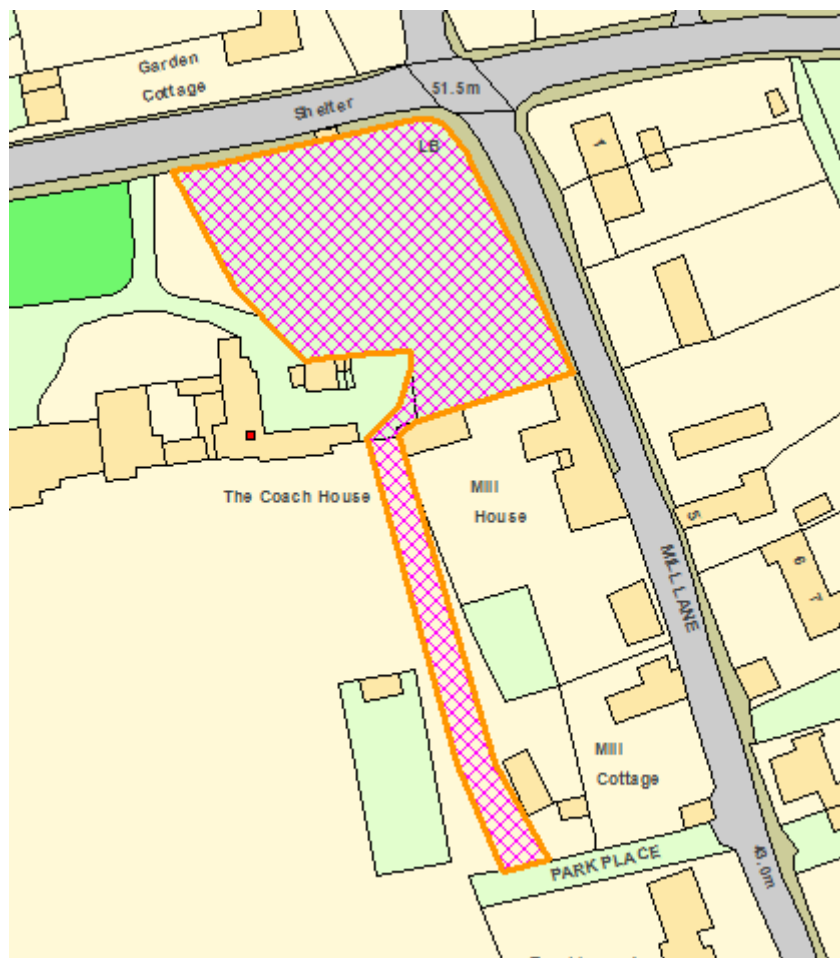


**Item No:** 02  
**Case No:** SDNP/17/03382/FUL  
**Proposal Description:** Construction of one dwelling, with associated parking and landscaping (Amended Plans - 06/03/2018)  
**Address:** The Coach House, Mill Lane, Abbots Worthy, Hampshire, SO21 1DS  
**Parish, or Ward if within Winchester City:** Kings Worthy  
**Applicant's Name:** Mr O Bowhill  
**Case Officer:** Mrs Sarah Tose  
**Date Valid:** 25 July 2017  
**Recommendation:** Application Approved



### Executive Summary

This application is reported to the Planning Committee due to the number of representations that have been received contrary to the Officer's recommendation.

## **1 Site Description**

The application site lies to the south side of the B3047 in the village of Abbots Worthy. It occupies a corner position at the crossroads of the B3047, Mill Lane and Park Lane. The site forms part of the garden of the Coach House, which lies to the southwest, and is enclosed to the north and east by a tall brick and flint wall that is Grade II listed. The wall ranges from between 3 to 4 metres in height. The west boundary of the site is defined by a close boarded fence. There are several mature trees towards the northwest corner of the site that lie outside of the area proposed for development. There is a line of trees along the eastern boundary situated behind the wall. The site is mainly laid to grass. At the southeast corner there is an area of stored building materials associated with previous works carried out at the site.

The site is surrounded on all sides by residential development. Abbots Worthy House adjoins the site to the west and a Grade II listed building, Mill House, lies to the south. An outbuilding in the garden of Mill House forms part of the southern boundary of the site. To the east are properties along Mill Lane, nos 1-3 which are listed buildings, and to the north are properties off the B3047 and Park Lane.

The site is accessed from the existing long drive of the Coach House (known as Park Place) which exits near the end of Mill Lane. There is a pedestrian access through a gated opening in the listed wall along the northern boundary of the site. Mill Lane is a single track no through road which leads to the River Itchen and three public footpaths extending to the east, south and west.

Mill Lane slopes downwards from north to south. The access road to the Coach House (Park Place) rises towards the west and north so the application site lies at a higher level than neighbouring properties to the south.

The site lies within the Conservation Area and the South Downs National Park.

## **2 Proposal**

The proposal seeks to construct a detached, two storey, four bedroom dwelling with associated parking and landscaping. It is longitudinal in form and positioned on a north south axis towards the east side of the existing garden.

## **3 Relevant Planning History**

SDNP/15/04797/HOUS - Conversion of domestic stables into living accommodation and ground floor extension (amended plans received 16.11.2015 and 19.11.2015). STATUS: APP 23rd November 2015.

SDNP/15/03628/LDE - Use of the building as residential STATUS: SPLIT 11th November 2015.

SDNP/15/02562/PRE - Proposed extension and alterations STATUS: PRE  
3rd July 2015.

11/01907/SFUL- Conversion of Abbots Worthy House in to 10 no. dwellings and conversion of coach house into 2 no. dwellings; demolition of existing wing, outbuildings and garage and erection of new wing comprising of 4 no.flats, garaging with parterre and 35 no. parking spaces; erection of regency style building comprising 8 no. dwellings for social housing and 12 no. associated parking spaces. Resolution to approve by the SDNPA planning committee but subsequently the application was refused on 19.08.2014 as the S106 Agreement was not entered into.

10/00710/FUL- Erection of a new 5 bed dwelling with double garage and associated garden area; proposed new vehicular access to serve the proposed new dwelling from Mill Lane through the listed wall, with oak gates and associated restoration and repairs to the listed walls; erection of solar panels with associated free standing structure adjacent the listed boundary wall. Demolition of buildings attached to the main house that accommodated the child day care use; cessation of the child day care use; demolition of the coach house and ancillary buildings; formation of new access from B3047 to serve Abbots Worthy House with new driveway and associated removal of trees; closing up of the two existing entrances with solid wooden panels with pedestrian gate. Refused 30.11.2010.

#### **4 Consultations**

**Parish Council Consultee**

No objections.

**WC - Drainage Engineer**

No objection.

**WC - Winchester Highways**

No objection.

**WC - Historic Environment Team**

No objection, subject to conditions and informative.

#### **5 Representations**

18 representations have been received from 11 households raising objections to the application (original plans) for the following reasons:

- Increased use of substandard dangerous junctions onto Mill Lane and B3047.
- Adverse impact on highway safety.

- Mill Lane is a very narrow lane leading down to the River Itchen with no pavements or passing places and is much used by walkers- extra traffic on Mill Lane will increase the danger to pedestrians.
- Numerous unrecorded crashes at the Mill Lane/ B3047 junction.
- Driveway is not a suitable entrance for construction vehicles or future household deliveries.
- Historical access to the site was through the east gate of Abbots Worthy House- when the Coach House was acquired a new access was created onto Mill Lane (known as Park Place) without planning permission. This access is unsafe and was never intended to be an access point for a dwelling.
- Set a precedent for future development.
- Overlooking to the garden of Mill House to the south.
- Overlooking to properties on Mill Lane to the east.
- Windows facing Abbots Worthy House would invade their privacy.
- Significant downgrading to the heritage value of listed assets.
- Previous applications have been refused.
- Increase in light pollution.
- Highway Engineer's response fails to address the underlying issues.
- Extra traffic on Park Place will affect the enjoyment of the neighbouring properties.
- No provision of bin storage
- Removal of mirror to north side of Mill Lane/ B3047 junction raises new safety issues.

Objection from Upper Itchen Valley Society:

- Existing traffic problems in Mill Lane.
- No further accesses should be opened onto Mill Lane.
- Additional traffic behind properties on Mill Lane will adversely affect their amenities.
- Although Mill Lane is a cul de sac it is also used by anglers and walkers.

6 representations have been received supporting the application (original plans) for the following reasons:

- Beautifully designed house in keeping with Abbots Worthy.
- Makes good use of the land and safeguards it from future development.
- Designed sympathetically taking into consideration the proximity of neighbouring houses.
- An additional 2 or 3 cars would not make a big difference to traffic movements.
- Small increase in cars would not make Mill Lane a dangerous road.
- Not aware of any safety issues associated with builder's lorries when works have been carried out in Mill Lane in recent years.
- A single house would enhance the neighbourhood rather than the previous application that was passed for multiple houses.
- Shame that you will not be able to see such a beautifully designed house from the road.
- An obvious piece of land to infill with much needed housing.

Following the submission of amended plans, the following additional representations have been received:

6 representations raising the following objections:

- The re-siting of the proposed dwelling and the fact that the roof and first floor windows would project above the listed wall would have a negative affect on the conservation area.
- Schematic nature of the drawings is not considered adequate for determining a sensitive application in a conservation area within a listed boundary wall.
- Amendments are detrimental to the streetscape of Mill Lane.
- Having the proposed house poking out above the listed wall will make it look as though the wall was built to hide the house.
- Far better if access was through the east gate of Abbots Worthy House (with agreement of the owners) as this would negate the need for additional traffic using the hazardous Mill Lane/ B3047 junction.
- Whole length of property with 5 windows is now proposed immediately opposite 1 and 2 Mill Lane which will be close enough to these neighbour's windows to be extremely invasive.
- The previous plans did not impinge on any of the houses surrounding the site.
- The alignment of the new house would not be in keeping with Mill Lane as the existing houses in the lane are at all sorts of angles.
- The house appears to be positioned closer to the listed wall which will be more imposing and detrimental to the charm of the village.
- The original house was in keeping with the natural slope of the land.
- Excavation of foundations may prove detrimental to the stability of the listed wall and gateways.
- Increase in queues of traffic backing up across this junction from the B3047/A33 junction.
- Proposed structure will alter and dominate both place and space within the historic environs of Abbots Worthy and the SDNP.
- The property would be backland development not infilling as it doesn't open directly onto Mill Lane.
- Additional traffic along Park Place would pass the side window of Tumbleweade at window height only a few feet away adversely affecting the enjoyment felt by this neighbour.

Objection from Upper Itchen Valley Society:

- The Society's objection as before relates solely to the proposed access arrangements which do not appear to have changed.
- Access should be via the disused gate in the listed wall opening onto the B3047.
- This would avoid additional traffic in Mill Lane and improve the appearance of the Conservation Area and listed wall by unblocking the East Gate.
- However it is appreciated that this may not be possible for legal reasons.

1 representation supporting the application for the following reasons:

- Moving the entrance to the property would not improve road safety as some have suggested.

- It would be preferable for an extra car to come out of the well know existing junction on Mill Lane rather than reopening a very discrete private gateway, giving rise to an additional hazard.

## 6 **Planning Policy Context**

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Winchester District Local Plan Review (2006)** and the following additional plan(s):

- Winchester District Local Plan Part 1 Joint Core Strategy (2013)
- South Downs National Park Local Plan - Pre-Submission September 2017

Other plans considered:

- Kings Worthy & Abbots Worthy Village Design Statement

The relevant policies to this application are set out in section 7, below.

### National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

## 7 **Planning Policy**

### Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

### National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF07 - Requiring good design
- NPPF11 - Conserving and enhancing the natural environment
- NPPF12 - Conserving and enhancing the historic environment

Paragraph 2 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **Winchester District Local Plan Review (2006)** are relevant to this application:

- DP3 - General Design Criteria
- DP4 - Landscape and the Built Environment
- T2 - Development Access
- T4 - Parking Standards
- HE5 - Conservation Areas - Development Criteria
- HE14 - Alterations to Historic Buildings

The following policies of the **Winchester District Local Plan Part 1 Joint Core Strategy (2013)** are relevant to this application:

- MTRA4 - Development in the countryside
- MTRA3 - Other Settlements in the market Towns and Rural Area
- CP10 - Transport
- CP11 - Sustainable Low and Zero Carbon Built Development
- CP13 - High Quality Design
- CP16 - Biodiversity
- CP19 - South Downs National Park
- CP20 - Heritage and Landscape Character

The following policies of the **South Downs National Park Local Plan - Pre-Submission September 2017** are relevant to this application:

- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD9 - Biodiversity and Geodiversity
- Development Management Policy SD11 - Trees, Woodland and Hedgerows
- Strategic Policy SD12 - Historic Environment
- Development Management Policy SD13 - Listed Buildings
- Development Management Policy SD15 - Conservation Areas
- Development Management Policy SD22 - Parking Provision
- Strategic Policy SD25 - Development Strategy

#### Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National

Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

- General Policy 1
- General Policy 3

### The Draft South Downs National Park Local Plan

The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26<sup>th</sup> September to 21<sup>st</sup> November 2017. After this period, the next stage in the plan preparation will be the submission of the Local Plan for independent examination and thereafter adoption. Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the Pre-Submission Local Plan referenced are currently afforded some weight.

## **8 Planning Assessment**

### Principle of development

The application site lies within the countryside where new housing is not normally permitted unless there is an essential need for it to be located there such as housing for rural workers or affordable housing to meet local needs. However, within rural villages there are opportunities for small-scale residential development where gaps exist between existing properties. Within the village of Abbots Worthy, policy MTRA 3 allows for development that consists of infilling of a small site provided that it is located within a continuously developed road frontage and would be of a form compatible with the character of the village.

Looking on a north south axis, the site is situated between Mill House to the south and Garden Cottage and The Hurst to the north. It is acknowledged that this ribbon development along Mill Lane and Park Lane is bisected by the B3047, however as the site is surrounded by housing it is reasonable to consider the site as being within a continuously developed road frontage. Looking at the east west axis, the site lies between 1 Mill Lane to the east and Abbots Worthy House to the west, which is a substantial property set within extensive grounds. When looking at the existing pattern of development, it is not accepted that there is continuous development along the south side of the B3047.



The proposed dwelling was originally sited at the northern end of the plot on an east west axis, running parallel with the B3047. In this position it was not considered to comply with the requirements of policy MTRA 3 as it would not be infilling a gap within a continuously developed road frontage. Amended plans have been received which reposition the dwelling towards the east of the site on a north south axis. In this revised position, the dwelling would relate more to the existing development along Mill Lane and is therefore considered to be infilling a gap within a built up road frontage in accordance with policy MTRA 3.

The proposed dwelling would not front directly onto Mill Lane as it would be set back behind the tall boundary wall and accessed from the driveway that serves the Coach House. Concern has been raised that this would constitute backland development rather than infilling. The new dwelling would be sited adjacent to Mill Lane and is considered to relate well to the existing housing which fronts onto the lane. It therefore would not appear as backland development.

The second part of policy MTRA 3 requires development to be of a form compatible with the character of the village. The local area contains a mix of detached and semi-detached dwellings of varying sizes, within a variety of plot sizes. The site adjoins Abbots Worthy House to the west which sits in a substantial plot and Mill House to the south which is a large property within a large plot. Other plots to the north of B3047 are of a considerable size. Therefore the size of the proposed dwelling and its plot, although large, is not considered to be out of keeping with the character of the village.

On balance, given the positioning of the site in relation to surrounding development, the proposal is considered to satisfy the requirements of policy MTRA 3. It is therefore considered reasonable to accept the principle of an infill dwelling on the site.

#### Impact on heritage assets

The site used to be a walled garden to Abbots Worthy House, however it is no longer associated with the main house so has therefore lost its historic context. The Council's Historic Environment Officer therefore raises no objection to the principle of developing the site.

The site is situated within the Conservation Area and is surrounded by a Grade II listed boundary wall. It also lies adjacent to several listed buildings. The impact of the development on the setting of these heritage assets must therefore be assessed.

The submitted Heritage Statement outlines that the principal function of the boundary wall was to screen the grounds of Abbots Worthy House from view from the public highway. The construction of a dwelling within the grounds would therefore not negatively impact upon the setting for understanding of the listed boundary wall. In addition, the proposal provides the opportunity for funding and restoring the wall which ensures its long term future. A strategy

for the long term maintenance of the wall will be secured via a Section 106 agreement.

Concern has been raised about the construction works adversely affecting the stability of the listed wall. There would be a minimum distance of 7 metres between the proposed dwelling and the wall which is considered sufficient to ensure it is not affected. Condition 5 is recommended to ensure that a method of protection for the wall is submitted for prior approval. No percussion piling would be required so the wall is unlikely to be affected by vibration.

Due to the height of the boundary wall ranging between 3 and 4 metres only the first floor and roof of the new dwelling would be subject to views from within the Conservation Area. The proposed design and materials are considered acceptable (this is discussed further in the following section). Although the provision of a new dwelling would represent a change, it is not considered that this change would be harmful to the character and appearance of the Conservation Area.

The proposed dwelling would be located over 20 metres from the listed buildings to the south and east of the site. At this distance, and due to the scale and design of the new dwelling being deemed acceptable, it is not considered that the development would cause any significant harm to the setting of the nearby listed buildings.

In summary, it is therefore not considered that the proposed dwelling would result in demonstrable harm to the setting of the Grade II listed wall, the character and appearance of the Conservation Area or the adjacent listed buildings.

#### Scale and design

The dwelling was originally proposed in a regency style; however some amendments have been made to the design to include elements that are reflective of properties in Mill Lane. The bay windows and window design follows that of Mill House to the south. The flat form of the east elevation, facing Mill Lane, is more reflective of the style of the cottages opposite than the original regency design. The proposed dwelling would comprise rendered elevations under a slate roof with timber windows and doors. The proposed footprint of the dwelling would measure approximately 16.5 metres by 10 metres and it would be approximately 8.8 metres in height. Although the dwelling would be large, its scale is considered proportionate to the size of the plot and would not appear out of character with the local area which contains a variety of dwelling sizes.

The proposed design would differ from the cottages along Mill Lane, however only part of the new dwelling would be visible above the boundary wall and it is not considered to look out of place in the locality which contains a variety of dwelling types. The development is therefore considered acceptable in terms of its scale and design and would not result in any demonstrable harm to the character and appearance of the Conservation Area. Conditions 3 and 4 are

recommended to secure samples of materials and joinery details to ensure that the development is of a high quality.

#### Landscape character of the South Downs National Park

Policy CP19 requires development to be in keeping with the context and setting of the landscape of the National Park. It is considered that new residential development in this location would be in keeping with the existing character of the area, and as such would not detract from the landscape character and natural beauty of the National Park.

The South Downs National Park is a designated International Dark Sky Reserve. Condition 8 is therefore recommended to require the prior approval of any external lighting at the site to protect the landscape character of the Park from light pollution.

Given the former use of the site as a walled garden to Abbots Worthy House, it is considered appropriate for a formal landscaping scheme to be agreed for the remaining garden around the new dwelling that would reflect its historic use. The applicant has agreed to this so condition 7 is recommended to secure details of landscaping works.

#### Impact on highways

The application is for one additional dwelling served by an existing access onto Mill Lane, a residential cul de sac which currently serves some 15 dwellings. To the north the road forms a junction with the B3047 which links Winchester with New Alresford. Mill Lane does not benefit from any pedestrian footways, nor does it have any street lighting. It is subject to a speed limit of 30 mph.

The B3047 in the vicinity of the junction with Mill Lane has a footway to the west and a verge to the east. It lies within a 40 mph speed zone, and visibility at the junction is somewhat limited. Opposite Mill Lane is Park Lane, which links the B3047 with the A33 Basingstoke Road. The application is supported with a transport statement which sets out the highway implications of the proposal and a local resident has commissioned their own report from Peter Brett Associates (PBA), which also gives a view on the current highway situation. The Council's Highway Engineer recognises that the highway implications of this current application may not fully meet advice contained within the document Manual for Streets (MfS), however the document is for guidance purposes and it is considered that a balanced view needs to be taken in this situation.

The two main issues concern the access with Mill Lane and the junction with the B3047.

#### *Mill Lane*

The proposed dwelling is to be served by an existing access onto Mill Lane where visibility is somewhat restricted due to third party boundaries. The applicant's consultant has suggested that visibility splays of 2.0m by 12m and 2.0m by 18m can be achieved at this access, whilst the PBA report suggests

that lesser splays can be achieved. The PBA drawing shows the splays being measured to the nearside channel line on either side of the access. MfS recognises that for simplicity, splays are measured to the nearside kerb line, although it suggests that normally cars will be travelling a distance from this line. Additionally, MfS suggests that in the absence of wide visibility splays at private driveways, drivers will emerge more cautiously.

There are only some 5 dwellings to the south of this access, so the amount of traffic that will be passing, particularly in the peak periods, will be minimal. It is acknowledged that walkers and anglers also use Mill Lane to access the river and public footpaths at the end of the lane. Traffic speeds along this section of road are low. The drawing provided by PBA suggests that splays of 43.0m should be provided to accord with MfS based on the posted speed limit, however the Council's Highway Engineer considers this to be inappropriate as clearly traffic speeds are considerably less than the posted limit. The Highway Engineer has passed through the junction and is satisfied that the level of visibility available is entirely comparable with most of the other accesses in Mill Lane, which appear to have operated safely for many years.

Notwithstanding the above, it needs to be recognised that the access serves a large garden area, which in itself has the potential to generate a degree of traffic through lawful development. Coupled with the fact that there have been no personal injury accidents recorded in Mill Lane for the last 10 years, it is considered that there would be no demonstrable harm from the use of this existing access for one additional dwelling.

#### *Mill Lane / B3047*

Accident statistics from Hampshire Constabulary for the last 10 years for the B3047/ Mill Lane / Park Lane junction show that within this period there have been no personal injury accidents attributed to the Mill Lane junction. Visibility at this junction is restricted, however it only serves a cul de sac, rather than a through road. Drivers passing through this junction will therefore mainly be residents who know the characteristics and will take caution when emerging.

The PBA report suggests that a visibility Y distance of 72.0m would be required at the Mill Lane/ B3047 junction based on the MfS formula. Utilising an X distance of 2.4m, PBA suggest that a Y distance of 50.9m can be achieved to the right, which is the more critical direction. MfS suggests that a minimum X distance figure of 2.0m may be acceptable in some situations, but using this figure will mean that the front of some vehicles will protrude slightly into the running carriageway of the major road. It says that the ability of drivers or cyclists to see this overhang from a reasonable distance, and to manoeuvre around it without undue difficulty should be considered.

In the Winchester District, a pragmatic approach is taken when dealing with visibility issues, and as suggested by MfS, allowances are made for where vehicles will be within the carriageway when approaching a junction, when considering visibility splays. The applicant has suggested that at an object point of 1.5m into the carriageway, a Y distance of some 65.0m can be achieved. From looking on site, the Council's Highway Engineer considers it

difficult to give a definitive figure, due to the boundary hedge of the property on the eastern corner of Mill Lane with B3047, however it is suggested that somewhere between the applicant's figure and PBA's figure can be achieved. However, the actual amount of visibility is considered largely irrelevant in this instance, given that this is an existing junction that already serves some 19 dwellings and has done so for a considerable number of years. Even allowing for the traffic growth that has been highlighted by PBA, the accident statistics for the last 10 years have shown that there have been no personal injury accidents in this location.

The proposal for an additional dwelling will generate approximately 5 or 6 extra traffic movements (3 in 3 out) over the course of a day with approximately 1 movement out in the am peak and 1 movement in during the pm peak. When this is compared to the traffic that Mill Lane already generates, it is not considered that any demonstrable harm would be created.

In conclusion, it is recognised that the current situation with Mill Lane and its junction with B3047 may not be ideal, however evidence would suggest that the junction operates satisfactorily in its current form with no apparent accident problems. The proposed development will result in one additional traffic movement in each of the peak periods, which when added to the existing traffic in Mill Lane is not considered to have a detrimental impact to highway safety. The Council's Highway Engineer therefore raises no highway objections to the proposal.

Comments have been made about the potential for opening up the East Gate at Abbots Worthy House to access the site, which would avoid additional traffic using Mill Lane. However, this access arrangement does not form part of the current planning application so cannot be considered.

#### Local residential amenity

It is considered that neighbouring properties are located at a sufficient distance from the proposed dwelling to not be adversely affected in terms of loss of light or overbearing impacts.

Concern has been raised about the first floor windows on the east elevation of the proposed dwelling overlooking properties on Mill Lane. However, there would be a window to window distance of over 24 metres between the development and the neighbour's windows, with the tall boundary wall and Mill Lane separating the properties. At this distance it is not considered that significant overlooking would occur that would warrant the refusal of planning permission. In addition, as the neighbour's windows front onto the lane, they are already subject to some views from within the public realm. In the spring and summer months the existing row of trees located behind the wall will partially screen the new dwelling from the neighbours and evergreen planting can be secured by condition to supplement the existing boundary treatment.

Concern has also been raised about the south facing windows of the proposed dwelling overlooking the rear garden of Mill House that lies to the south of the site. The south elevation of the new dwelling would lie

approximately 21 metres from the northern boundary of the neighbour's garden. Mill House lies in a large plot that extends approximately 47 metres from north to south. It is acknowledged that the development would result in some overlooking to the northern part of the neighbour's garden, however given the separation distances involved and the extent of the garden overall, it is not considered that a reason for refusal on this basis could be substantiated. It is considered reasonable however to secure additional planting along the east and south boundaries of the site to help screen the development from neighbouring properties. Such planting could include the provision of young mature species of approximately 4-5m in height which would instantly help to soften the appearance of the development from neighbouring properties, together with contributing to the rural character of the area. Condition 7 is recommended to secure landscaping details.

It is acknowledged that vehicles accessing the site would drive past the side window of the neighbouring property Tumbleweade and that there is concern that this additional traffic would adversely affect their amenities. However, the provision of one additional dwelling is expected to result in 5 or 6 daily traffic movements which are not considered to cause such noise and disturbance to this neighbouring property to justify refusing the application on this basis.

In summary, the development is therefore not considered to result in any significant harm to local residential amenity.

#### Drainage

The site lies in Flood Zone 1 where the risk of flooding is low so no flood risk assessment is required. The Council's Drainage Engineer has raised no objections to the proposal as foul sewage will be disposed of via the mains sewer and surface water via a soakaway, which is acceptable subject to meeting building regulations. No specific drainage conditions are therefore deemed necessary.

#### Ecology/trees

The submitted Phase 1 Habitat Survey concludes that the site holds low ecological value. Condition 8 is recommended to ensure that the mitigation and enhancement strategies contained within the survey are adhered to, which include the retention and protection of trees/hedges, a sensitive lighting strategy and installation of bat boxes. The proposal is therefore not considered to have an adverse impact on biodiversity so would comply with policy CP16. The development would be located at a sufficient distance from the mature trees at the northwest corner of the site to not have an adverse impact on their root protection areas during construction. The row of trees along the eastern boundary would be protected as part of the ecology condition.

#### Sustainability standards

In March 2015 the Government announced updates to its policy on housing standards and zero carbon homes. These affect the Council's implementation of LPP1 Policy CP11. While policy CP11 remains part of the Development Plan and the Council still aspires to achieve its standards for residential

development (Code for Sustainable Homes Level 5 for energy and Level 4 for water), 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. Conditions 10 and 11 are recommended to ensure that the new dwelling meets these standards.

## **9 Conclusion**

The application is considered acceptable for the reasons outlined above and is therefore recommended for approval.

## **10 Reason for Recommendation and Conditions**

It is recommended that the application be Approved for the reasons and subject to the conditions set out below and subject to the completion of a S106 agreement to secure a strategy for the long term maintenance of the Grade II listed boundary wall.

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

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)./ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No works shall commence on the proposals hereby approved until a full material schedule has been submitted to and approved in writing by the Local Planning Authority. The submitted schedule must specify in detail the proposed materials and methods of workmanship proposed, supplemented by labelled samples to be agreed in writing by the Local Planning Authority prior to the relevant parts of the works commencing.

Reason: To preserve the character and appearance of the conservation area and the setting of the adjacent listed building in accordance with saved Policy HE14 of the Winchester District Local Plan Review adopted 2006 ; Policies CP19 & CP20 of the Winchester District Local Plan Part 1- Joint Core Strategy; NPPF Section 12.

4. No works shall commence on proposals hereby approved until full joinery details, at a scale of 1:10, including section/profile details where

necessary and all types of finishes, have been submitted to and approved in writing by the Local Planning Authority. The submitted details must be referenced against the approved plans, and must show the relationship with the surrounding fabric. The works shall then proceed in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the character and appearance of the conservation area and the setting of the adjacent listed building in accordance with saved Policy HE14 of the Winchester District Local Plan Review adopted 2006 ; Policies CP19 & CP20 of the Winchester District Local Plan Part 1- Joint Core Strategy; NPPF Section 12.

5. No development shall commence until an agreed method of protection for the adjacent listed wall has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To ensure the protection of the adjacent listed wall during construction operations.

6. All approved new external rainwater goods and soil pipes on the visible elevations shall be of cast iron, painted black unless previously otherwise approved.

Reason: To ensure that the detailing and finish maintains the character of the conservation area.

7. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- Proposed finished levels in comparison to existing ground levels, including the damp proof course and ground floor of the proposed building, and the relationship to the levels of adjacent buildings;
- All boundary treatment;
- Hard surfacing materials;
- Minor artefacts and structures (refuse or other storage units, signs and lighting etc);

Soft landscaping works shall include:

- planting plans (for new trees, hedges and other planting);
- written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- implementation programme;
- maintenance plan for a minimum of 5 years.



All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and to protect the landscape character of the South Downs National Park.

8. Details of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles) and hours of operation. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the landscape character of the South Downs National Park from light pollution and to minimise the impact on surrounding habitats.

9. Works shall be carried out in full accordance with the specific strategies set out in Section 6 of the following report, unless otherwise approved in writing by the Local Planning Authority:

- Ecosupport Limited, Extended Phase I Habitat Survey (Date of Issue 9th August 2016- plans updated February 2017)

Reason: In order to secure adequate ecological mitigation and enhancement, including with regards to protected species.

10. Prior to the commencement of the development hereby permitted detailed information (in the form of SAP design stage data and a BRE water calculator) demonstrating that the dwelling meets the Code 4 standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these findings.

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2012 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

11. Prior to the occupation of the dwelling hereby permitted detailed information (in the form of SAP "as built" stage data and a BRE water calculator) demonstrating that the dwelling meets the Code 4 standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied in accordance with these findings.

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2012 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

**Informatives:**

1. 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.

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

Winchester District Local Plan Review (2006): DP3, DP4, T2, T4, HE5, HE14.  
Winchester District Local Plan Part 1 - Joint Core Strategy (2013): MTRA4, MTRA3, CP10, CP11, CP13, CP16, CP19, CP20.

South Downs Local Plan: Pre-Submission (2017): SD4, SD5, SD8, SD9, SD12, SD13, SD15, SD22, SD25.

3. 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 applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

- In this instance a meeting took place with the Applicant's agent.

4. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

5. The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works can commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with. If

works commence on site before all of the pre-commencement Conditions are discharged then this would constitute commencement of development without the benefit of planning permission and could result in Enforcement action being taken by the Council.

6. During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

For further advice on this please refer the Construction Code of Practice <http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

7. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

8. The proposed development referred to in this planning permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations (as amended).

In accordance with CIL Regulation 65, the South Downs National Park Authority will issue a Liability Notice in respect of the chargeable development referred to in this planning permission as soon as practicable after the day on which planning permission first permits development. Further details on the Authority's CIL process can be found on the South Downs National Park Authority website: <https://www.southdowns.gov.uk/planning/community-infrastructure-levy/>

9. Any modifications to the approved drawings, whether for Building Control or any other reason, or any departure on site from what is shown, may constitute a criminal offence under Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The applicant is required to draw this and other conditions on the Consent to the attention of any contractors or sub contractors working on site and furnish them with a copy of the consent and approved drawings.

## **11. Crime and Disorder Implications**

11.1 It is considered that the proposal does not raise any crime and disorder implications.

## **12. Human Rights Implications**

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

## **13. Equality Act 2010**

- 13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

## **14. Proactive Working**

Officers have worked with the applicant and agent to overcome concerns with the original siting and design of the proposed dwelling.

### **Plans Referred to in Consideration of this Application**

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - LOCATION PLAN			03.07.2017	Approved
Plans - FLOOR PLANS & ELEVATIONS	800/09		27.03.2018	Approved
Plans - SITE PLAN	800/11		27.03.2018	Approved

Reasons: For the avoidance of doubt and in the interests of proper planning.