

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 13 September 2007

Item No: 2
Case No: 07/01433/FUL / W02350/08
Proposal Description: 4no. one bed, 1no. three bed, 1no. 2 bed, 1no. four bed and 2 no. five bedroom dwellings; new access from Ashley Gardens
Address: Lawsonia Bull Lane Waltham Chase Southampton Hampshire
Parish/Ward: Shedfield
Applicants Name: Foreman Homes Ltd
Case Officer: Mr Simon Finch
Date Valid: 8 June 2007
Site Factors:

Recommendation: Application Permitted

General Comments

This application is reported to Committee because of the number of objections received

A scheme for 9 dwellings (06/03477/FUL) was considered by Committee in March/April this year and was refused permission essentially because it was considered that the design and layout of the scheme would have resulted in a detrimental impact upon the character and appearance of the area.

In particular, there was concern regarding the design of a number of the dwellings including the houses fronting onto Bull Lane (plots 8 and 9) as these buildings had their principal facades and main entrances on their south side (facing the highway), whereas they were actually only accessible from the new service road to the north. There was further concern relating to the intensity of the development in terms of the dominance of hard surfaced areas, such as the service road and parking spaces/garages, and the effect this would have on the visual amenities of the area.

Whilst the revised scheme proposes a similar site layout to the refused development, with 9 dwellings arranged around a new access road from Ashley Gardens, the design of the road and parking arrangements have been significantly amended along with the house types for plots 8 and 9, in order to address the first reason for refusal.

Officers consider that the design changes to the parking and access arrangements combined with the amendments to plots 8 and 9 would result in an acceptable form of development and the application is recommended for approval.

Site Description

The application site has an irregular shape with an approximate area of 0.26 hectares and lies on the north side of Bull Lane approximately 113 metres from its junction with the B2177.

The site is occupied by a brick built single storey bungalow (Lawsonia) with access from Bull Lane and the land slopes gently to the south and east. The frontage on to Bull Lane is defined by a low bank and hedgerow and the plot also has a frontage onto Ashley Gardens which lies to the east.

To the north the site is bounded by the rear gardens of houses in Ashley Gardens and further residential properties located in Bull Lane and Ashley Gardens lie immediately to the east and west of the plot.

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The character of the area around Lawsonia is somewhat mixed, with a variety of dwelling types along Bull Lane itself ranging from detached bungalows/chalet bungalows to 2-storey houses most of which appear to be post-war in origin, although there are also several far older premises evident, including Hawthorn Cottage which is the neighbouring dwelling to the west of the site. The properties in Ashley Gardens by comparison have a more consistent character, having largely been built during the same period (circa 1970) and this road consists of a mix of 2-storey detached, semi-detached and terraced houses.

Proposal

The application seeks permission for the demolition of the existing bungalow and the erection of 9 dwellings consisting of a detached 2-storey building comprising 4 one bedroom flats with bin/cycle store which would front onto Ashley Gardens, 2 detached three and four bedroom chalet style bungalows, a 2 bedroom single storey bungalow (all 3 fronting onto the new access road within the site) and 2 detached five bedroom houses fronting onto Bull Lane. Parking for 17 cars (including garages) would be provided and each unit would have a dedicated space(s).

Access to the development would be from a lay-by in Ashley Gardens and would involve the loss of 1 existing parking space. Three detached garages are proposed to serve the bungalow/chalet bungalows and houses on plots 6-9.

Relevant Planning History

04/03021/FUL – Demolition of Lawsonia and erection of 2 two bedroom bungalows, 5 three bedroom bungalows 1 detached double garage, 1 2-storey block of 4 one bedroom flats and 16 parking spaces – Refused. Appeal dismissed July 2006.

06/01012/FUL – Erection of 3 four bedroom houses, 2 three bedroom bungalows, 2 two bedroom bungalows, and 4 one bedroom flats and parking garaging and access. Withdrawn.

06/03477/FUL – 4 one bedroom flats with bin/cycle store which front onto Ashley, 2 detached four bedroom chalet style bungalows, a single storey bungalow and 2 detached five bedroom houses fronting onto Bull Lane. Refused by Committee 19/4/07. Appeal pending.

Consultations

Engineers: Drainage:

Public foul sewer exists in Ashley Gardens and Bull Lane which could be used to serve this development. No storm water sewers exist in the vicinity of the site and the only means of disposal is by soakaway (not very efficient in prevailing ground conditions) or to water courses. As the area of hard surfacing is being considerably increased, the applicant must submit a drainage strategy showing how the storm water will be disposed of in a manner that will not increase the rate of run-off that currently exists. Before work commences on site the drainage strategy must be approved by the Council (a revised version of the previously submitted plan should suffice) (condition 2 refers).

Engineers: Highways:

The plan reflects advice given to the applicant. Conditions relating to access design, car parking and road and footway construction standards should be imposed upon any permission granted (conditions 9 & 10). Financial contribution of £16000 should be sought towards sustainable transport initiatives contained in the Central Hampshire Transport Strategy.

Environment Agency:

The agency has assessed the development as having low risk and due to workload prioritisation is unable to make a full response. *Comment: The agency has commented in full on previous*

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applications for the development of this site and has raised no objections subject to the imposition of drainage conditions (No.2)

Southern Water:

Initial investigations indicate Southern Water can provide foul sewage disposal for the development

Landscape:

Proposal considered to be acceptable in landscape terms as there are few landscape constraints on the site. If the application is recommended for approval conditions to cover landscaping should be imposed (conditions 3-6) (comments in relation to application 06/03477/FUL)

Housing Manager:

In line with Policy H.5 affordable housing provision will be met by providing 2 of the 1 bedroom flats on site, with a financial contribution of £48902 for the remainder.

Representations:

City of Winchester Trust: N/A

Shedfield Parish Council

Objection: overdevelopment, flooding and inadequate drainage, application submitted whilst appeal is still running, roads unable to take extra traffic, development is out of character and inadequate local facilities (full comments appended to this report).

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

- Overdevelopment/cramped form of development/excessive density/detrimental to the area's character and not compliant with planning policy
- Flats are out of character and would be overbearing on neighbouring properties
- Loss of parking/inadequate parking provision/development will encourage parking on Bull Lane which is unacceptable
- No public sewer in Ashley Gardens and consent will not be given for the applicant to connect to the private sewer/foul sewers continue to flood and this needs to be resolved before the application is decided. Sewer survey required and should flooding result from the development the Council will be held liable. Water logging is also a problem.
- Drains run under the site and must be preserved
- Is site area 0.26 or 0.27?
- Waltham Chase is not a sustainable location. Village bus services have been reduced making the location less sustainable and not in accordance with PPG13. Inadequate services and infrastructure.
- Waltham Chase is at saturation point for housing
- Access unsafe and increase in traffic would be dangerous and inadequate footpaths in the vicinity of the sites/gates of neighbouring houses would interfere with the proposed access road
- Outlook from new dwellings dominated by car parking
- Why has this application been made when the appeal is being considered?
- Impact upon wildlife
- Overlooking of, and loss of privacy from, neighbouring houses in Ashley Gardens
- Amended scheme does not address previous concerns and objection

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

- Development will reduce property values
- Access road will undermine foundations of the neighbouring garage
- Application motivated by profit

Relevant Planning Policy:

Hampshire County Structure Plan Review:

UB1, UB2, T1, T2, T5, H11, E4, E8.

Winchester District Local Plan Review

DP.1, DP.3, DP.4, H.3, H.5, H.7, RT.4, T1, T.2, T.4.

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPG 3 Housing

PPG 13 Transport

PPG 17 Planning for Open Space, Sport and Recreation

PPG 25 Development and flood risk

Supplementary Planning Guidance

N/A

Other Planning guidance

Housing Monitoring Report

Movement, Access, Streets and Spaces

Parking Standards 2002

Winchester District Urban Capacity Study

Winchester Housing Needs Survey

Planning Considerations

Principle of development

This site lies within the policy area of Waltham Chase where the development plan policies support the principle of new housing development. As a result, providing the nature of the development put forward would be compatible with the character of the locality and neighbouring land uses and properties, approval can be granted. A previous proposal on the site for 11 dwellings was refused permission by the Council and dismissed on appeal, mainly on the grounds that the layout and design of the development were inappropriate. The principle of developing the land for housing was not disputed. A further application for 9 dwellings was considered by Committee in March/April this year (06/03477/FUL) and was refused, contrary to the officer's recommendation, primarily because of its layout and design and the resultant impact upon the character and appearance of the area. This application is for a similar form of development but the scheme has been amended in order to try and address these concerns.

Design/layout

The layout of the scheme is similar to the refused application for 9 dwellings in that the application proposes a single building fronting Ashley Gardens containing 4No. flats (plots 1-4) with a new access road into the site around which are grouped a bungalow, 2No. chalet bungalows (plots 5-7) and 2No. 5 bedroom houses facing Bull Lane (plots 8-9).

The prominence of the hard surfacing and the dominance of the parking areas within the development have been reduced by incorporating the parking for units 6, 8 and 9 within their plots as opposed to grouping these spaces together adjoining the road. The dwelling occupying plot 6 has been reduced from a 4 to a 3 bedroom dwelling with a corresponding reduction in parking provision from 3 to 2 spaces. The double garage at the end of the new road has been replaced by a single garage serving plot 7 only. Plot 6 no longer has a garage but it would be provided with 2 parking spaces within its garden and these would be located adjacent to its flank (north-east) elevation.

These changes may be relatively modest in scale but their overall effect would be significant in visual terms in that prominence of the parking spaces, garages and manoeuvring areas is

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diminished with greater scope for soft landscaping around the new road. Furthermore, it is proposed to surface the parking bays in a contrasting material to the road to avoid the excessive use of one finish such as tarmac. Consequently it is considered that the revised design would help to create a greater feeling of spaciousness when viewing the development from within the site or from Ashley Gardens and it would result in a better environment more sympathetic to the character of the surrounding area compared to the last scheme.

Impact on character of area and neighbouring property

As in the case of the refused scheme the proposal maintains variety in terms of its built form which more reflects the mix of dwelling types in the area which is particularly evident in Bull Lane.

When considering the recently refused scheme Committee were concerned about the 2 houses proposed along the Bull Lane frontage. Previously these units had their principal elevations and main entrances facing towards the highway even though they could only be accessed from the new service road to the rear. There was a perception that these dwellings were "turning their backs" on the development and this arrangement was visually confusing. In order to overcome this problem these houses have been re-designed so that they are, in effect, dual aspect. The north elevations now include the main entrances but visual interest is retained on the south elevations facing Bull Lane and both units incorporate doors and porches on these facades so that the houses will address the street scene. These amendments add interest to the development as a whole, particularly when viewed from the rear. In addition both units have been pulled back further from Bull Lane by about 2.5 metres which would reduce their impact in the street scene and would bring them roughly in line with the dwelling to the east (1 Ashley Gardens).

The houses remain relatively large but their scale, detailing and materials are considered to be appropriate and would mean that they would not constitute an intrusive or discordant form of development.

Similarly, the proposed flats fronting Ashley Gardens have been designed to resemble a large detached house, as before, and it is considered that this approach, coupled with an appropriate scale and palette of materials, would mean that they would not be detrimental to the visual amenities of the street.

The other units proposed within the site are considered to be appropriate in terms of the scale, mass and design and would be relatively well screened by the buildings on plots 1-4 and 8 and 9, and by surrounding dwellings, so that they would have only a modest and acceptable impact upon the area's character.

It is acknowledged that the proposed dwellings would have some impact upon the neighbouring houses. The flats proposed (plots 1-4) would be some 14.5 metres from 13 Ashley Gardens, 11 metres from No.25 and approximately 16 metres from No.1. Given the height of the building at around 8 metres, its hipped roof design and taking account of the fact that the only side wall windows are to serve bathrooms, it is considered that there would not be a materially harmful loss of outlook or privacy from these houses.

The chalet style bungalow on plot 5 would be set some 6.0 metres off the north boundary and would be around 11 metres from 29 Ashley Gardens and 13.5 metres from No.25. This degree of separation in conjunction with the chalet design of the new dwelling, which keeps down the mass and height of the building (ridge circa 6.8 metres and eaves circa 2.6 metres), would mean that an overbearing effect and materially harmful loss of outlook would be avoided. The only windows facing north would be bathrooms and so the privacy of the houses in Ashley Gardens would not be unduly compromised.

The dwelling on plot 6 is single-storey only and would be some 8 metres from the west boundary and the chalet style bungalow on plot 7 would maintain a distance of at least 10 metres. It is

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considered that these distances, the design of the dwellings which minimises their height and mass (plot 6 ridge height of circa 5.7 metres, plot 7 7.5 metres) and the orientation of the dwelling on plot 7, which includes first floor rear windows, would mean that they would not have a significantly detrimental effect on the privacy and other amenities of 33 Ashley Gardens or Woodbine Cottage and Hawthorn Cottage in Bull Lane.

The house proposed on plot 8 would be more than 20 metres from the neighbouring house to the west (Hawthorn Cottage) and would not represent an overbearing form of development and the only first window in the west elevation would be to a bathroom.

The unit on plot 9 would be set some 2 metres off the boundary with 1 Ashley Gardens and would be sited roughly adjacent to the existing property. It is considered that the new dwelling would not have an overbearing impact on No.1, which has no windows in its main west elevation, and would not unduly compromise its privacy as the only first floor side windows proposed are for bathrooms.

Landscape/Trees

There are no trees of merit within the site and therefore new landscaping will be needed to help assimilate the development into its surroundings (condition 3). The Monterey cypress tree in the garden of Hawthorn Cottage is a prominent feature in the locality, albeit that it does not have a particularly good form, and the development has been supported by an arboricultural report and is designed to minimise the impact of the building works upon the tree (conditions 5 and 6).

The hedgerow growing along the Bull Lane frontage is an important landscape feature and is to be kept as part of the development (condition 4).

Highways/Parking

There remains considerable local concern about the highway impact of the scheme.

The development would take access off Ashley Gardens through a lay-by. The scheme includes parking for each dwelling to the maximum prescribed in the Hampshire Parking Strategy (1 space per 1 bedroom flat, 2 spaces per 2/3 bedroom unit and 3 spaces per 4/5 bedroom dwelling). Consequently, it is considered that the provision of 17 spaces (including garages) is satisfactory and that it would be unreasonable and contrary to policy to seek additional parking provision. A highway reason for refusal, based on the loss of existing parking in Ashley Gardens caused by the formation of the site access, would be unsustainable given that the reduction is small and that the units in Ashley Gardens have off-road parking.

The Highway Engineer has assessed the means of access and the off-site implications of the development in terms of the impact of the likely level of additional traffic generated and has raised no objections to the scheme in its amended form.

There are no proposed pedestrian accesses onto Bull Lane from plots 8 and 9 in order to discourage parking on the road which would have been unacceptable in terms of the impact on highway safety.

A financial contribution of £16000 is required for Sustainable Transport Improvements contained in the Central Hampshire Rural Transport Strategy and this would be covered by a planning obligation.

Other Matters

Local residents have again raised issues regarding drainage matters and this was a consideration at the time of the dismissed appeal for 11 units, although the Inspector was satisfied that the issue could be resolved and did not dismiss the scheme on this basis.

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Southern Water has previously confirmed that it should be possible to discharge foul water from the development to its sewer. Furthermore, the Council's Drainage Engineer is satisfied that, based upon information submitted before in connection with earlier proposals, it should be possible to design a soakaway system to provide a means of surface water disposal for the new properties. In the circumstances therefore it is considered that would be difficult to sustain a refusal on the grounds of inadequate foul or surface water drainage.

In line with Policy H.5 of the local plan there is a requirement for the provision of affordable housing as part of the development (30% of the units). In this instance the requirement will be met by providing 2 of the flats as affordable units with a financial contribution of £48902 for the remaining proportion (0.7 units). This arrangement has been agreed by the Housing Manager and will be covered by planning obligations.

A contribution of £14090 is required for open space and this would be covered by planning obligations in the usual way.

Planning Obligations/Agreements

In seeking the planning obligation(s) and/or financial contributions for open space £14090, £16000 for Sustainable Transport Improvements contained in the Central Hampshire Rural Transport Strategy and provision of affordable housing (2 one bedroom flats on site plus a financial contribution of £48902), the Local Planning Authority has had regard to the tests laid down in Circular 05/2005 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 Permitted subject to the following condition(s):

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

Conditions

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

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

2 Detailed proposals for the disposal of foul and surface water for the dwellings, including a drainage strategy for the site; shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before any of the dwellings are first occupied.

NB: The provision of a surface water regulation system shall be designed and implemented to the satisfaction of the local planning authority and supported by a drainage strategy with detailed calculations. The runoff generated by the 1% probability storm must not exceed the runoff of the undeveloped site. The scheme shall include a maintenance programme and establish responsibility for the system. Foul sewage should be to mains drainage unless otherwise agreed by the local planning authority.

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

3 A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out

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

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

4 The existing bank and hedgerow growing along the site's south boundary fronting on to Bull Lane shall be retained in perpetuity and the hedge shall be maintained at a height of at least 2 metres unless otherwise agreed in writing by the local planning authority.

4 Reason: To protect the visual amenities of the street scene.

5 In this condition "retained tree and hedge" means an existing tree/hedge which is to be retained in accordance with the approved plans and particulars, and paragraphs (a) and (b) below shall have effect until the occupation of the building(s) for its permitted use.

a) No retained tree/hedge shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any tree/hedge is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree/hedge shall be undertaken in accordance with details to be submitted and approved in writing by the Local Planning Authority before any equipment, machinery, or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

5 Reason: To enable proper consideration to be given to the impact of the proposed development on existing trees/hedges.

6 The development shall not be carried out other than in accordance with the provisions of the tree report (including the method statement at Appendix 1) produced by Sapling Arboriculture Limited unless otherwise agreed in writing by the local planning authority.

6 Reason: To protect trees in the interests of the visual amenities of the area.

7 No development, or works of site preparation or clearance, shall take place until details, including plans and cross sections of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto, have been submitted to and approved in writing by the Local Planning Authority.

7 Reason: To ensure a satisfactory relationship between the new development and adjacent buildings, amenity areas and trees.

8 Details of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway shall be submitted to and approved in

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writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the duration of the construction period. No lorry shall leave the site unless its wheels have been cleaned sufficiently to prevent mud being carried onto the highway.

8 Reason: In the interests of highway safety.

9 Details of provisions to be made for the parking and turning on site of operative and construction vehicles during the period of development shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the construction period.

9 Reason: In the interests of highway safety.

10 None of the dwellings hereby permitted shall be brought into use before the parking spaces for each unit (including garages) and turning areas have been provided in accordance with the approved plans and thereafter retained solely for these purposes unless otherwise agreed in writing by the local planning authority.

10 Reason: To make appropriate provision for off street parking.

11 The existing access onto Bull Lane shall be permanently stopped up and abandoned and the verge crossing reinstated (if applicable) to the requirements of the local planning authority immediately after the completion of the new site access and before the new access is brought into use.

11 Reason: In the interests of highway safety.

12 There shall be no means of access (vehicular or pedestrian) to and from the site on to Bull Lane

12 Reason: In the interests of highway safety.

13 The proposed access and drive, including the footway; shall be laid out and constructed in accordance with specifications to be first submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling unless otherwise agreed in writing by the local planning authority.

NOTE: A licence is required from Hampshire Highways Winchester, Central Depot, Bar End Road, Winchester, SO23 9NP prior to the commencement of access works.

13 Reason: To ensure satisfactory means of access.

14 None of the dwellings shall be brought into use before bin and cycle storage for each unit has been provided in accordance with details to first be submitted to and approved in writing by the local planning authority.

14 Reason: To secure a satisfactory form of development.

15 The first floor windows in the north elevation of plot 5, the north and south elevations of plots 1-4 and east and west elevations of plots 8 and 9 hereby permitted shall be glazed in obscure glass and thereafter retained.

15 Reason: To protect the amenities of neighbouring residential properties.

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16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A,B and C of Parts 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

16 Reason: To protect the amenities of neighbouring residential properties.

17 None of the dwellings shall be occupied before the existing dwelling known as Lawsonia has been demolished and the resultant debris removed from the site.

17 Reason: To secure an appropriate form of development.

18 No development shall commence before details of hard surfacing materials (including porous materials in the vicinity of the Monterey cypress tree located in the garden of Hawthorn Cottage) have been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details.

18 Reason: In the interests of the amenities of the area.

19 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are first occupied. Development shall be carried out in accordance with the approved details.

19 Reason: In the interests of the visual amenities of the area.

20 No development shall commence before samples of all external walling and roofing materials have been submitted to and approved in writing by the local planning authority. The development shall not be completed other than in accordance with the agreed details.

20 Reason: To protect the visual amenities of the area.

Informatives:

This permission is granted for the following reasons:

The development is 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 a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

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

Hampshire County Structure Plan Review: UB1, UB2, T1, T2, T5, H11, E4, E8.

Winchester District Local Plan Review : DP.1, DP.3, DP.4, H.3, H.5, H.7, RT.4, T1, T.2, T.4.