and there are no dwellings opposite the proposal site.

Two agricultural holdings (including the remainder of the applicant's site) then result in a 109m gap before the next residential dwelling at Archoyce.

### **Proposal**

The proposal is to construct an additional 4-bedroom residential dwelling on the site. This would sit 8m from the side elevation of Oakley House, and 10m from the front elevation of the proposal to the site's boundary with Trampers Lane.

The dwelling would use red brick and slate materials.

A new access point would be created which is adjacent to the entrance for the holding to the rear, in the north east corner of the site.

The laurel hedge to the front of the site would be removed and a native hedge would be replanted in its place.

### **Relevant Planning History**

- 16/01693/FUL (Construction of a new 4 bedroom detached dwelling with detached garage) Refused on 23.09.2016.

### **Consultations**

#### WCC Engineers: Drainage:

- The site is in a Flood Zone 1 and a flood risk assessment is not required.
- Application states foul is to use a package treatment plant and surface water is to use a soakaway. This is acceptable provided the systems meet building regulations.
- The Drainage Engineer raises no objection to the proposal on Drainage grounds and no conditions were recommended.

#### WCC Engineers: Highways:

- The dwelling would have an integral garage together with 2no. parking spaces. The proposal therefore complies with Winchester City Council's Residential

**Case No: 17/02829/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE AGENDA

Parking Standards.

- The Highway Engineer raises no objection to the proposal on Highway grounds, subject to the inclusion of conditions.

WCC Head of Landscape:

- The Landscape Officer has no objection to the development on Landscape grounds.
- The proposed landscape plan (Technical Arboriculture 066/001 is also considered acceptable).

WCC Head of Strategic Planning:

- Being a self build venture does not exempt sites from being compliant with planning policy - therefore policy MTRA 3 of Local Plan Part 1 will still apply.

WCC Head of Landscape - Ecology:

- The recommendations set out in the submitted ecological assessments are suitable.
- An 80-year intervention management plan, construction method statement and lighting plan would be required pre-commencement.
- No objection subject to suitably worded conditions.

Southern Water:

- Southern Water would have no objections to the proposal.
- The applicant is advised to consult the Environment Agency directly regarding the sewerage treatment plant which disposes of effluent to sub-soil irrigation. The owner of the premises would need to maintain the works to ensure its long-term effectiveness.

**Representations:**

**Boarhunt Parish Council**

- Support the application and refer to committee if officer recommends refusal
- Now includes input from Ecology, Landscape and Arboricultural experts.

5 letters from 5 addresses received objecting to the application for the following reasons:

- Encroaches on an important natural green space, 'development creep'
- Family dwellings not ideal in a settlement with virtually no facilities
- Not in compliance with the Village Design Statement
- Not an 'infill' plot

28 letters from 25 addresses received supporting the application for the following reasons:

- In keeping with surrounding properties
- Woodland management plan/Ecology plan could enhance wildlife
- Adds to 'much needed housing stock'
- This is 'ribbon development'

**Case No: 17/02829/FUL**



WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE AGENDA

- Results in a family home.

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

- Personal circumstances of the applicant

**Relevant Planning Policy:**

Winchester Local Plan Part 1 – Joint Core Strategy

MTRA 3 – Other Settlements in the Market Towns and Rural Area

MTRA4 – Development in the Countryside

CP13 – High Quality Design

CP15 – Green Infrastructure

CP16 - Biodiversity

Winchester Local Plan Part 2 – Development Management and Site Allocations

DM15 – Local Distinctiveness

DM16 – Site Design Criteria

DM17 – Site Development Principles

DM18 – Access and Parking

DM23 – Rural Character

DM24 – Special Trees, Important Hedgerows and Ancient Woodlands.

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Supplementary Planning Guidance

Boarhunt Village Design Statement

High Quality Places

**Planning Considerations**

Principle of development

The proposal site is located outside of a defined settlement boundary, and is therefore within the countryside where additional residential units are resisted.

In North Boarhunt, policy MTRA3 of the Local Plan Part 1 (Joint Core Strategy) allows development of the infilling of a small site within a continuously developed road frontage, where this would be of a form compatible with the character of the village and not involve the loss of important gaps between developed areas.

The built development line terminates at Oakley House, as acknowledged in the supporting statement. A substantial gap of 109m then lies between Oakley House and the next residential dwelling. The site is therefore neither an infill site or part of a continuously developed road frontage. This was the conclusion reached on the previous application on the site.

**Case No: 17/02829/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE AGENDA

---

Comments have been raised that due to the amount of supporting comments received during the publicity period of this application, a community aspiration/need has been demonstrated.

Policy MTRA3 does support other development to reinforce a settlement's role and function, to meet a community need or to realise local community aspirations. The policy, and paragraph 4.10.2 of the Local Plan Part 2, goes on to state that these should be identified through a Neighbourhood Plan or process which demonstrates clear community support.

A similar argument has recently been considered by the Planning Inspectorate at another site within North Boarhunt (16/03027/OUT & APP/L1765/W/17/3176322) where the Inspector concluded that whilst submitted representations clearly demonstrate a level of support for the proposal, a scheme should have been instigated by the local community or clearly identified through a Neighbourhood Plan, Parish Plan or similar process.

Although multiple support letters have been submitted for the application, this does not amount to a community instigated proposal and the application cannot be considered under this principle.

Therefore, the principle of an additional residential unit on the site is not acceptable.

Design/layout

The building uses a rural cottage design form which duplicates details from the neighbouring property at Oakley House. Materials are also similar to the existing built form.

The dwelling has a large depth compared to more traditional rural dwellings, but this is not considered to be out of character when the immediate surrounding built form at Oakley House is considered.

Therefore, the design of the dwelling is considered appropriate due to the variety of design and size of dwellings found in the area alongside the duplication of details from surrounding properties.

Impact on character of area and neighbouring property

The character of the surrounding area is semi rural with open countryside immediately opposite the site and a series of semi-detached and detached dwellings to the north. The building line varies and a uniform design style cannot be identified in terms of size, styles and materials.

The proposal is located in a sensible position within the plot which allows the dwelling to sit within the street scene and its varying building line. Although being close to the northern boundary, the dividing grass track maintains an appropriate gap between the proposal and Oakley House.



WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE AGENDA

---

The replacement of natural vegetation to the front elevation and the addition of hedging the northern elevation also works to soften the development from the street scene.

Therefore, although the principle of the development remains unacceptable, a significant impact on the character of the area cannot be demonstrated to justify refusal on those grounds.

Oakley House is to the north and an 8 metre gap remains between the two properties. The neighbouring property has five windows facing the direction of the site. Three serve WCs, one serves the landing area and one is the sole window to the Dining Room of the property.

One window is proposed on the side elevation of proposed dwelling which is to be obscure glazed. An overlooking impact cannot be demonstrated.

The dining room window is the only window serving prime amenity space within the dwelling. Although the proposal would be to the south of this window, a sufficient gap is maintained between the two properties to prevent an overshadowing or overbearing impact from this perspective.

Therefore, significant harm to residential amenity cannot be demonstrated.

#### Landscape/Trees

The application has been submitted with a detailed landscaping proposal which involves removing the laurel hedge to the front of the site and replacing with a native hedge.

Outside of the application site, but within the 'blue edge' of the site under the applicant's ownership, new woodland and woodland edge planting would be planted along the front boundary of the wider site.

The landscape Officer has considered the proposals and has no objection to the scheme. It is also noted that the proposed landscape plan is acceptable, and this would have been complied with by condition if the application were successful.

There are no protected trees within the application site. There are two trees protected by a Tree Preservation Order (TPO) to the rear of the site, and a TPO Area runs to the south of the wider holding. An arboricultural impact assessment & methodology (including a tree protection plan) has been submitted with the application.

This contains appropriate measures to protect the remaining trees on the site, and no objection is raised from a Landscape (Trees) perspective.

#### Highways/Parking

The plans show that a new private driveway is to be constructed which supplies 2

**Case No: 17/02829/FUL**



WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE AGENDA

parking spaces alongside the integral garage. The proposal therefore complies with Winchester City Council's Residential Parking Standards.

The Highway Engineer raised no objection to the proposal, subject to the inclusion of a number of conditions regarding the use of non-migratory surfacing materials and the retention of the designated area as a parking area.

Ecology

The site lies within an identified Site of Importance for Nature Conservation (SINC) as an Ancient Woodland.

The submitted Ecological Assessment and Management Plan contains a number of recommendations which the Ecology Officer considers suitable. Measures have been set out in the report to protect important habitats and features during construction and further management measures have been included to provide appropriate management for a minimum of 80 years.

The Ecology Officer requests conditions related to an 80-year management plan, construction method statement and a lighting plan.

Whilst the response of the Ecology Officer requests a legal agreement be put in place to secure the management plan, an appropriately worded condition would have been proposed to secure the recommendations of the report, including the 80 year management plan, had the application been successful.

Other Matters

Section 3.0 of the Planning Statement discusses how the proposal would be a self-build project, with the applicant reportedly being on the Council's self-build register. However, being self-build does not exempt sites from being compliant with planning policy and policy MTRA3 and MTRA4 would continue to apply.

This site is within 5.6 km of the Solent coastline. Tens of thousands of birds come to the Solent coast for the winter and there are three Special Protection Areas (Chichester & Langstone Harbours; Portsmouth Harbour; and Solent & Southampton Water) to safeguard them. The protection afforded by the SPA designations has particular consequences. Under the Habitats Regulations, any plan or project can only lawfully go ahead if it can be shown that the development, either on its own or in combination with other plans or projects, will have no adverse effect on the integrity of the SPAs.

New housing around the Solent will lead to more people visiting the coast for leisure with the potential to cause more disturbance to the birds. Research shows that additional disturbance will affect the birds' survival unless mitigation measures are put in place. Bird Aware Solent provides a means to deal with the potential impacts along the coastline resulting from housing developments. The initiative is run by the Solent Recreation Mitigation Partnership, which is made up of 19 organisations (local



WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE AGENDA

authorities and conservation bodies) including Winchester City Council, and is funded by financial contributions from new dwellings and other forms of residential developments within 5.6km of the SPAs. The measures implemented by the Partnership provide a means for developers to mitigate the effects of their schemes so that obligations under the Habitat Regulations can be met and planning permission granted.

The planned mitigation measures are set out in the Interim Solent Recreation Mitigation Strategy. The main one is a team of rangers to help coastal visitors and communities understand the importance of the different bird species and the impact of disturbance. Additional work is taking place to encourage responsible dog walking and visits to less sensitive parts of the coast. This work is particularly important as research shows that around 40% of bird disturbance occurs as a result of interactions with dogs. In addition the Bird Aware Solent team have secured Local Growth Deal funding which has been spent on creating or enhancing alternative local green spaces for some people who would otherwise visited the coast. The effectiveness of the Strategy's measures are also being monitored. The Interim Strategy is due to be replaced by a Definitive Strategy later this year.

The Council's Supplementary Planning Document relating to the SDMP states that Developments of one or more dwellings within a 5.6km radius of the SPA will be required to provide financial contributions of £181 per dwelling towards the SDMP in order to prevent additional disturbance to the SPA/ Ramsar site. In this instance the application is not accompanied with the requisite contribution to mitigate the harm caused to biodiversity in the affected area as set out above, failing to comply with policies CP15 and CP16 of LPP1.

Planning Obligations/Agreements

In seeking the planning obligation(s) and/or financial contributions for the Solent Mtigation Fund 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 Refused due to the following reasons:

01 The proposed development would create an undesirable additional dwelling for which there is no overriding justification in an area of countryside, contrary to Policy MTRA4 of the Winchester District Local Plan Part 1 - Joint Core Strategy. In addition, it fails to accord with Policy MTRA3 in that it does not represent the infilling of a site within a continuously developed road frontage and;

02 The proposed development is contrary to Policy CP15 and CP16 of the Winchester District Local Plan Part 1 - Joint Core Strategy, in that it fails to protect and enhance biodiversity across the District by failing to make appropriate provision for the Solent Disturbance and Mitigation Charge Zone. As a result, it is considered that the proposed development would result in significant harm to the Special Protection Area (SPA) and the species that it supports, therefore contravening the legal requirements of the Wildlife and Countryside Act 1981, the Habitat Regulations.

**Case No: 17/02829/FUL**



WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE AGENDA

**APPENDIX A: Cllr Cutler request for Committee**

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

<b>Request from Councillor: Neil Cutler</b>
<b>Case Number: 17/02829/FUL</b>
<b>Site Address: Land adjacent to Oakley House, Trampers Lane, North Boarhunt PO17 6BY</b>
<b>Proposal Description: Erection of dwelling</b>
<b>Requests that the item be considered by the Planning Committee for the following material planning reasons: This proposal has considerable local support as well as some objections and the site is a part of continuously developed road frontage. A decision would be based on interpretation of policy MTRA3 both in terms of infilling and community aspiration/ need. The committee is best placed to make this decision.</b>

- 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*

**Case No: 17/02829/FUL**



WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE AGENDA

---

*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.**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE AGENDA

**Appendix B: Boarhunt Parish Council request**

Dear Rob,

Would you place on record the following as Boarhunt Parish Council's Consultee comments for Planning Application 17/02829/FUL - Land Adjacent to Oakley House, Trampers Lane, North Boarhunt, PO17 6BY - Erection of Dwelling, please?

**'Boarhunt Parish Council discussed this application at its full meeting held on 3rd January 2018 and fully support this application for the erection of the dwelling as specified in the supporting statement to the application (Ref: WIN/1201/NM).**

**The application appears to fully meet the recommendations of the Pre-application advice (16/00597/PREDIP of 6th April 2016) and now includes input from Ecology, Landscape and Arboricultural experts.**

**Therefore, if the Planning Officer is minded to refuse the application, it is requested that it is referred to Planning Committee for decision'.**

Regards,

Geoff Wright, FMAAT, PSLCC, CiLCA  
***Clerk to and on behalf of Boarhunt Parish Council, Hampshire***

email: [boarhuntpc@gmail.com](mailto:boarhuntpc@gmail.com) website: <http://boarhuntparishcouncil.org>