



Meeting	Planning Committee
Date and Time	Thursday, 20th June, 2019 at 9.30 am.
Venue	Walton Suite, Guildhall, Winchester

AGENDA

PROCEDURAL ITEMS

1. **Apologies and Deputy Members**

To record the names of apologies given and Deputy Members who are attending the meeting in place of appointed Members.

2. **Disclosures of Interests**

To receive any disclosure of interests from Members and Officers in matters to be discussed.

Note: Councillors are reminded of their obligations to declare disclosable pecuniary interests, personal and/or prejudicial interests, and on Predetermination or Bias in accordance with legislation and the Council's Code of Conduct.

If you require advice, please contact the appropriate Democratic Services Officer, prior to the meeting.

3. **Membership of Sub-Committees etc**

To give consideration to the approval of alternative arrangements for appointments to bodies set up by the Committee or the making or terminating of such appointments.

4. **Minutes** (Pages 9 - 18)

Minutes of the previous meeting held on 23 May 2019



Public speaking is allowed on individual planning applications, subject to certain restrictions – please contact the Public Speaking Co-ordinator as soon as possible, but **prior to 4.00pm Tuesday 18 June 2019**, on (01962) 848 339 to register to speak and for further details.

BUSINESS ITEMS

	Report Number	Ward
5.	Where appropriate, to accept the Update Sheet as an addendum to the Report.	
6.	Planning Applications - SDNP Items 7 - 10 and WCC Items 11 - 13 (PDC1137)	
7.	Brookfield, Hazeley Road, Twyford, Winchester (Case no. SDNP 01426 FUL) (Pages 19 - 36)	Colden Common & Twyford
8.	Windmill Down Farm, Hambledon (Case no. SDNP/19/01778/FUL) (Pages 37 - 48)	Central Meon Valley
9.	Ivy Cottage, Avington Road, Avington (Case no. SDNP 06579 HOUS)) (Pages 49 - 60)	Alresford & Itchen Valley
10.	Ivy Cottage, Avington Road, Avington (Case no. SDNP 06580 LIS) (Pages 61 - 70)	Alresford & Itchen Valley
11.	Land Rear Of Horseshoe Paddocks Business Centre, Laveys Lane, Titchfield (Case no. 18/01666/FUL) (Pages 71 - 78)	Southwick & Wickham
12.	Land Adjacent Lodge Green, Whiteley Lane, Titchfield (Case no. 19/00426/FUL) (Pages 79 - 86)	Whiteley & Shedfield
13.	Land Adjacent To Gravel Hill, Shirrell Heath (Case no. 17/02213/FUL) (Pages 87 - 102)	Whiteley & Shedfield
14.	Planning Applications - WCC Items 15 - 18 (PDC 1137 and Update Sheet refers)	

The following items will not be considered

before 2.00pm:

(Depending on the Committee's progress, some of the morning's items may overrun into the afternoon session. Nevertheless, the following items will not be considered before 2.00pm).

- | | | |
|-----|--|-------------|
| 15. | 49 Stoney Lane, Winchester (Case no. 19/00645/FUL) (Pages 103 - 114) | St Barnabas |
| 16. | 7-9 Gordon Avenue, Winchester (Case no. 19/00577/FUL) (Pages 115 - 120) | St Michael |
| 17. | Land Off Burnet Lane, Kings Worthy (Case no. 19/00048/FUL) (Pages 121 - 140) | The Worthys |
| 18. | Woodlea, 3 Boyne Mead Road, Kings Worthy (Case no. 19/00189/HOU) (Pages 141 - 148) | The Worthys |
| 19. | Confirmation of Tree Preservation Order TPO2253 - 2 Berewecke Avenue (PDC1133) (Pages 149 - 156) | St Barnabas |
| 20. | Confirmation of Tree Preservation Order TPO2252 - 35 Dean Lane, Winchester (PDC1138) (Pages 157 - 164) | St Barnabas |

Lisa Kirkman
Corporate Head of Resources and Monitoring Officer

Members of the public are able to easily access all of the papers for this meeting by opening the QR Code reader on your phone or tablet. Hold your device over the QR Code below so that it's clearly visible within your screen and you will be redirected to the agenda pack.



12 June 2019

Agenda Contact: Dave Shaw, Principal Democratic Services Officer
Tel: 01962 848 221 Email: dshaw@winchester.gov.uk

**With the exception of exempt items, Agenda, reports and previous minutes are available on the Council's Website www.winchester.gov.uk*

MEMBERSHIP

Chairman: Evans (Liberal Democrats)

Vice-Chairman: Rutter (Liberal Democrats)

Conservatives

Cunningham
McLean
Read
Ruffell

Liberal Democrats

Bronk
Clear
Laming

Deputy Members

Brook, Pearson and Scott

Bentote and Gottlieb

Quorum = 4 members



Working in Partnership



THE HUMAN RIGHTS ACT 1998:

Please note that the Human Rights Act 1998 makes it unlawful for the Council to act in a way incompatible with any of the Convention rights protected by the Act unless it could not have acted otherwise.

In arriving at the recommendations to grant or refuse permission, careful consideration has been given to the rights set out in the European Convention on Human Rights including Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 14 (prohibition of discrimination in enjoyment of convention rights) and Article 1 of the first Protocol (the right to peaceful enjoyment of possessions).

The Council is of the opinion that either no such rights have been interfered with or where there is an interference with the rights of an applicant or objector, such interference is considered necessary for any of the following reasons:-

- ◆ The protection of rights and freedoms of others
- ◆ Public safety
- ◆ The protection of health or morals
- ◆ The prevention of crime or disorder
- ◆ The economic well being of the country.

It is also considered that such action is proportional to the legitimate aim and in the public interest.

GENERAL GUIDANCE ON THE WORK OF THE COMMITTEE:

Background

The Planning Committee meets on average once every four weeks. The membership of the Committee is drawn from elected City Councillors.

The Council's Constitution states that the vast majority of applications will be determined by the Planning officers (which are sometimes known as "delegated decisions"). However, if certain criteria are met from the Constitution, some applications (about 5%) are referred to Committee for determination, rather than officers.

As part of the Winchester District includes the South Downs National Park (SDNP), the Committee can also determine applications from this area on behalf of the National Park Authority.

At the meeting

At the start of the Committee meeting, the Chairman will introduce the Councillors and officers at the table. Any Councillor's declarations of interest will also be announced at this point. If the interest is considered by the Councillor to be significant, he/she will leave the meeting when it reaches that item on the agenda.

Timing

The Committee considers many applications and scrutinises each one thoroughly. However, to prevent waiting unnecessarily through other people's applications, where work demands it, agendas will be split into morning and afternoon sessions. The morning session will usually start at 9.30am and, where applicable, the agenda will set out those items which the Committee will *not* consider before 2.00pm in the afternoon. Further details are set out below.

The Officer's presentation

On each item, the planning case officer will introduce the application to the Committee. They will concentrate on showing details of the proposals with the aid of projected visual material, including photographs of the site and plans. The length and details of the presentation at the meeting will be proportionate to the nature and scale of the proposal. The officer will make a recommendation to the Committee to either approve or refuse the application and, in the latter case, will state the reasons for this.

The officer is required to make a recommendation and the presentation will include material to explain why the scheme is being recommended for permission or refusal. However, officers will not restate the information set out in the report which relates to the assessment of the planning merits of the case. Specialist officers dealing with issues such as design, historic environment and highways may also be available at Committee to provide advice on such matters and a legal representative will attend all Planning Committee meetings.

PUBLIC PARTICIPATION:

There will be a period of public participation, as follows:

- Objectors (3 minutes),
- Parish Council representatives (3 minutes),
- Ward Members (local District Councillors)/Portfolio Holders (5 minutes),
- and supporters of the application (3 minutes).

The process is controlled by procedures to ensure fairness to both objectors and supporters. To register to speak, please contact the Public Speaking Co-ordinator on 01962 848 339 by 4pm one clear working day before the meeting.

After each speaker's category, there will be an opportunity for the Committee to ask questions of the speakers, *if the Committee considers it necessary to clarify any matters of fact that arise.*

Aside from this, the Committee will not enter into any further discussion with members of the public.

The names of members of the public etc who have registered to address committee meetings will appear in the minutes as part of the public record, which will be included on the Council's website. Those wishing to address a committee meeting who object to their names being made available in this way must notify the Democratic Services Officer either when registering to speak, or within 10 days of this meeting.

Members' Questions

After the presentation, there will be an opportunity for the Councillors on the Committee to ask questions of the officers, usually based on the planning themes set out in the report.

The Councillors' Debate

After public participation, the Councillors will debate the application and may pick up any issues raised during public participation before a vote is taken to either;

- permit,
- refuse or
- defer (usually for a Viewing Sub-Committee or further information).

If the Committee votes against the officer's recommendation, the reasons for this will be discussed and explained. A summary of the Committee's reasons will be included in the minutes.

Voting:

Every Member has one vote when a matter before the meeting requires a decision. In the event of an equality of votes, the Chairman may exercise a casting vote and that vote may be cast in any way he wishes.

A Member may abstain from voting, or vote differently from how they may have indicated during the debate, without further explanation. The way each Member voted will not be recorded in the minutes, unless a motion to have a Recorded Vote has been passed.

After the meeting

After the meeting, the minutes will be available from the Council's website and a decision notice will be sent to the applicant/agent. Applicants have a right of appeal against a Committee decision to refuse planning permission, or any conditions imposed on permission, and any appeal will be considered by an Inspector appointed by the Secretary of State. Where an application has been permitted, there is no opportunity for objectors to appeal, other than to the Court by way of judicial review on a point of law.

DISABLED ACCESS:

Disabled access is normally available, but please phone Democratic Services on 01962 848 264 or email democracy@winchester.gov.uk to ensure that the necessary arrangements are in place.

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Public Document Pack Agenda Item 4

PLANNING COMMITTEE

Thursday, 23 May 2019

Attendance:

Councillors
Evans (Chairperson)

Bronk
Clear
Cunningham
Laming

McLean
Ruffell
Read
Rutter

Others in attendance who addressed the meeting:

Councillors Bentote, Horrill, Lumby, Miller and Porter

Others in attendance who did not address the meeting:

Councillor Pearson

1. **APPOINTMENT OF VICE-CHAIRMAN FOR 2019/20**

RESOLVED:

That Councillor Rutter be appointed Vice-Chairperson of the Committee for the 2019/20 Municipal Year.

2. **DISCLOSURES OF INTERESTS**

Councillor Rutter declared a personal (but not prejudicial) interest in respect of Item 10 (Homewell, 7 Berewecke Road, Winchester) as the applicant was an associate. Councillor Rutter clarified that the applicant was a Member of the same political party and that they had both participated in the same event during her mayoral year. Due to the length of time since their last communication (approx. 18 months), Councillor Rutter stated that she would participate in the discussion and vote thereon and was able to consider the application objectively.

In addition, Councillor Rutter declared a personal (but not prejudicial) interest in respect of Item 14 (Abbots Worthy House, Martyr Worthy Road, Abbots Worthy) as the objector was known to her. Councillor Rutter took part in the discussion and vote thereon.

Councillor Cunningham made a personal statement in respect of item 11 (Trackway Access, Humber Down Lane, Sutton Scotney), that he had listened to the concerns of residents. However, he had raised no comment about this particular application and took part in the discussion and vote thereon.

In respect of Item 12 (Front Depot, Lower Lane, Bishops Waltham), Councillor McLean stated that he had predetermined the application as he had been involved in discussions regarding the proposal when lobbied by local residents in this capacity as Ward Member. Councillor McLean sat apart from the Committee during the determination of this application, taking no part in the discussion or vote thereon.

At the invitation of the Development Manager, the Committee had visited the site relating to Item 14 on 21 May 2019, to assist them in assessing the proposal in relation to its setting. The site visit was attended by Members present on the Committee.

3. **MINUTES**

RESOLVED:

That the minutes of the meeting held on 11 April 2019, be approved and adopted.

4. **WHERE APPROPRIATE, TO ACCEPT THE UPDATE SHEET AS AN ADDENDUM TO THE REPORT.**

The Committee agreed to receive the Update Sheet as an addendum to Report PDC1134.

5. **PLANNING APPLICATIONS (PDC1134)**

A copy of each planning application decision is available to view on the Council's website under the respective planning application.

APPLICATIONS OUTSIDE THE AREA OF THE SOUTH DOWNS NATIONAL PARK (WCC):

6. **GRAVEL HILL FARM, GRAVEL HILL, SHIRRELL HEATH, SOUTHAMPTON**

Item 8: Full planning application for the change of use of the existing B2 Industrial Unit to a flexible B1c/B2/B8 use.

Gravel Hill Farm, Gravel Hill, Shirrell Heath, Southampton

Case number: 19/00001/FUL

The Development Manager referred Members to the Update Sheet which set out in full an amendment to Condition 5 in respect of delivery hours.

During public participation, James Cain and Parish Councillor Jim Coleman (Shedfield Parish Council) spoke in objection to the application and Jim Beaven spoke in support of the application and all answered Members' questions thereon.

During public participation, Councillor Bentote spoke on this item as Ward Member.

In summary, Councillor Bentote raised the following points:

- Existing heavy traffic issues;
- Queried the volume of traffic movements per day
- Restrictions in place on nearby Watsons diary
- Urged the Committee to reject the application until restrictions were in place to make the change of use viable.

At the conclusion of debate, the Committee agreed to grant permission for the reasons and subject to the conditions and informatives set out in the Report and the Update Sheet, subject to an additional condition that access be granted via the primary access route only. The precise wording of conditions to be delegated to the Development Manager, in consultation with the Chairman.

7. **CROMWELL HOUSE, 15 ANDOVER ROAD, WINCHESTER**

Item 9: Application Reference Number: 76/00179/OLD Date of Decision: 22/7/1976: Condition Number(s): 9: Condition(s) Removal: (Amended Description) Removal of Condition that requires parking be made available for residents of 15-23a Andover Road Cromwell House, 15 Andover Road, Winchester Case number: 19/00618/FUL

The Development Manager referred Members to the Update Sheet which set out a clarification that Condition 2 of the original permission has been retained as condition 1 within this recommendation. The other outdated/no longer relevant conditions have not been retained.

During public participation, Chris Hickey spoke in support of the application and answered Members' questions thereon.

At the conclusion of debate, the Committee agreed to grant permission for the reasons and subject to the conditions and informatives set out in the Report and the Update Sheet.

8. **HOMEWELL, 7 BEREWEEKE ROAD, WINCHESTER, SO22 6AN**

Item 10: Demolition of existing garage, store and utility room. Single storey extension to the front of the existing house. Alterations to the roof and fenestration of the existing house. New dwelling on the land to the rear Homewell, 7 Bereweeke Road, Winchester Case number: 18/02927/FUL

The Development Manager referred Members to the Update Sheet which set out clarification of the number of objections received and an amendment to paragraph 6 of the report that the laurel boundary hedge had been in situ for a number of years and was well established. '

During public participation, Alison Newton-Price and James Clay spoke in objection to the application and Jeremy Tyrell (agent) and Colin Dickens (applicant) spoke in support of the application and all answered Members' questions thereon.

At the conclusion of debate, the Committee agreed to refuse permission for the reasons set out in the Report and the Update Sheet.

9. **TRACKWAY ACCESS, HUNTON DOWN LANE, HUNTON, SUTTON SCOTNEY**

Item 11: Retrospective Application for New Farm Access and Access Trackway Access, Humber Down Lane, Hunton, Sutton Scotney Track
Case number: 18/01917/FUL

The Planning Case Officer confirmed that the application had previously been deferred by the Committee for clarification over the pipeline and information on any safety implications which had now been obtained and satisfied.

During public participation, Andrew Klemz (agent) and Steve Jenkins (transport engineer) spoke in support of the application and answered Members' questions thereon.

During public participation, Councillor Horrill spoke on this item as Ward Member.

In summary, Councillor Horrill raised the following points:

- Representing the concerns of residents;
- Clarity was sought regarding the gas pipeline and how this had been impacted by the road which had not been adequately addressed;
- Now known that the applicant had not undertaken any consultation;
- Good news that remedial work had been undertaken which had been confirmed as satisfactory via the HSE (Health and Safety Executive);
- Byway on site – completely changed. Track accessible via access on Weston Down Lane;
- Damage to verges on single track lane;
- If minded to approve, suggest this be subject to weight and width restriction of vehicles using Weston Down Lane as safety issues were further exacerbated by Heavy Goods Vehicles using the track.

At the conclusion of debate, the Committee agreed to grant permission for the reasons and subject to the conditions and informatives set out in the Report.

10. **FRONT DEPOT, LOWER LANE, BISHOPS WALTHAM, SO32 1AS**

Item 12: (AMENDED PLANS 05.02.2019) Demolition of existing depot and construction of new modern steel framed 3 bay unit and associated parking and planting
Front Depot, Lower Lane, Bishops Waltham
Case number: 19/00077/FUL

The Development Manager referred Members to the Update Sheet which set out details on the removal of Conditions 7 and 8, the amalgamation of Conditions 3 and 10 re: lighting and outlined in full the necessary amendments and re-numbering of the remaining Conditions.

In addition, a verbal update was provided stating that Condition 9 should read May 2019 and not April 2019.

During public participation, Margaret Jefferies and Rosemary Easton spoke in objection to the application and Kevin Warren (Winchester City Council - applicant) spoke in support of the application and all answered Members' questions thereon.

During public participation, Councillor Miller spoke on this item as Ward Member.

In summary, Councillor Miller raised the following points:

- Involved in the application from the start due to his former position as Portfolio Holder for Estates to make use of this Council asset;
- The proposal offered a modern, new and improved use of the site with over 50 enquires already received regarding these units;
- Removal of a tree on site due to safety grounds;
- Urged the Committee to support the application.

At the conclusion of debate, the Committee agreed to grant permission for the reasons and subject to the conditions and informatives set out in the Report and the Update Sheet, subject to an amendment to condition 3 to address internal and external lighting spillage and that condition 5 be updated to reflect Public Holidays and Bank Holidays. The precise wording of conditions to be delegated to the Development Manager, in consultation with the Chairman.

APPLICATIONS INSIDE THE AREA OF THE SOUTH DOWNS NATIONAL PARK (SDNP):

11. ABBOTS WORTHY HOUSE, MARTYR WORTHY ROAD, MARTYR WORTHY, SO21 1DR

Item 14: (Amended Plans) Removal/variation of condition 2 of approved planning permission. Application Reference Number: SDNP/18/00679/FUL
Abbots Worthy House, Martyr Worthy Road, Abbots Worthy
Case number: SDNP/19/01331/CND

The Development Manager referred Members to the Update Sheet which set out an amendment to the approved plans list; a change to the application address to read Abbots Worthy instead of Martyr Worthy; and confirmation that the application had been re-advertised with amended plans on 8th May with no further representations received.

In addition, a verbal update was provided stating that the neighbour to the north at Well Cottage acknowledged the amendments to improve the dwelling. However, they still maintained their objection regarding the window size and detailing previously submitted.

During public participation, Julia Howland and Rose Burns spoke in objection to the application and Tracy Payne (agent) spoke in support of the application and all answered Members' questions thereon.

During public participation, Councillor Porter spoke on this item as Ward Member.

In summary, Councillor Porter raised the following points:

- Building well loved by residents which could be seen via the gated area.
- The site had received a number of changes over the decades and changed in aspect with the seasons;
- The most prominent window looked into the neighbouring property;
- Need to be mindful of the use of materials in this historic building due to changes in its appearance and historic nature.

At the conclusion of debate, the Committee agreed to refuse permission for the following reason: Contrary to Policy CP13 or South Downs National Park Plan Policy SP5 (f) due to its architectural design, height and mass.

The precise wording of conditions to be delegated to the Development Manager, in consultation with the Chairman.

12. **LAND BETWEEN ALTON ROAD AND MARLANDS LANE, WEST MEON**

Item 15: Erection of dwellinghouse with access onto Marlands Lane
Land between Alton Road and Marlands Lane, West Meon
Case number: SDNP/18/05415/FUL

During public participation, Aaron Smith (agent) spoke in support of the application and answered Members' questions thereon.

During public participation, Councillor Lumby spoke on this item as Ward Member.

In summary, Councillor Lumby raised the following points:

- Urged the Committee to look at the principle of development and consider whether the proposal was a suitable form of development or not;
- Considered that an appeal would be submitted if the application was refused;
- The area is surrounded by Housing and the area to the north is an exception site;
- The application site is a hidden eyesore of no benefit to the South Downs National Park and on balance, supported the development.

At the conclusion of debate, the Committee agreed to refuse permission for the reasons and subject to the conditions and informatives set out in the Report.

APPLICATIONS OUTSIDE THE AREA OF THE SOUTH DOWNS NATIONAL PARK (WCC):

13. **DRAKES BOTTOM, DIRTY LANE, HAMBLEDON, PO7 4QT**

Item 16: Construction of a 40m x 20m outdoor riding arena for both private and commercial use. Change of use of existing equine stables to private and commercial livery and turning out of horses and exercise of horses on land at Drakes Bottom

Drakes Bottom, Dirty Lane, Hambledon

Case number: 19/00594/FUL

During public participation, Paul Harper and Sue Goldsborough spoke in support of the application and answered Members' questions thereon.

At the conclusion of debate, the Committee agreed to grant permission for the reasons and subject to the conditions and informatives set out in the Report.

RESOLVED:

1. That the decisions taken on the Planning Applications in relation to those applications inside and outside the area of the South Downs National Park be agreed as set out in the decision relating to each item, subject to the following:

(i) That in respect of item 8, permission be granted for the reasons and subject to the conditions and informatives set out in the Report and the Update Sheet, subject to an additional condition that access be granted via the primary access route only. The precise wording of conditions to be delegated to the Development Manager, in consultation with the Chairman;

(ii) That in respect of item 12, permission be granted for the reasons and subject to the conditions and informatives set out in the Report and the Update Sheet, subject to an amendment to condition 3 to address internal and external lighting spillage and that condition 5 be updated to reflect Public Holidays and Bank Holidays. The precise wording of conditions to be delegated to the Development Manager, in consultation with the Chairman; and

(iii) That in respect of item 14, permission be refused for the following reason: Contrary to Policy CP13 or South Downs National Park Plan Policy SP5 (f) due to its architectural design, height and mass. The precise wording of conditions to be delegated to the Development Manager, in consultation with the Chairman.

14. **CONFIRMATION OF TREE PRESERVATION ORDER TPO2242 - LAND OFF OF ORCHARD CLOSE ALRESFORD**

(Report PDC1130 refers)

During public participation, Councillor Porter spoke on this item as Ward Member. In summary, Councillor Porter raised the following points:

- Matter of principle – site on a large green in a significantly sized estate – section retained where the trees are;
- Site put up for auction with residents having safeguarded the tree and its amenity value. The application for the confirmation of the TPO is supported.

RESOLVED:

That, having taken into consideration the representations received, Tree Preservation Order 2242 be confirmed.

15. **PLANNING APPEALS**
(Report PDC1135 Refers)

The Committee gave consideration to the report which provided a summary of the development management and enforcement appeals received for the period 1 July 2018 to 31 March 2019.

RESOLVED:

That the report be noted.

16. **MEMBER BRIEFING UPDATE - ESSO SOUTHAMPTON TO LONDON PIPELINE PROJECT**
(Report PDC1136 refers)

The Committee gave consideration to a Report which provided an update on the background and current status of the Esso Southampton to London Pipeline National Strategic Infrastructure Project (NSIP) which was currently under. The project was currently under consideration by the Council for a level of officer delegation to be agreed, in consultation with the Cabinet Member.

RESOLVED:

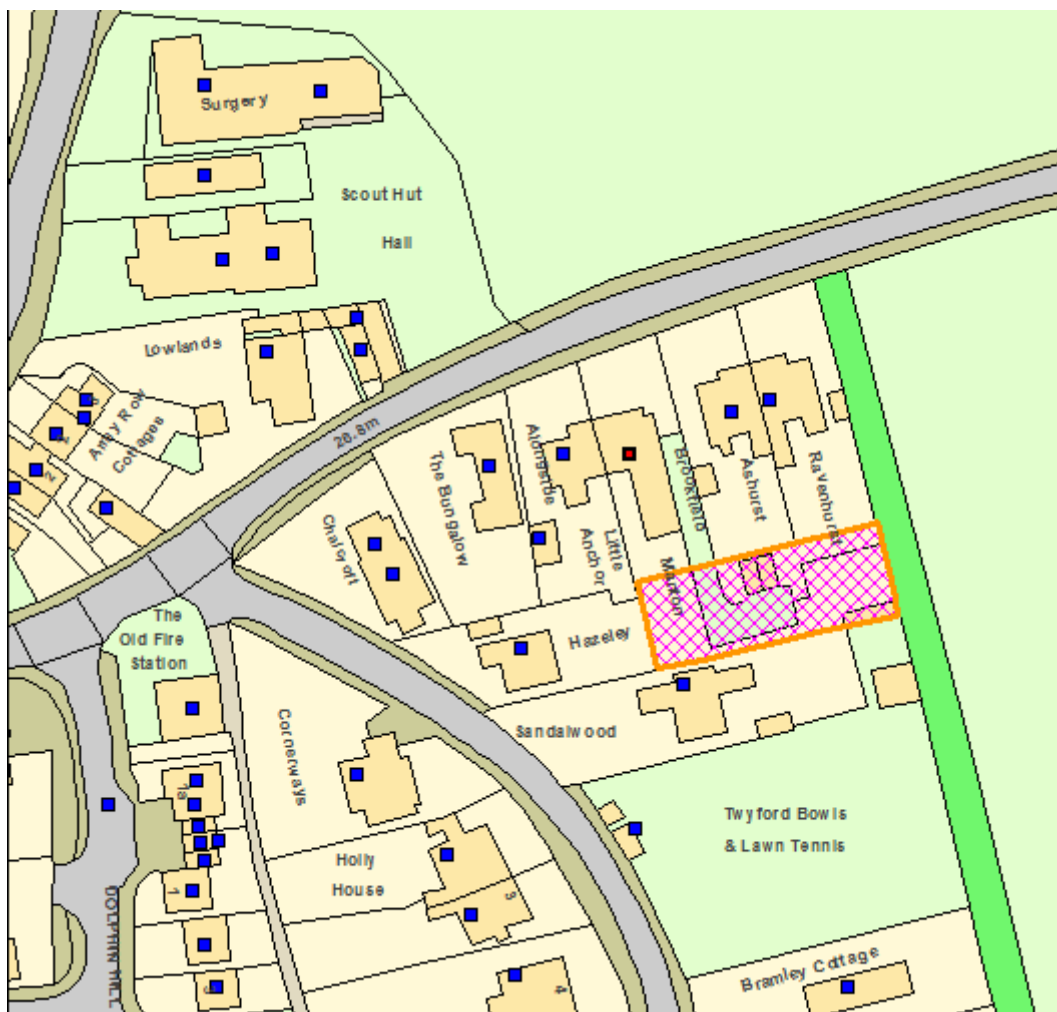
1. That the report be noted; and
2. That Members agree to delegate to officers, in consultation with the Cabinet Member for Built Environment and Wellbeing, the full role of responding to the planning inspectorate with regard to the Councils responsibilities as one of the host authorities for the Esso Southampton to London Pipeline Project.

The meeting commenced at 9.30am, adjourned between 12.45pm and 2.00pm and concluded at 4.10pm.

Chairman

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Case No: SDNP/19/01426/FUL
Proposal Description: (Land Adjacent to Brookfield) Two new two bedroom semi-detached dwellings
Address: Brookfield, Hazeley Road, Twyford, Winchester, Hampshire, SO21 1PX
Parish, or Ward if within Winchester City: Twyford
Applicants Name: Mr and Mrs Sellars
Case Officer: Mrs Sarah Tose
Date Valid: 21 March 2019
Recommendation: Application Approved



General Comments

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 is a large 'L' shaped rear garden belonging to Brookfield, which occupies the ground floor of a two-three storey semi-detached property with elevations largely of brick and a tile roof. The property has been subdivided into two, with Brookfield at ground floor level and a maisonette above known as Manton, which is accessed via an external staircase to the side of the building. The site is located within the settlement boundary of Twyford and the South Downs National Park.

The property is located on Hazeley Road and a paved and gravelled driveway at the side leads to a garage and parking area at the rear of the site. There is also a parking area at the front of Brookfield.

The application site is located behind Brookfield, Ashurst and Ravenhurst, which are semi-detached dwellings. To the east side of the site is Littlebourne School Games Field and to the south is Sandalwood, a bungalow set within a large plot of land accessed from Roman Road. Bordering the site to the west is another property accessed off Roman Road known as Hazeley.

The site is enclosed by a close boarded timber fence and contains a double flat roofed garage, sheds and other domestic paraphernalia. Large mature off site trees overhang the eastern part of the garden.

2 Proposal

The proposal seeks to erect two new 2 bedroom semi-detached dwellings with associated parking for cars and cycles, together with a new carport and store building.

3 Relevant Planning History

SDNP/18/04856/PRE - Two new two bedroom semi-detached houses and associated parking. STATUS: Advice issued 18th January 2019.

4 Consultations

Parish Council Consultee

The Council agreed to object to the plans, on the basis the height and mass of the plans are disproportionate to the surrounding area. The Council also have concerns of the safety and amenity of the access to the proposed dwellings. The Council feel that selling the land to the relevant adjacent property, or a single or 1.5 storey dwelling would be more suited to the site.

WC - Winchester Highways

We have previously commented on a pre-application proposal for this site when we requested that adequate car parking and a suitable turning area be provided. It would appear from the details submitted that these requirements have been met, therefore we raise no highway objections.

WC - Landscape Trees

There are no significant trees located on the site however located to the rear of the site behind the proposal are 3 large mature trees in the neighbouring Garden. The proposed construction of dwellings on plots 1 & 2 may put future pressures on these trees for reduction or felling because of shading, seed and leaf litter issues. The Sycamore tree and Horse Chestnut tree have large leaves that will block the morning sun out from the two dwellings and rear gardens. In addition the Sycamore and Ash produce high amounts of seeds that will germinate in the gardens of the two properties, and the Horse Chestnut will produce conkers with a green spikey shell. The trees are mature specimens that are of good health and vitality. They are in full public view and make a significant contribution to the setting of the Conservation area. Given their location and health the trees have high visual public amenity value and any future threat to the trees from future pressures to prune or fell will have a detrimental effect on their visual public amenity value, and the setting of the conservation area.

WC - Archaeology

No objection, subject to conditions.

WC - Drainage Engineer

No objection, subject to condition

5 Representations

5 representations have been received objecting to the application (original plans) for the following reasons:

- overdevelopment of the site
- cramped layout too close to boundaries
- overlooking to neighbouring properties
- overshadowing to neighbouring properties
- overbearing on neighbouring properties
- harmful enclosing effect on Sandalwood and Ashurst
- highway safety issues with using single width access track for 9 potential vehicles
- impact of additional traffic movements on neighbour's amenities- noise and pollution
- a single detached dwelling would be more appropriate
- height of the houses is significant and the roof pitch is very steep- houses look out of proportion
- roof design out of character with surrounding properties

- appearance of houses not in keeping with immediate area
- lack of subservience to surrounding area and urbanisation of area
- the border fence with Sandalwood is positioned incorrectly
- Beech hedge is in ownership of Sandalwood
- site is a low lying area known to be subject to flooding- waterlogged in 2000
- drainage issues associated with 2 new houses discharging sewerage and waste water into an already ageing and overloaded system

Following the submission of amended plans, 4 additional representations have been received raising the following objections to the development:

- height of dwellings remains the same
- hipping the roof will not lessen the impact of the development on neighbours
- only one window has frosted glass- remaining windows will still overlook Ravenhurst's garden and ground floor
- Sandalwood will still be overlooked
- nearly all the 1st floor windows of the proposed development will overlook neighbouring properties and affect their privacy
- no guarantees that the frosted glass will be installed
- light survey has not been carried out as requested
- planning officer has not visited the adjacent properties to view the impact- necessary for the committee to do this
- The highways officer who reviewed the access has since left his position and did not take into account the proposal for Ashurst to reinstate their fence at the entrance to both driveway- a new Highways Report should be undertaken
- insufficient turning space provided
- amendments do not address the safety risk of up to 9 cars using a single lane driveway that comes out onto a pavement regularly used by villagers
- highways report needs to be carried out to fully understand the risks
- applicant intends to live in one of the dwellings- will reduce the amount of small dwellings available to meet local demand
- already housing stock of this size available on the market in Twyford for sale and rent
- neighbourhood plan has identified 2 potential sites in the village which could fulfil the village's requirements under local and national building targets
- numerous errors in the plans
- the bottom of the driveway is inaccurately stated as shared access with Ashurst

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 - Submission 2018

Other plans considered:

- Emerging Twyford Neighbourhood Plan

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 on 24 July 2018. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should 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:

- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural 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
- HE1 - Archaeology
- H3 - Settlement Policy Boundaries
- T2 - Development Access
- T4 - Parking Standards

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

- MTRA3 - Other Settlements in the market Towns and Rural Area
- CP2 - Housing Provision and Mix
- CP11 - Sustainable Low and Zero Carbon Built Development
- CP13 - High Quality Design
- CP19 - South Downs National Park
- CP20 - Heritage and Landscape Character

The following policies of the **South Downs National Park Local Plan - Submission 2018** are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD8 - Dark Night Skies
- Development Management Policy SD11 - Trees, Woodland and Hedgerows
- Development Management Policy SD16 - Archaeology
- Strategic Policy SD19 - Transport and Accessibility
- Development Management Policy SD22 - Parking Provision
- Strategic Policy SD25 - Development Strategy
- Strategic Policy SD26 - Supply of Homes
- Strategic Policy SD27 - Mix of Homes

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 Pre-Submission version of the **South Downs Local Plan** (SDLP) was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. The Local Plan process is in its final stage before adoption with consultation on relatively minor Main Modifications from 1st February 2019 to 28th March 2019. Based on the very advanced stage of the examination the draft policies of the South Downs Local Plan can be afforded significant weight.

8 Planning Assessment

Principle of development

The site lies within the settlement boundary of Twyford where the principle of new housing is considered acceptable, subject to compliance with planning policy.

Scale, design and materials

The development would provide two small 2 bedroom dwellings each with a floor area of approximately 86m². The proposal would therefore accord with policy CP2 that requires the majority of new dwellings to have 2 or 3 bedrooms.

The pair of dwellings is simple in form, with red/brown brick proposed for the walls and hipped slate roofs to reflect the prevailing character of the area. The proposed carport and store building would be oak framed and boarded, with a slate roof. The proposed materials are considered appropriate for the area. The submission of material details and samples has been secured by recommended condition 3.

The dwellings would be approximately 8.4m in height with an overall footprint for both plots measuring 12.5m (width) by 8m (depth). The scale of the properties is not considered excessive and the plans show that the ridge height would be lower than houses fronting Hazeley Road. In summary, the scale, design and materials of the proposed development is considered acceptable.

Impact on 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. Given the location of the proposed dwellings in a residential setting and behind a row of two-three storey semi-detached dwellings on Hazeley Road, there would be no significant harmful impact on the character of the landscape.

The South Downs National Park is a designated International Dark Sky Reserve. No rooflights are proposed and the site lies within a residential area,

however in order to minimise light spillage condition 4 is recommended to ensure that details of any external lighting at the site is submitted for prior approval.

The development is therefore not considered to have an adverse impact on the landscape character or scenic beauty of the National Park.

Impact on residential amenity

The nearest neighbouring dwelling to the development is Sandalwood to the south, which is a bungalow. To the north are Ashurst and Ravenhurst. Strong concern has been raised by the occupants of these properties about the impact of the development on their amenities in terms of overlooking, overshadowing and overbearing impacts, which are discussed below.

Overlooking

No windows are proposed in the side elevation of the plot 1 dwelling so the development would not overlook the neighbouring property Ashurst to the north. However, it was considered that the first floor bedroom window closest to the northern boundary on the east elevation of the plot 1 dwelling would create some overlooking to Ravenhurst to the northeast. This bedroom contains two windows so it was considered reasonable to request that the closest window to the boundary is amended to be fixed and obscurely glazed below a height of 1.7m from the finished floor level. This is shown on the amended plans and has been secured by recommended condition 7. The other bedroom window would be located further away from the boundary and views towards Ravenhurst would be oblique only so no material overlooking is considered to occur.

The neighbouring property to the south, Sandalwood, has also raised concerns regarding loss of privacy. No windows are proposed in the side elevation of the plot 2 dwelling that would face towards the neighbour's garden. The first floor bedroom window closest to the southern boundary on the east elevation of the plot 2 dwelling would create some overlooking to the end of Sandalwood's garden, however views would be oblique and the extent of this impact is not considered to be so harmful to justify refusing the application on this basis.

Views from the proposed first floor bedroom windows on the front elevations of the dwellings would predominantly overlook the parking and turning areas for the development. There would be views towards Sandalwood but mainly of the property itself, not its rear garden, and the neighbour to the west, Hazeley, would be set back adjacent to Roman Road and located behind the proposed carport and boundary planting. There would be a separation distance of approximately 30m between the new development and the rear elevation of Hazeley. There would be some additional overlooking to Brookfield however views would be oblique.

The proposed carport/store is single storey only with no windows so it would not result in any overlooking issues.

The site is enclosed by closed board fencing which would prevent any overlooking into neighbouring properties from the proposed ground floor windows.

In summary, it is acknowledged that the development would result in some overlooking as the site is bordered by other residential properties. However, the extent of the impact is not considered to result in such harm to the amenities of neighbouring properties to justify a refusal of the application.

Overshadowing

Sandalwood lies to the south of the site so the proposed dwellings would not result in any overshadowing of this neighbour's rear garden.

Ashurst lies directly to the north of the plot 1 dwelling. The side elevation of the new dwelling would lie approximately 1.2m from the boundary and would extend approximately 5.4m to the eaves, with the hipped roof sloping away to the south. Due to the close proximity to the boundary and the proposed height, the development would result in some shading to this neighbour's garden during the late morning/early afternoon. However, the shadowing would not affect the whole garden and it would still benefit from the afternoon/evening sun. It is not considered that a refusal based on overshadowing could be substantiated.

The development would result in some limited overshadowing to the rear garden of Ravenhurst but the extent and duration of this is not considered so harmful to warrant the refusal of planning permission.

Overbearing impacts

Concern has been raised about the development having an overbearing impact on Ashurst and Sandalwood, which are located to the north and south of the site respectively. The proposed dwellings would be sited approximately 1.2m from the north and south boundaries and would be approximately 8m in length at a height of approximately 5.4m to the eaves. The hipped roofs would slope up to an overall ridge height of approximately 8.4m.

The most affected neighbour would be Ashurst, as the plot 1 dwelling is proposed directly at the end of their rear garden. The development would change the neighbour's outlook, however as a distance of approximately 16m would remain between the properties, it is not considered that a refusal on the basis of overbearing impacts could be substantiated.

The plot 2 dwelling would run parallel with Sandalwood's northern boundary and it is acknowledged that this would alter their outlook; however it is not considered to result in an overbearing impact that would warrant the refusal of planning permission.

Carport/store building

A new carport and store building is proposed to the west of the new dwellings. Its footprint would measure 12.5m by 5m extending to 3.3m in height. It would be sited approximately 1.5m from Sandalwood's boundary and approximately

2.7m from their north elevation, which contains several windows. Concern has been raised about the impact of the building on the neighbour's windows in terms of loss of light and outlook.

The windows sit below the height of the existing boundary hedge so are currently screened by this planting. The eaves height of the new building is approximately 2.3m so not significantly higher than the hedge. The hipped roof of the building slopes up to a ridge height of approximately 3.3m. There would be a distance of 5.3m between the neighbour's windows and the highest part of the building's roof. As there would be a separation distance of 2.7m between the windows and the building, with boundary planting in between, and 5.3m between the windows and the highest part of the roof, it is not considered that the carport and store would have an impact on the neighbour's amenities in terms of loss of daylight.

Sandalwood lies to the south of the site so no overshadowing would occur. No windows are proposed in the side elevation of the store so there would be no loss of privacy issues. The proposed height of 3.3m would ensure that the building is not overbearing and the existing boundary vegetation would largely screen it from neighbouring properties. This element of the development is therefore considered acceptable as it would not cause any planning harm to the amenities of surrounding neighbouring properties.

Noise disturbance

Concern has also been raised about the increase in vehicles using the driveway to access the new dwellings and the resultant noise and disturbance from additional traffic. Currently Brookfield parks at the front and the rear of the property and Manton mainly parks at the front. The proposed development will not alter this situation.

Two parking spaces are required for each of the two new 2 bed dwellings which are shown on the proposed site plan. A space for Brookfield has also been provided to the rear, together with an additional space for any of the properties to use. It is not considered that the additional traffic movements associated with two new small dwellings would result in significant noise and disturbance to neighbouring properties.

Impact on highways

Vehicle access would be via an existing private access junction onto Hazeley Road to the proposed dwellings and their associated car parking located at the end of the existing private driveway. Car parking complies with Winchester City Council Residential Parking Standards and sufficient space exists to allow on site turning thereby allowing all vehicles to enter and depart the public highway in a forward gear. Cycle parking will occur in storage sheds located in the rear gardens.

The proposed site plan shows an area for the temporary storage of refuse bins on collection day under the external stairs of Brookfield, which is within 15 metres of the public highway, as requested by the Highways Officer at the

pre-application stage. This would ensure that no bins are stored on the public highway which could cause an obstruction.

Strong concern has been raised by local residents about the safety of additional traffic using the single width driveway to access the site. The Council's Highway Officer has raised no objection to the intensification of use of the access.

Impact on trees

A few small trees and hedges located within the site will need to be removed to accommodate the development. The Council's Tree Officer has confirmed that there are no significant trees located on the site however to the east there are 3 large mature trees in the neighbouring land which overhang the site. The trees are mature specimens that are of good health and vitality. The building work will remain outside the root protection areas of these trees; however the Council's Tree Officer is concerned that the development may put future pressures on the trees for reduction or felling because of shading, seed and leaf litter issues.

It is acknowledged that the mature trees will result in some shading to the proposed garden areas. However, due to the orientation it is considered that the new dwellings will receive appropriate sunlight, particularly to the rear terraced areas. It is therefore not considered that a reason for refusal based on the potential pressure to fell the trees in the future could be sustained.

Impact on archaeology

The site lies some distance from the Scheduled Roman villa site at the junction of Park Lane /Roman Road to the south, however large quantities of Roman material have been recovered during previous archaeological investigations at properties along Roman Road, which suggests a large complex of buildings once existed in this area.

Based on existing information, the site is therefore considered to have the potential to contain archaeological remains however the precise location, depth, extent and significance of any such remains are unknown. Groundworks associated with the proposal may adversely affect any buried remains present. Whilst this does not present an overriding concern, a programme of archaeological work to investigate, record, analyse and subsequently report on the archaeological evidence that would otherwise be destroyed by the proposed development is considered necessary. Conditions 9 and 10 are therefore recommended to secure this.

Drainage

The site is within Flood Zone 1 and is at very low risk of surface water flooding. The access is at risk of surface water flooding. The geology is chalk overlain by head deposits. Foul drainage is proposed to connect to the foul sewer and soakaways are proposed for surface water drainage. The Council's Drainage Engineer has requested that further details regarding the surface water drainage proposals are secured via condition (recommended condition 6).

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 11 and 12 are recommended to ensure that the new dwellings meet these standards.

9 Conclusion

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

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 development shall take place above foundations until samples and details of all materials to be used in the external appearance of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with such approved details.

Reason: To protect the landscape character of the South Downs National Park in accordance with Policies CP20 and CP19 of the Joint Core Strategy 2013.

4. 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.

5. 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 and approved in 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 cleared sufficiently to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

6. Detailed proposals for the disposal of foul and surface water 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 development commences.

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

7. The first floor bedroom window located closest to the northern boundary in the east elevation of the dwelling at plot 1 hereby permitted shall (below a height of 1.7m from the finished floor level) be fixed and fitted with obscure glass which achieves an obscuration level at least equivalent to Pilkington Obscure Glass Privacy Level 4, unless otherwise agreed in writing by the local planning authority, and the glazing shall thereafter be retained in this condition at all times.

Reason: To protect the privacy and amenity of the neighbouring property Ravenhurst.

8. Protective measures, including fencing and ground protection, in accordance with the Arboricultural Report and Method Statement dated February 2019 written by Sarah Johnston of Johnston Tree Consultancy and submitted to the Local Planning Authority shall be installed prior to any demolition, construction or groundwork commencing on site.

The Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with the Arboricultural Report and Method Statement. Telephone 01962 848403.

The Arboricultural Officer shall be informed prior to the commencement of construction of special surfacing under tree canopies so that a pre commencement site visit can be carried out. Telephone 01962 848403.

No arboricultural works shall be carried out to trees other than those specified and in accordance with the Arboricultural Report and Method Statement.

Any deviation from works prescribed or methods agreed in accordance with the Arboricultural Report and Method Statement shall be agreed in writing by the Local Planning Authority.

No development or site preparation prior to operations which has any effect on compacting, disturbing or altering the levels of the site, shall take place until a person suitably qualified in arboriculture, and approved as suitable by the Local Planning Authority, has been appointed to supervise construction activity occurring on the site. The arboricultural supervisor will be responsible for the implementation of protective measures, special surfacing and all works deemed necessary by the approved arboricultural method statement. Where ground measures are deemed necessary to protect root protection areas, the arboricultural supervisor shall ensure that these are installed prior to any vehicle movement, earth moving or construction activity occurring on the site and that all such measures to protect trees are inspected by the Local Planning Authority Arboricultural Officer prior to commencement of development work.

A pre commencement meeting will be held on site before any of the site clearance and construction works begins. This will be attended by the site manager, the Arboricultural consultant and the LPA tree officer.

Reason: To ensure protection and long term viability of retained trees and to minimise the impact of construction activity.

9. No development/demolition or site preparation shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological mitigation work in accordance with a Written Scheme of Investigation that has been submitted to and approved by the local planning authority in writing. No demolition/development or site preparation shall take place other than in accordance with the Written Scheme of Investigation approved by the LPA. The Written Scheme of Investigation shall include:

- The programme and methodology of site investigation and recording
- Provision for post investigation assessment, reporting and dissemination
- Provision to be made for deposition of the analysis and records of the site investigation (archive)
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: To mitigate the effect of the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations. Policy HE.1 Winchester District Local Plan Review, Policy CP19, CP20 of the Winchester District Joint Core Strategy, DM Policy SD16 of the South Downs Local Plan.

10. Following completion of archaeological fieldwork a report will be produced in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports and publication. The report shall be submitted to and approved by the local authority.

Reason: To ensure that evidence from the historic environment contributing to our knowledge and understanding of our past is captured and made publicly available. Policy HE.1 Winchester District Local Plan Review; Policy CP19, CP20 of the Winchester District Joint Core Strategy

11. 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.

12. 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): H3, DP3, DP4, T2, T4, HE1
Winchester District Local Plan Part 1 - Joint Core Strategy (2013): MTRA3, CP2, CP11, CP13, CP19, CP20
South Downs Local Plan Submission (2018): Policies SD1, SD4, SD5, SD8, SD11, SD16, SD19, SD22, SD25, SD26, SD27
3. In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) on behalf of the SDNPA take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service and,
 - updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.
 - In this instance Officer concerns were discussed with the applicant's agent and amended plans were received.
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/>

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

Amended plans have been submitted to address Officer concerns regarding the roof design of the dwellings and the potential for overlooking to the neighbouring property Ravenhurst.

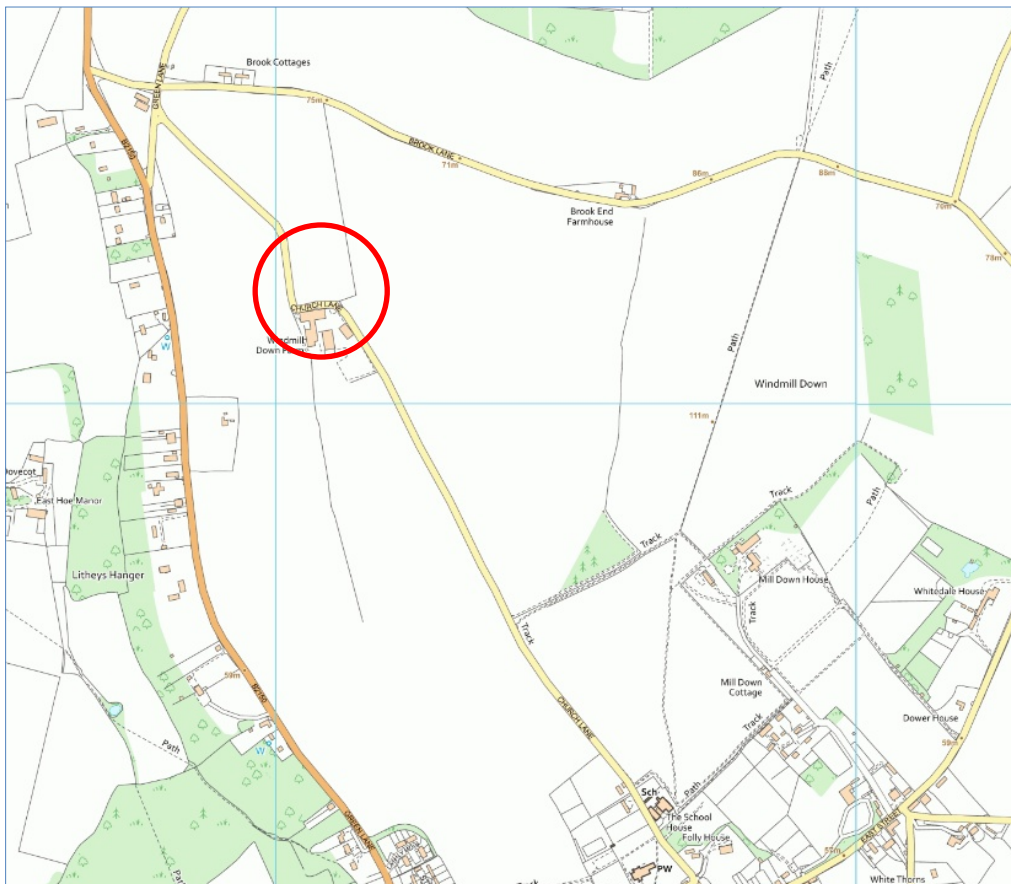
Plans Referred to in Consideration of this Application

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 & BLOCK PLAN	01		22.03.2019	Approved
Plans - EXISTING SITE PLAN	02		22.03.2019	Approved
Plans - SITE ANALYSIS PLAN	03		22.03.2019	Approved
Plans - PROPOSED SITE PLAN	01_18/04A		24.05.2019	Approved
Plans - PROPOSED ELEVATIONS AND SITE SECTIONS	01_18/05A		24.05.2019	Approved
Plans - PROPOSED FLOOR PLANS AND CAR PORT ELEVATIONS	01_18/06A		24.05.2019	Approved

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

Case No: SDNP/19/01778/FUL
Proposal Description: Replacement machinery store and workshop building.
Address: Windmill Down Farm
Church Lane
Hambledon
Hampshire
Parish, or Ward if within Winchester City: Hambledon
Applicants Name: Mr Mason
Case Officer: Ms Charlotte Fleming
Date Valid: 11 April 2019
Recommendation: Application Approved



General Comments

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

1 Site Description

This part of Windmill Down Farm is formed of a cluster of agricultural style buildings, located close to Church Lane and screened in part by trees and hedges. Located within the open countryside approximately 1.2km north of Hambledon, it is partially visible within the wider landscape as a result of the surrounding higher ground.

The farm is an arable farm of approximately 641 acres, producing approximately 1,300 tons of grain including spring barley, winter wheat, spring oats and oil seed rape every year.

To the south of the site in an area with a permitted use as inert soil's waste transfer station with soil screening (Alsoils company). The buildings on the site appear to be shared farmyard operational use between the farm and the soil company.

2 Proposal

Replacement machinery store and workshop building.

3 Relevant Planning History

87/01832/OLD - Dwelling.
Refused 27th August 1987.

91/01024/OLD - Agricultural workers dwelling and garage
Application Returned .

94/01434/OLD - Tyre transfer station (County Matter)
Permitted 4th January 1994.

95/01335/OLD - Removal of tyres by processing on site (County Matter)
Permitted 10th July 1995.

10/00484/APN - Erection of replacement grain store.
No Objection 15th March 2010.

12/00713/SHCS - Retrospective planning application for an inert soils waste transfer station with soil screening (THIS APPLICATION WILL BE DETERMINED BY THE SOUTH DOWNS NATIONAL PARK AUTHORITY).
Temporary permission 25th September 2012.

SDNP/13/05480/APNB - Storage building
STATUS: No Objection 17th December 2013.

SDNP/16/02046/PRE - Continuation of soil processing use and possible new access.
STATUS: Advice given 10th June 2016.

SDNP/17/04623/FUL - Small-scale soil recycling facility (SDNP) - Permitted for 5 years 19th February 2018

4 Consultations

WCC – Environmental Health

I have no objections to the construction of a replacement building for storage of machinery / fertiliser. However the application design and access statement also states that the purpose of the application is to seek to provide a workshop for 'farm operations'. Those 'farm operations' have been further clarified by the Planning Agent who stated :

'The 'label' workshop applied to one of the buildings refers to a standard 'farm' workshop and should not be confused with a mechanic type of workshop which is in use 5 or 6 days a week and fully occupied for 8-10 hours a day.

In this agricultural context it is where farm tools are kept and are where one would take, for example, a tractor or farm implement for a minor repair or adjustment on an occasional basis. In conclusion it is therefore safe to say that this farm workshop, along with many others of its type, will be occupied for minutes a week on average rather than hours or days.'

I would have no objections to a use such as this as I would not envisage it to cause detriment to the amenity in the same way that operations from a mechanical workshop might. I would therefore recommend that the use is restricted to an 'agricultural workshop' or another appropriate descriptor so that it is used in the manner as the Agent has described above. This would preclude any 'B' class uses that might involve repeated use of noisy machinery. In addition, I would like to make it clear that such agricultural use should not include other noisy activities such as grain drying, which is, in my view, a completely different application. (Condition 4)

WCC - Landscape Open Spaces

The application is for a replacement machinery store and workshop building on an agricultural site currently also being used for soil processing activities.

The site is partially screened from Church Lane by existing trees and hedge however the roofs of the existing buildings are visible from the B2150 to the east, Brook Lane to the north and the approach along Church Lane from the south.

The extension and replacement buildings are proposed with lower roof heights thereby screened by the existing buildings. If these roof heights remain as designed then there is no landscape objection to this proposal as they will have no significant impact on the character or setting of the National Park – existing trees on site must be retained and protected during construction.

Parish Council Consultee

17/05 - The Parish Council has no objection to this application.

03/06 - 'Objection, on the grounds that there is continuing concern over the monitoring of Alsoils' activity, made more difficult by it using the same entrance as Windmill Down Farm. Please refer to the 2013 position of the Parish Council.'

5 Representations

9 letters of objection from 6 properties have been received making comments, as follows:

Objections:

Ownership operation and scale of development

- The owners have consistently not followed planning regulations and used an agricultural premise for industrial use.
- No objection to the farmer requesting Planning for new buildings and extensions to an existing farm building if they are required.
- Suspect that this could be more for the use of Alsoils as they have applied in the past for a very similar Planning.
- 2013 application was to build a barn to secure farming equipment, although currently being used by Alsoils and not agricultural use.
- Historic redundant buildings on site being used by Alsoil not the farm
- Additional buildings are not required by such a small farmstead
- History on the site and overlapping red line plans, dual use of existing buildings, and access points, need to clearly set out who occupies which building between All Soils and the Farm and condition/enforce this.
- Vines have been planted – why does this require additional machinery/storage – surely being done by hand

Traffic & Access

- Road conditions (Green Lane and Church Lane) - Using site as industrial use has cost the tax money in repair of the road, as it is not suitable for an access road for the HGVs that use it.
- Still pot holes
- HGV drivers inconsiderate and splash walkers
- Flooding across road
- Drains blocked by Alsoils and roads damaged
- Alsoils and Farm previously have separate access points but appear to be using the same

Amenity, Noise & Disturbance

- Farms are places for agriculture and using them for industrial activity ruins an Area of Outstanding Natural Beauty.
- Proposed is to be used by Alsoils which leads to an adverse impact on the tranquillity of the South Downs National Park.
- Concerns about noise and lighting pollution - often incredibly noisy
- Alsoils activities including grinding machinery, even at weekends.

Ecology

- Citing of a bird box as a nod to their environmental credentials is clutching at straws, noise levels from soil processing makes this an unlikely haven.

Landscape

- Site is highly visible due to topography
- Shouldn't litter the site with buildings, even agricultural
- Object to any further buildings on this site.

Other

- Not been consulted about the application although live near
- Incorrect history on previous report application missing SDNP/17/04623/FUL

Response:

A response to the representations has been received from the applicant making the following points:

The application is for Windmill Down farms Ltd only.

The application has no connection to Alsoils and does not change their planning or amount of soil recycling that they can carry out.

Farm Entrances

The farm principally uses entrance on the corner of Hogs lane adjacent to the buildings . The replacement barn will have its door opening to the west as opposed to the East as at present, so that this will be accesses via this entrance. Compost deliveries are to be delivered via farm entrance as well. There will always be a need to use the other entrance for the grain store located adjoining this entrance. . There is a camera on this entrance, so all vehicles entering here are recorded.

Buildings

The plan has always been to keep the buildings at the lambing yard within the present curtilage. The farm has planted trees and maintained the hedges at appropriate aspects, to screen the buildings. The buildings on this site have had different uses over time. A number now are unpractical for farm use. These being for example the Dutch barn straw barns, and those with a eaves height too low for modern machinery to enter. Building continue to be upgraded to allow access by modern machinery, allow for correct storage, separation and modern day crop assurance schemes and the storage of Agrochemicals and fertilisers. Modern day equipment needs to be stored internally for security and also to protect the main electronic aspects of these expensive machines.

The majority of buildings that Alsoils use are totally unsuitable for farm use, as not enclosed. No concrete floor and don't meet quality assurance . No security and open to the elements. This is because they were for forage storage for cattle, which no longer are on farm.

Fertiliser

The compost (produced from green waste) is not actually a nitrogen fertiliser. It is an organic general product. It helps maintenance of soil status and is important for keeping the soil in good condition. It replaces bagged phosphate and potash, although it does have an element of nitrogen naturally within it as well. .

Nitrogen is applied in the spring to the majority of crops to enhance growth of the living crop. This is an essential aspect of good farming practise.

The tonnages stated for both compost and nitrogen are correct. All bagged fertiliser has to be stored in secure buildings. Compost can be stored outside.

Cropping

Crop diversity is crucial to farm profitability, but all require storage of varying types at times of the year.

Environment

The farm has been proactive in improving the environmental features over the years. A significant wood and copse have been established. The farm has been involved with agricultural environmental schemes over many years. This has included the planting of external hedges and improving internal hedges as well as adding additional hedge line trees.

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 - Submission 2018

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 on 24 July 2018. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should 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:

- NPPF6 - Prosperous Rural Economy
- NPPF11 – Effective use of land
- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural 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
- DP11 – Un-neighbourly Uses
- T2 - Access

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
- CP6 – Local Services and Facilities
- CP8 - Economic Growth and Diversification
- CP13 - High Quality Design
- CP19 - South Downs National Park
- CP20 - Heritage and Landscape Character

The following policies of the South Downs National Park Local Plan - Submission 2018 are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 – Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD6 - Safeguarding Views
- Strategic Policy SD7 – Relative Tranquillity
- Strategic Policy SD9 – Biodiversity and Geodiversity
- Development Management Policy SD11 – Trees, Woodland and Hedgerows
- Development Management Policy SD19 – Transport and Accessibility
- Development Management Policy SD25 – Development Strategy
- Development Management SD34 – Sustaining the Local Economy
- Development Management Policy SD39 - Agriculture and Forestry

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
- Farming Policy 13

The Draft South Downs National Park Local Plan

The Pre-Submission version of the South Downs Local Plan (SDLP) was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. The Local Plan process is in its final stage before adoption with consultation on relatively minor Main Modifications from 1st February 2019 to 28th March 2019. Based on the very advanced stage of the examination the draft policies of the South Downs Local Plan can be afforded significant weight.

8 Planning Assessment

Principle of development

This application originally came in as a APNB (Agricultural Prior Notification) however it was decided that more information was required on the siting and visual impact of the proposed and therefore Prior Approval is required, and the need for this application.

Due to the increase in crop production and machinery sizes the farm requires suitable workshop facility (for fixing machines) and somewhere to securely store its machinery, 200 tons of fertiliser and seed. This application is solely for agricultural farm purposes not Alsoils who also use the site.

The site of the proposed development is located in an area which is designated as countryside where the proposal is subject to policy MTRA4 development in the countryside of the Winchester Joint Core Strategy (WJCS). Policy MTRA4 allows development in the countryside which has an operational need for such location such as agriculture, as long as the development does not cause harm to the character and landscape of the area or neighbouring uses or create inappropriate noise/light and traffic generation, the development proposed by the Farm (not All Soils) is considered to comply with this policy.

The South Downs Local Plan (SDLP) is at an advanced stage, there are both representations of support and objection to draft policies. Having read these the Inspectors consider that the policy SD25 development strategy is likely to be adopted. If the Inspector considered that there is a material change in the policy or the policy is deleted, any new application for the proposed would be determined afresh in the light of the changed circumstances. It was therefore considered that the policies should be afforded very nearly full weight in the determination of planning applications. However, as adoption has not yet taken place, the policies in the Winchester Local Plan Review 2006 (WLPR) and WJCS still need to be addressed.

Policy SD34 supports local economy, that fosters economic and social well being of communities, the proposal meets criteria a) promoting and protecting the Park's farming community, c) supporting local rural supply chains between businesses and e) securing future resilience of the company and local jobs.

Policies SD5 and DP3 sets out that new development is acceptable provided that it is appropriate in scale, design and does not have an adverse impact on the character of the area or on surrounding uses and properties. It is considered that the proposals meets the criteria of these policies as the barn is in keeping with the existing character of the site and partially screened from view, therefore it is not considered to have an adverse impact on the character of the area.

Concerns have been raised over the operations and ownership of the proposed, however the uses will be conditioned to be for agricultural use only, not industrial. Therefore it is considered that the proposed agricultural storage for the farm is compliant with planning policies.

Design, scale and impact on the character of the area

The principle of a farm and barn on the site is already existing, additional space is required for secure storage and a workshop space, which will be partially screened by vegetation and the replacing of an existing open barn/carport with a secure building screened within the site.

Whilst the barns are significant in scale, given the largely traditional design and materials proposed the development is not considered to result in a detrimental impact to the character of the site, on balance, it is considered to appear sufficiently subservient and to remain appropriate in scale for the size of the site.

Landscape officers have raised no concerns with the proposal. The barn is set back from the road and partially screened by trees and existing buildings, given the design, scale and materials proposed, the development is not considered to result in a detrimental impact to the character of the area and would not conflict with the purposes of the South Downs National Park.

Impact on Neighbours

Several comments have been received from the neighbours, however the closest neighbour is over 170 meters from the site, and summarising their comments their objections are to the disruption created by Alsoils not the Farm. A condition is recommended in regard to the use of this building (condition 4).

There is already a farm on the site, so extending the barn on the East of the site and replacing the existing lean to with another barn/workshop within the farm yard will not result in a detrimental impact on neighbouring privacy, as to warrant refusal.

Other matters

The potential future business speculations on the (wider) site, is not a material planning consideration.

Ecology – biodiversity enhancements have been proposed and supported, however there is potential for bats and nesting birds on the site, due to the surrounding trees, therefore an informative has been put on stating that on discovery of bats or nesting birds work must stop.

9 Conclusion

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

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. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those listed in section 7 of the submitted application form.

Reason: To ensure a satisfactory visual relationship between the new development and the existing.

4. The use of the barns hereby permitted shall be restricted to agricultural storage and agricultural workshop use only and shall not at any time be used for any other form of workshop or industry. Agricultural use does not include other noisy activities such as grain drying.

Reason: To ensure the satisfactory development of the site and in the interests of the amenity of the area and highway safety.

5. 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.

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, DP11, T2
Winchester District Local Plan Part 1 - Joint Core Strategy (2013): MTRA4, CP6, CP8, CP13, CP19, CP20
South Downs Local Plan Submission (2018): Policies SD1, SD2, SD4, SD5, SD6, SD7, SD9, SD11, SD19, SD25, SD34, SD39
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 the application was considered acceptable as submitted so no further assistance was required.
4. In reaching this decision the local planning authority has worked with the applicant in a positive and proactive way, in line with the NPPF.
5. Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.

6. Nesting birds are protected under the Wildlife and Countryside Act 1981. The onus is therefore on the applicant to ensure that nesting birds are not impacted by the works. It is advised that works are undertaken outside of the breeding bird season (the breeding season is generally considered to extend from March to September) or under supervision of a qualified ecologist.

11. Crime and Disorder Implications

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

12. Human Rights Implications

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

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

The application was considered acceptable as submitted so no further assistance was required.

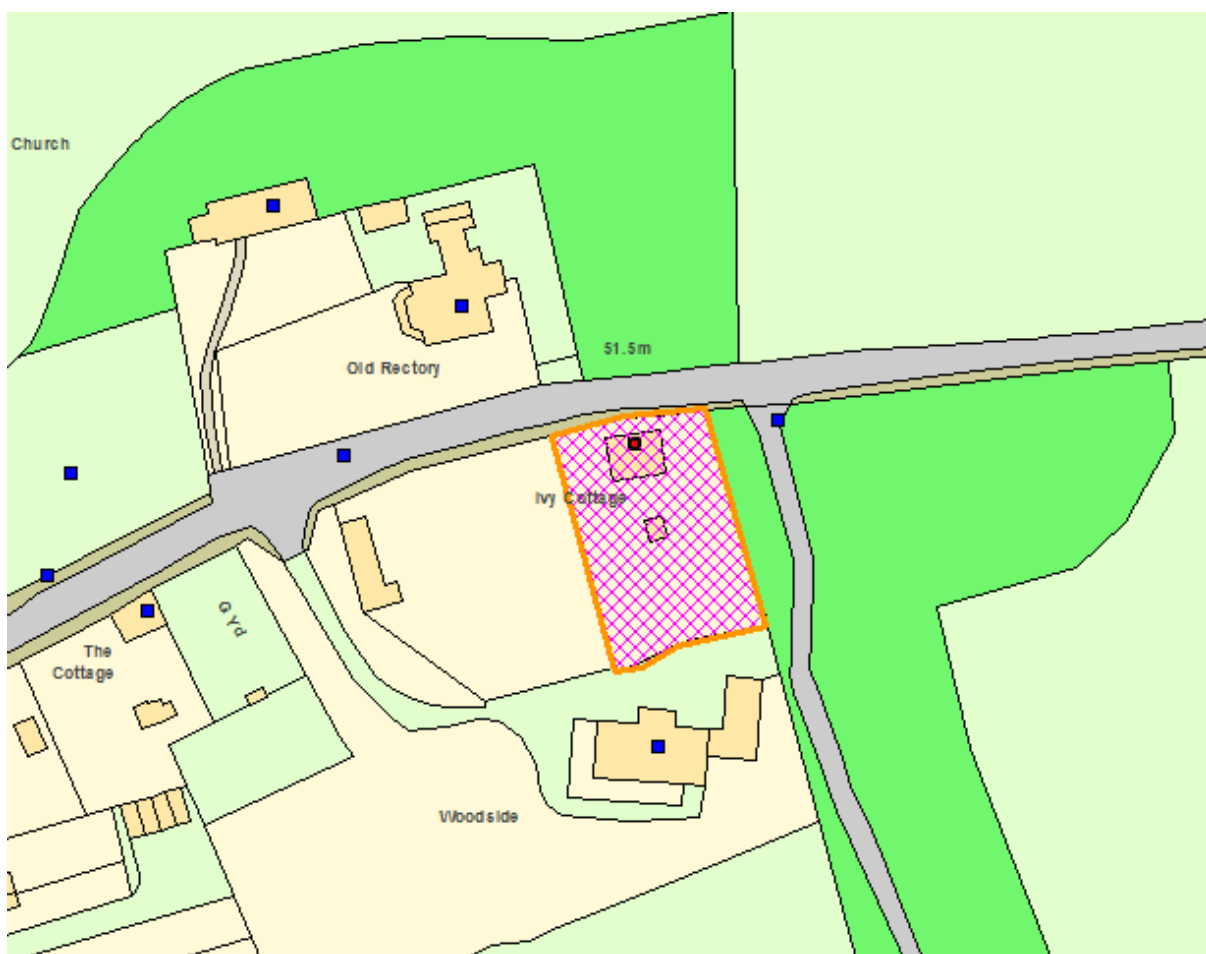
Plans Referred to in Consideration of this Application

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	1134LP	10.04.2019	Approved
Plans -	EXISTING SITE PLAN	1134-200-02	10.04.2019	Approved
Plans -	PROPOSED SITE PLAN	1134-200-01	10.04.2019	Approved
Plans -	EXTENSION BUILDING - ELEVATIONS	1134-300-02	10.04.2019	Approved
Plans -	REPLACEMENT BUILDING - ELEVATIONS	1134-300-04	10.04.2019	Approved
Reports -	Design and Access Statement		10.04.2019	Approved

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

Case No: SDNP/18/06579/HOUS
Proposal Description: (Amended Plans) Extension to the rear of the site
Address: Ivy Cottage, Avington Road, Avington, SO21 1DD
Parish, or Ward if within Winchester City: Itchen Valley
Applicants Name: Mr & Mrs Day-Robinson
Case Officer: Mrs Sarah Tose
Date Valid: 02 January 2019
Recommendation: Application Refused



General Comments

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

Ivy Cottage is an early 18th century detached property located at the eastern edge of the village of Avington. The cottage is a grade II listed building. The site lies within the designated countryside, the Conservation Area and the South Downs National Park. Ivy Cottage is the first house on the eastern approach to the village. The property fronts onto Avington Road, set back behind a low brick wall with a simple timber pedestrian gate. Vehicular access to the site is to the east of the cottage via a five bar timber gate. The property has a small timber clad single storey outbuilding with tiled roof to the rear. The site levels rise to the south and west and the property has a retaining wall to the garden which sits well above the ground floor level of the cottage to the west. The site contains trees on the rear boundary. Neighbouring properties are located to the northwest, west and south of the site with open countryside to the east.

2 Proposal

The proposal seeks to erect a single storey extension to the rear of the dwelling, incorporating an existing outbuilding, connected to the existing dwelling with a partially glazed link.

3 Relevant Planning History

SDNP/17/04527/PRE - Extend / refurbish the main house, enlarge / rebuild the existing barn, create a link between the two with a glass extension.
STATUS: WDN 18th October 2017.

SDNP/18/04174/PRE - Erection of timber frame extension at rear with glazed link building and associated minor internal alterations
STATUS: WDN 23rd January 2019.

4 Consultations

Parish Council Consultee

Itchen Valley Parish Council support the application as long as it is occupied by the same family as Ivy Cottage and that the glazing of the passage should comply with the Model Lighting Ordinance of the International Dark-Sky Association.

WCC - Historic Environment

The principle of extending this particular property was discussed on site at the pre-application stage with the previous architect. The building is Grade II listed and dates to the 18th century with 20th century alterations with a very distinctive catslide roof form to the rear. In addition the existing outbuilding is a rural weather boarded building that reads as a separate building ancillary to the main listed building forming part of its setting.

What was previously discussed on site was putting a short glazed link to the rear of the property tucked in under the catslide leading to a single storey contemporary extension with either a green roof or a standing seam metal roof with a central glazed section. The submitted plans are for a much longer glazed corridor leading to a rear extension that also extends the existing outbuilding. The proposed glazed corridor is too long and the roof form of the extension looks awkward and does not sit comfortably with historic core of the building. In addition, linking the main building to the existing outbuilding erodes the architectural hierarchy of the site. The buildings currently read as separate entities with the outbuilding being subservient and ancillary to the main building. Linking the main building to the outbuilding erodes this relationship.

The proposals will need to be significantly altered along the lines of what was previously discussed on site as the proposals as submitted are not acceptable in historic environment policy terms.

Further Historic Environment comments:

Proposals would cause harm to the significance and setting of Ivy Cottage and fail to meet the statutory test of preserving the character or appearance of the Avington conservation area. The proposed extension would be a discordant addition to the listed building of inappropriate bulk, scale, form and detail which would fail to respond positively to this site.

Proposals would fail to 'enhance or better reveal' the significance of the conservation area in accordance with the NPPF and would fail to comply with Policies HE.4 and HE.5 of the Local Plan.

Whilst there may be scope for an appropriately proportioned and located extension this would need to be very carefully located and detailed and of high architectural quality in order to address the sensitivities of the site.

WCC - Landscape

There is no in-principle Landscape objection to this proposal, however, if the Case Officer is minded to permit then a landscape condition seeking some new tree planting would be appropriate.

5 Representations

1 representation has been received objecting to the application (original plans) for the following reasons:

- size of the extension seems to nearly double the floor space
- represents a loss of a small dwelling in the countryside
- prominent site on the entry to Avington

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

- well designed and sympathetic modification to the existing cottage which will fit into the area very well

- will enhance and modernise the property, making it more suitable for a young family
- attractive and discreet
- would not affect the charm and character of the original structure

Following the submission of amended plans, 16 additional representations have been received supporting the proposal for the following reasons:

- innovative and attractive design
- like the incorporation of the old garden shed
- design sympathetic to the surroundings
- cottage is in need of updating
- extension will enhance the property visually and practically
- enhance the entrance into the village
- in keeping with the local architecture
- village needs a property of this size
- retains the special character of the listed building

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 - Submission 2018

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 on 24 July 2018. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and

cultural heritage are also important considerations and should 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:

- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural environment
- NPPF16 - 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:

- HE5 - Conservation Areas - Development Criteria
- CE23 - Extension and Replacement Dwellings
- DP3 - General Design 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:

- CP13 – High Quality Design
- CP19 - South Downs National Park
- CP20 - Heritage and Landscape Character
- MTRA3 - Other Settlements in the market Towns and Rural Area

The following policies of the **South Downs National Park Local Plan - Submission 2018** are relevant to this application:

- Development Management Policy SD13 - Listed Buildings
- Development Management Policy SD15 - Conservation Areas
- Strategic Policy SD5 - Design
- Development Management Policy SD31 - Extensions to existing dwellings, and provision of annexes and outbuildings
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD12 - Historic Environment

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 9

The Draft South Downs National Park Local Plan

The Pre-Submission version of the **South Downs Local Plan** (SDLP) was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. The Local Plan process is in its final stage before adoption with consultation on relatively minor Main Modifications from 1st February 2019 to 28th March 2019. Based on the very advanced stage of the examination the draft policies of the South Downs Local Plan can be afforded significant weight.

8 Planning Assessment

Principle of development

The application site is located within the defined countryside, in which the principle of extensions to residential properties is considered to be acceptable, subject to compliance with the detailed provisions of saved policy CE23 and emerging policy SD31.

The property lies within the countryside but is not classed as a 'small dwelling' within the definition of policy CE23 as the dwelling is over 120m² in floor area; therefore the size restriction in terms of a 25% increase in floor area does not apply.

Emerging policy SD31 limits extensions to approximately 30% of the floor area since 2002; the proposal would comply with these size requirements.

Impact on the listed building and Conservation Area

The property contributes positively to the character and appearance of the conservation area by virtue of its attractive traditional appearance which derives from its modest vernacular form and simple detailing, and to the contribution to the edge of village character created by its modest form and the verdant non-developed spaces to its east and west.

It is considered that current proposals would harm the significance and setting of the listed building. The scale, form and relationship of the proposed extension and its link, to the listed building, is considered to harm its significance and setting by virtue of;

- The cellular form of the link and the extension with their visually distinguishable component parts (the lean-to and southern pitched roof section and the glazed and solid sections of the link) would be at odds with the very simple rectilinear form and footprint of the listed building.
- The cumulative complexity of the built form of the link and extension would be at odds with, and alien to, the simple built form of the host building.
- The extensive length of the link currently proposed and the large footprint of the proposed extension would cumulatively exceed the length of the principle (east-west) elevation of the host building. When viewed from the side elevation the overall length of the link and extension would exceed the depth (north-south) of the cottage. The footprint of the extension without the link would be comparable to the footprint of the cottage. The proposals would therefore compete with the listed building in terms of footprint.
- The form of the footprint of the link and extension as proposed would be non-traditional, with an exceptionally long link leading from the centre of the rear elevation to the new structure to the rear. The form of the footprint proposed would be alien to the simple compact rectilinear footprint of the host building.
- The proposed link would significantly impair the ability to appreciate the rear elevation of the building in its entirety by virtue of being located centrally in the rear elevation. Whilst the link would sit below the eaves level of the catslide roof and therefore preserve the integrity of the dominant rear roof slope, which would be welcome, the position of the link and extension would only allow part of the rear elevation to be appreciated as the link would visually and physically interrupt this elevation. It is appreciated that the form of the host building would remain clearly discernible from the side and when stood in front of the rear extension. However, the proposal would result in harm to the listed building by obscuring the important rear elevation and inhibiting the ability to appreciate this as a single elevation. The height of the pitched part of the extension due to the change in ground levels to the south would be such that whilst the roof form of Ivy Cottage may be discernible from the rear of the garden the full elevation would remain obscured.
- The change in ground levels to the south and utilisation of existing ground levels would result in the pitched part of the extension sitting at a much higher ground level than the link and the proposed dining room. The ridge height of this part of the extension, whilst only single storey, would nevertheless be at first floor height due to the change in ground levels. This change in ground levels would significantly exacerbate the cellular form of the extension and the extent to which this would jar with and detract from the simplicity of the listed building.
- The link is considered to be of excessive length in relation to the proportions and compact footprint and form of the host building and would be over half the length of the depth of the property. Links as an architectural device are normally used as a discreet and unobtrusive means of joining two

physically independent structures to allow covered passage between them for a single use/occupancy. They tend to be most successful in an historic context where either two existing structures are in close physical proximity to one another or where a short link to a new structure is proposed. As proposed the link is not visually lightweight, discreet or unobtrusive, in part due to its location in the centre of the rear elevation and in part due to its detailing and materials. Its solid form, with only glazed side lights to the entrances on the east and west elevations, would fail to provide clear visual and physical separation between the new build and the listed building. It would have the appearance of being part of the extension and its role as a link would not be self evident from the exterior. This degree of solidity would add to the perceived mass and volume of the extension and give the appearance of the extension being of a significantly larger footprint than it would be. This in turn adds to the extent to which the link and extensions would cumulatively compete with the footprint of the host building and create an excessively elongated built form in relation to the host building.

- Whilst the use of different materials to the link and extension would help to break up the perceived mass and length of the new structures and reduce the visual impact on the host building of this mass, this would not satisfactorily mitigate against the harm resulting from the overall length of the extension/link.
- The use of different materials on the various component parts of the building would serve to highlight its cellular nature. That part of the link closest to the house would have a distinct appearance with side lights to the two doors while the southern part of the link would be of solid brickwork. The use of weatherboarding to the extension would help denote this as a separate structure from the link but would add to the piecemeal and cellular nature of the extensions. This would be in sharp contrast to the use of a single material and the very simple built form of the host building.
- Weatherboarding can often be used as a device to denote the subservience of a structure to a dwelling by respecting the domestic hierarchy of brick or flint in comparison to weatherboarding, which in the local vernacular is used on agricultural and non-domestic buildings. As such there would be no objection in principle to the use of weatherboarding to achieve this aim and to ensure any new building respected domestic hierarchy. However, in this instance the cellular form and detailing of the extension, with the large triangular glazed clerestory in the lean-to, would be a domestic feature alien to the agricultural vocabulary and the use of weatherboarding alone would not be sufficient to offset the harm to the listed building resulting from the form and detail of the extension.
- The juncture between the brick of the link and the weatherboarding of the extension is considered to be an awkward detail. Whilst it is appreciated that this may have been used to denote the extent of the link externally and to try to break up the cumulative visual length of the link and extension, the straight vertical change in materials would appear abrupt, despite the change in built forms. The component cellular parts of the link and extensions do not

sit comfortably together and appear disparate, which is exacerbated by the change in ground levels. This would be further empathised by the use of materials as proposed.

- Proposals would be discernible from Avington Road and would impact on the conservation area. They would appear as an alien addition to the listed building and detract from the appreciation of it within the street scene. As such proposals would fail to preserve the character and appearance of the conservation area.

It is questioned whether there would be a requirement for underpinning to the rear elevation as a result of the ground level in the link being below that of the cottage. Underpinning part of a traditionally constructed building with typically very shallow foundations can result in the risk of differential settlement. No information as to whether underpinning would be required or its potential implications has been submitted as part of the application. It is also unclear how the change in ground level between the link and existing building would be accommodated internally as steps do not appear to be shown on the proposed floor plans.

The extent of any other physical interventions to historic fabric required to facilitate the link are unclear and could be particularly important given that the link would sit at eaves level and could impact on the wall plate. Had proposals been found acceptable in principle further information on these points would have been required to form part of the application and could not have been conditioned given that the principle of their acceptability would have been dependant of the impact of proposals.

In summary, the proposals are considered to cause harm to the significance and setting of Ivy Cottage and fail to meet the statutory test of preserving the character or appearance of the Avington conservation area for the reasons outlined above. The proposed extension would be a discordant addition to the listed building of inappropriate bulk, scale, form and detail which would fail to respond positively to this site. The proposals would also fail to 'enhance or better reveal' the significance of the conservation area in accordance with the NPPF and would fail to comply with policy HE.5 of the Local Plan.

There would be no objection in principle to extending Ivy Cottage. It is considered that there is the potential for an alternative approach to extension that could resolve the current concerns and the applicant has been advised that it is considered that alternative methods of extending could be worthy of investigation.

Impact on 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. For the reasons outlined in the section above, the proposed extension is not considered to relate well to the listed building or to preserve the character or appearance of the Conservation Area. As such, the proposal is not considered to result in a positive impact on the landscape character of the National Park.

The South Downs National Park is a designated International Dark Sky Reserve. No rooflights are proposed in the extension and the extent of new glazing is not considered significant. The glazing in the proposed link has been reduced in the amended plans. The development would therefore not result in a detrimental impact on the dark night skies of the National Park.

Impact on neighbour amenity

The nearest neighbouring properties to Ivy Cottage are The Old Rectory which lies approximately 25m to the northwest and Woodside which lies approximately 35m to the south. The extension is single storey and proposed to the rear of the existing cottage so would have no adverse impact on the amenities of neighbouring properties.

9 Conclusion

The development is considered contrary to local and national planning policies for the reasons outlined above and as such is recommended for refusal.

10 Reason for Recommendation and Conditions

It is recommended that the application be Refused for the reasons set out below.

1. The proposal would harm the significance and setting of the listed building by virtue of the scale, footprint, elongated length, cellular built form, materials and changes in ground level of the proposed extension which would be alien to and detract from the simple built form and rectilinear footprint of the host building resulting in a discordant addition to the listed building. The proposal is therefore considered contrary to policy HE14 of the Winchester District Local Plan Review (2006), policy CP20 of the Winchester District Local Plan Part 1 - Joint Core Strategy (2013) and policy SD13 of the South Downs Submission Local Plan (2008).

2. The proposal would fail to preserve the character or appearance of the Avington Conservation Area by virtue of the form and detail of the proposed extension and its discordant relationship to the listed building. The proposal is therefore considered contrary to policy HE5 of the Winchester District Local Plan Review (2006), policy CP20 of the Winchester District Local Plan Part 1 - Joint Core Strategy (2013) and policy SD15 of the South Downs Submission Local Plan (2008).

Informatives:

1. The Local Planning Authority has taken account of the following development plan policies and proposals:-
 - Winchester District Local Plan Review (2006): CE23, HE5, HE14, DP3

- Winchester District Local Plan Part 1 - Joint Core Strategy (2013): MTRA3, CP13, CP19, CP20
 - South Downs Local Plan Submission (2018): Policies SD4, SD5, SD8, SD11, SD12, SD15, SD31
2. In accordance with paragraphs 186 and 187 of the NPPF the Local Planning Authority take a positive and proactive approach to development proposals focused on solutions. WCC on behalf of the SDNPA 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.
 - The applicant's agent was made aware of the Council's concerns regarding the proposal but a solution was unable to be achieved in this case.
3. The applicant is advised that if this application had been acceptable in all other respects, the scheme would be liable to the South Downs National Park Authority CIL Charging Schedule which took effect on 1st April 2017. Therefore, if this decision is appealed and subsequently granted planning permission at appeal, this scheme would be CIL liable and to pay the South Downs National Park's CIL upon commencement of development. The CIL Schedule and all associated policies may be found online, here:
- [https://www.southdowns.gov.uk/planning/community- infrastructure-levy/cil-charging-schedule-related-policies/](https://www.southdowns.gov.uk/planning/community-infrastructure-levy/cil-charging-schedule-related-policies/)

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

The applicant's agent was made aware of the Council's concerns regarding the proposal but a solution was unable to be achieved in this case.

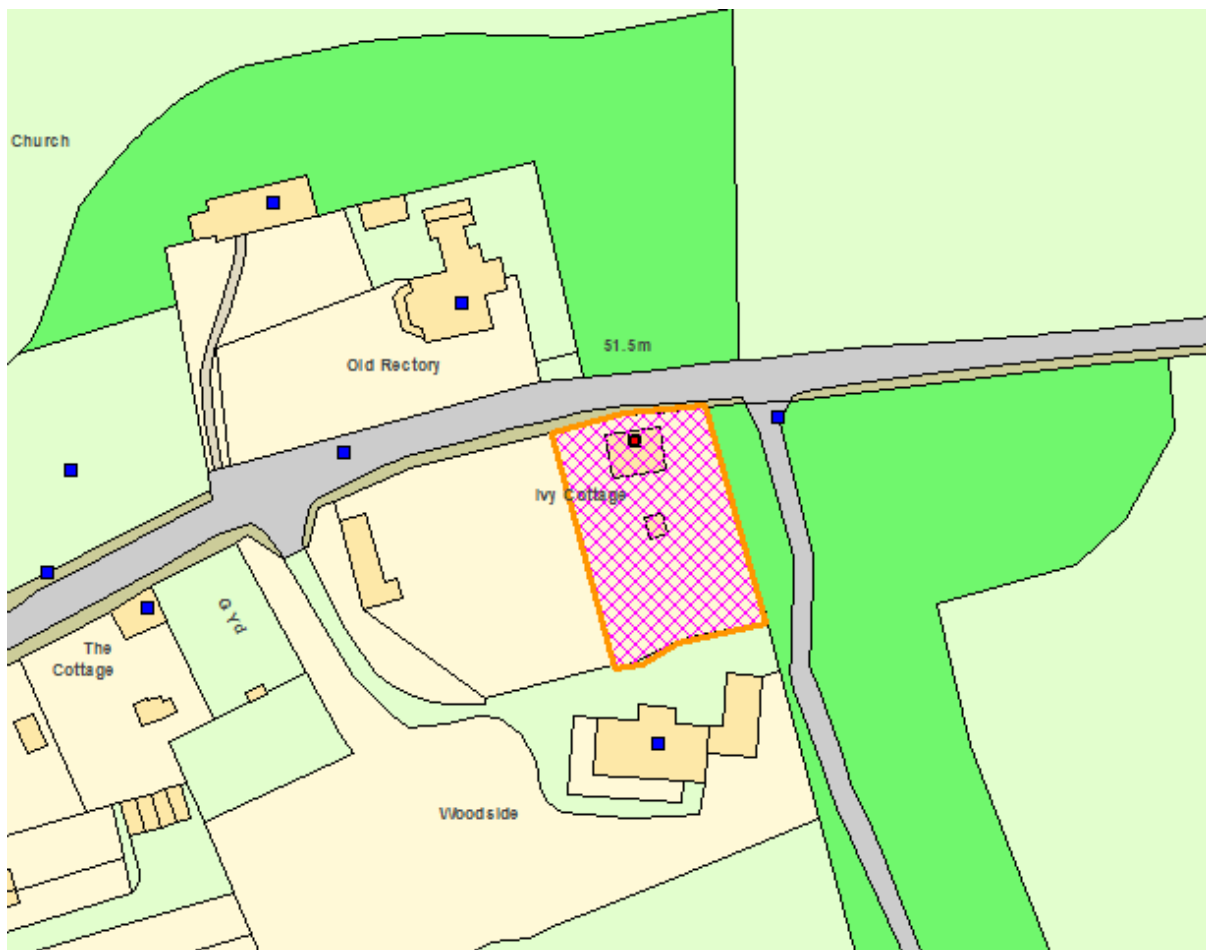
Plans Referred to in Consideration of this Application

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	2304/01		24.12.2018	Not approved
Plans - AMENDED SITE PLAN	2304/02 A		05.05.2019	Not approved
Plans - AMENDED PLAN & EAST SECTION ELEVATIONS	2304/03 A		05.05.2019	Not approved
Plans - AMENDED EAST ELEVATION	2304/04 A		05.05.2019	Not approved
Plans - AMENDED SOUTH WEST ELEVATION	2304/05 A		05.05.2019	Not approved
Plans - AMENDED NEW SCHEME & EXISTING HOUSE PLANS	2304/06		05.05.2019	Not approved

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

Case No: SDNP/18/06580/LIS
Proposal Description: (Amended Plans) Extension to the rear of the site
Address: Ivy Cottage, Avington Road, Avington, SO21 1DD
Parish, or Ward if within Winchester City: Itchen Valley
Applicants Name: Mr & Mrs Day-Robinson
Case Officer: Mrs Sarah Tose
Date Valid: 02 January 2019
Recommendation: Application Refused



General Comments

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

Ivy Cottage is an early 18th century detached property located at the eastern edge of the village of Avington. The cottage is a grade II listed building. The site lies within the designated countryside, the Conservation Area and the South Downs National Park. Ivy Cottage is the first house on the eastern approach to the village. The property fronts onto Avington Road, set back behind a low brick wall with a simple timber pedestrian gate. Vehicular access to the site is to the east of the cottage via a five bar timber gate. The property has a small timber clad single storey outbuilding with tiled roof to the rear. The site levels rise to the south and west and the property has a retaining wall to the garden which sits well above the ground floor level of the cottage to the west. The site contains trees on the rear boundary. Neighbouring properties are located to the northwest, west and south of the site with open countryside to the east.

2 Proposal

The proposal seeks to erect a single storey extension to the rear of the dwelling, incorporating an existing outbuilding, connected to the existing dwelling with a partially glazed link.

3 Relevant Planning History

SDNP/17/04527/PRE - Extend / refurbish the main house, enlarge / rebuild the existing barn, create a link between the two with a glass extension.
STATUS: WDN 18th October 2017.

SDNP/18/04174/PRE - Erection of timber frame extension at rear with glazed link building and associated minor internal alterations
STATUS: WDN 23rd January 2019.

4 Consultations

Parish Council Consultee

Itchen Valley Parish Council support the application as long as it is occupied by the same family as Ivy Cottage and that the glazing of the passage should comply with the Model Lighting Ordinance of the International Dark-Sky Association.

WCC- Historic Environment

The principle of extending this particular property was discussed on site at the pre-application stage with the previous architect. The building is Grade II listed and dates to the 18th century with 20th century alterations with a very distinctive catslide roof form to the rear. In addition the existing outbuilding is a rural weather boarded building that reads as a separate building ancillary to the main listed building forming part of its setting.

What was previously discussed on site was putting a short glazed link to the rear of the property tucked in under the catslide leading to a single storey

contemporary extension with either a green roof or a standing seam metal roof with a central glazed section. The submitted plans are for a much longer glazed corridor leading to a rear extension that also extends the existing outbuilding. The proposed glazed corridor is too long and the roof form of the extension looks awkward and does not sit comfortably with historic core of the building. In addition, linking the main building to the existing outbuilding erodes the architectural hierarchy of the site. The buildings currently read as separate entities with the outbuilding being subservient and ancillary to the main building. Linking the main building to the outbuilding erodes this relationship.

The proposals will need to be significantly altered along the lines of what was previously discussed on site as the proposals as submitted are not acceptable in historic environment policy terms.

Further Historic Environment comments:

Proposals would cause harm to the significance and setting of Ivy Cottage and fail to meet the statutory test of preserving the character or appearance of the Avington conservation area. The proposed extension would be a discordant addition to the listed building of inappropriate bulk, scale, form and detail which would fail to respond positively to this site.

Proposals would fail to 'enhance or better reveal' the significance of the conservation area in accordance with the NPPF and would fail to comply with Policies HE.4 and HE.5 of the Local Plan.

Whilst there may be scope for an appropriately proportioned and located extension this would need to be very carefully located and detailed and of high architectural quality in order to address the sensitivities of the site.

5 Representations

None received.

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 - Submission 2018

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 on 24 July 2018. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should 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:

- NPPF12 - Achieving well-designed places
- NPPF16 - 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:

- HE5 - Conservation Areas - Development Criteria
- DP3 - General Design 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:

- CP13 – High Quality Design
- CP19 - South Downs National Park
- CP20 - Heritage and Landscape Character

The following policies of the **South Downs National Park Local Plan - Submission 2018** are relevant to this application:

- Development Management Policy SD13 - Listed Buildings
- Development Management Policy SD15 - Conservation Areas
- Strategic Policy SD5 - Design
- Strategic Policy SD12 - Historic Environment

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 9

The Draft South Downs National Park Local Plan

The Pre-Submission version of the **South Downs Local Plan** (SDLP) was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. The Local Plan process is in its final stage before adoption with consultation on relatively minor Main Modifications from 1st February 2019 to 28th March 2019. Based on the very advanced stage of the examination the draft policies of the South Downs Local Plan can be afforded significant weight.

8 Planning Assessment

Principle of development

The principle of providing an extension to a listed dwelling is considered acceptable, subject to compliance with the criteria of saved policy HE14, policy CP20 of the Joint Core Strategy, and section 16 of the NPPF.

Impact on the listed building and Conservation Area

The property contributes positively to the character and appearance of the conservation area by virtue of its attractive traditional appearance which derives from its modest vernacular form and simple detailing, and to the contribution to the edge of village character created by its modest form and the verdant non-developed spaces to its east and west.

It is considered that current proposals would harm the significance and setting of the listed building. The scale, form and relationship of the proposed

extension and its link, to the listed building, is considered to harm its significance and setting by virtue of;

- The cellular form of the link and the extension with their visually distinguishable component parts (the lean-to and southern pitched roof section and the glazed and solid sections of the link) would be at odds with the very simple rectilinear form and footprint of the listed building.
- The cumulative complexity of the built form of the link and extension would be at odds with, and alien to, the simple built form of the host building.
- The extensive length of the link currently proposed and the large footprint of the proposed extension would cumulatively exceed the length of the principle (east-west) elevation of the host building. When viewed from the side elevation the overall length of the link and extension would exceed the depth (north-south) of the cottage. The footprint of the extension without the link would be comparable to the footprint of the cottage. The proposals would therefore compete with the listed building in terms of footprint.
- The form of the footprint of the link and extension as proposed would be non-traditional, with an exceptionally long link leading from the centre of the rear elevation to the new structure to the rear. The form of the footprint proposed would be alien to the simple compact rectilinear footprint of the host building.
- The proposed link would significantly impair the ability to appreciate the rear elevation of the building in its entirety by virtue of being located centrally in the rear elevation. Whilst the link would sit below the eaves level of the catslide roof and therefore preserve the integrity of the dominant rear roof slope, which would be welcome, the position of the link and extension would only allow part of the rear elevation to be appreciated as the link would visually and physically interrupt this elevation. It is appreciated that the form of the host building would remain clearly discernible from the side and when stood in front of the rear extension. However, the proposal would result in harm to the listed building by obscuring the important rear elevation and inhibiting the ability to appreciate this as a single elevation. The height of the pitched part of the extension due to the change in ground levels to the south would be such that whilst the roof form of Ivy Cottage may be discernible from the rear of the garden the full elevation would remain obscured.
- The change in ground levels to the south and utilisation of existing ground levels would result in the pitched part of the extension sitting at a much higher ground level than the link and the proposed dining room. The ridge height of this part of the extension, whilst only single storey, would nevertheless be at first floor height due to the change in ground levels. This change in ground levels would significantly exacerbate the cellular form of the extension and the extent to which this would jar with and detract from the simplicity of the listed building.

- The link is considered to be of excessive length in relation to the proportions and compact footprint and form of the host building and would be over half the length of the depth of the property. Links as an architectural device are normally used as a discreet and unobtrusive means of joining two physically independent structures to allow covered passage between them for a single use/occupancy. They tend to be most successful in an historic context where either two existing structures are in close physical proximity to one another or where a short link to a new structure is proposed. As proposed the link is not visually lightweight, discreet or unobtrusive, in part due to its location in the centre of the rear elevation and in part due to its detailing and materials. Its solid form, with only glazed side lights to the entrances on the east and west elevations, would fail to provide clear visual and physical separation between the new build and the listed building. It would have the appearance of being part of the extension and its role as a link would not be self evident from the exterior. This degree of solidity would add to the perceived mass and volume of the extension and give the appearance of the extension being of a significantly larger footprint than it would be. This in turn adds to the extent to which the link and extensions would cumulatively compete with the footprint of the host building and create an excessively elongated built form in relation to the host building.

- Whilst the use of different materials to the link and extension would help to break up the perceived mass and length of the new structures and reduce the visual impact on the host building of this mass, this would not satisfactorily mitigate against the harm resulting from the overall length of the extension/link.

- The use of different materials on the various component parts of the building would serve to highlight its cellular nature. That part of the link closest to the house would have a distinct appearance with side lights to the two doors while the southern part of the link would be of solid brickwork. The use of weatherboarding to the extension would help denote this as a separate structure from the link but would add to the piecemeal and cellular nature of the extensions. This would be in sharp contrast to the use of a single material and the very simple built form of the host building.

- Weatherboarding can often be used as a device to denote the subservience of a structure to a dwelling by respecting the domestic hierarchy of brick or flint in comparison to weatherboarding, which in the local vernacular is used on agricultural and non-domestic buildings. As such there would be no objection in principle to the use of weatherboarding to achieve this aim and to ensure any new building respected domestic hierarchy. However, in this instance the cellular form and detailing of the extension, with the large triangular glazed clerestory in the lean-to, would be a domestic feature alien to the agricultural vocabulary and the use of weatherboarding alone would not be sufficient to offset the harm to the listed building resulting from the form and detail of the extension.

- The juncture between the brick of the link and the weatherboarding of the extension is considered to be an awkward detail. Whilst it is appreciated

that this may have been used to denote the extent of the link externally and to try to break up the cumulative visual length of the link and extension, the straight vertical change in materials would appear abrupt, despite the change in built forms. The component cellular parts of the link and extensions do not sit comfortably together and appear disparate, which is exacerbated by the change in ground levels. This would be further empathised by the use of materials as proposed.

- Proposals would be discernible from Avington Road and would impact on the conservation area. They would appear as an alien addition to the listed building and detract from the appreciation of it within the street scene. As such proposals would fail to preserve the character and appearance of the conservation area.

It is questioned whether there would be a requirement for underpinning to the rear elevation as a result of the ground level in the link being below that of the cottage. Underpinning part of a traditionally constructed building with typically very shallow foundations can result in the risk of differential settlement. No information as to whether underpinning would be required or its potential implications has been submitted as part of the application. It is also unclear how the change in ground level between the link and existing building would be accommodated internally as steps do not appear to be shown on the proposed floor plans.

The extent of any other physical interventions to historic fabric required to facilitate the link are unclear and could be particularly important given that the link would sit at eaves level and could impact on the wall plate. Had proposals been found acceptable in principle further information on these points would have been required to form part of the application and could not have been conditioned given that the principle of their acceptability would have been dependant of the impact of proposals.

In summary, the proposals are considered to cause harm to the significance and setting of Ivy Cottage and fail to meet the statutory test of preserving the character or appearance of the Avington conservation area for the reasons outlined above. The proposed extension would be a discordant addition to the listed building of inappropriate bulk, scale, form and detail which would fail to respond positively to this site. The proposals would also fail to 'enhance or better reveal' the significance of the conservation area in accordance with the NPPF and would fail to comply with policy HE.5 of the Local Plan.

There would be no objection in principle to extending Ivy Cottage. It is considered that there is the potential for an alternative approach to extension that could resolve the current concerns and the applicant has been advised that it is considered that alternative methods of extending could be worthy of investigation.

9 Conclusion

The development is considered contrary to local and national planning policies for the reasons outlined above and as such is recommended for refusal.

10 Reason for Recommendation and Conditions

It is recommended that the application be Refused for the reasons set out below.

1. The proposal would harm the significance and setting of the listed building by virtue of the scale, footprint, elongated length, cellular built form, materials and changes in ground level of the proposed extension which would be alien to and detract from the simple built form and rectilinear footprint of the host building resulting in a discordant addition to the listed building. The proposal is therefore considered contrary to policy HE14 of the Winchester District Local Plan Review (2006), policy CP20 of the Winchester District Local Plan Part 1 - Joint Core Strategy (2013) and policy SD13 of the South Downs Submission Local Plan (2008).

Informatives:

1. The Local Planning Authority has taken account of the following development plan policies and proposals:-
 - Winchester District Local Plan Review (2006): HE5, HE14, DP3
 - Winchester District Local Plan Part 1 - Joint Core Strategy (2013): CP13, CP19, CP20
 - South Downs Local Plan Submission (2018): Policies SD5, SD11, SD12, SD15
2. In accordance with paragraphs 186 and 187 of the NPPF the Local Planning Authority take a positive and proactive approach to development proposals focused on solutions. WCC on behalf of the SDNPA 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.
 - The applicant's agent was made aware of the Council's concerns regarding the proposal but a solution was unable to be achieved in this case.

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

The applicant's agent was made aware of the Council's concerns regarding the proposal but a solution was unable to be achieved in this case.

Plans Referred to in Consideration of this Application

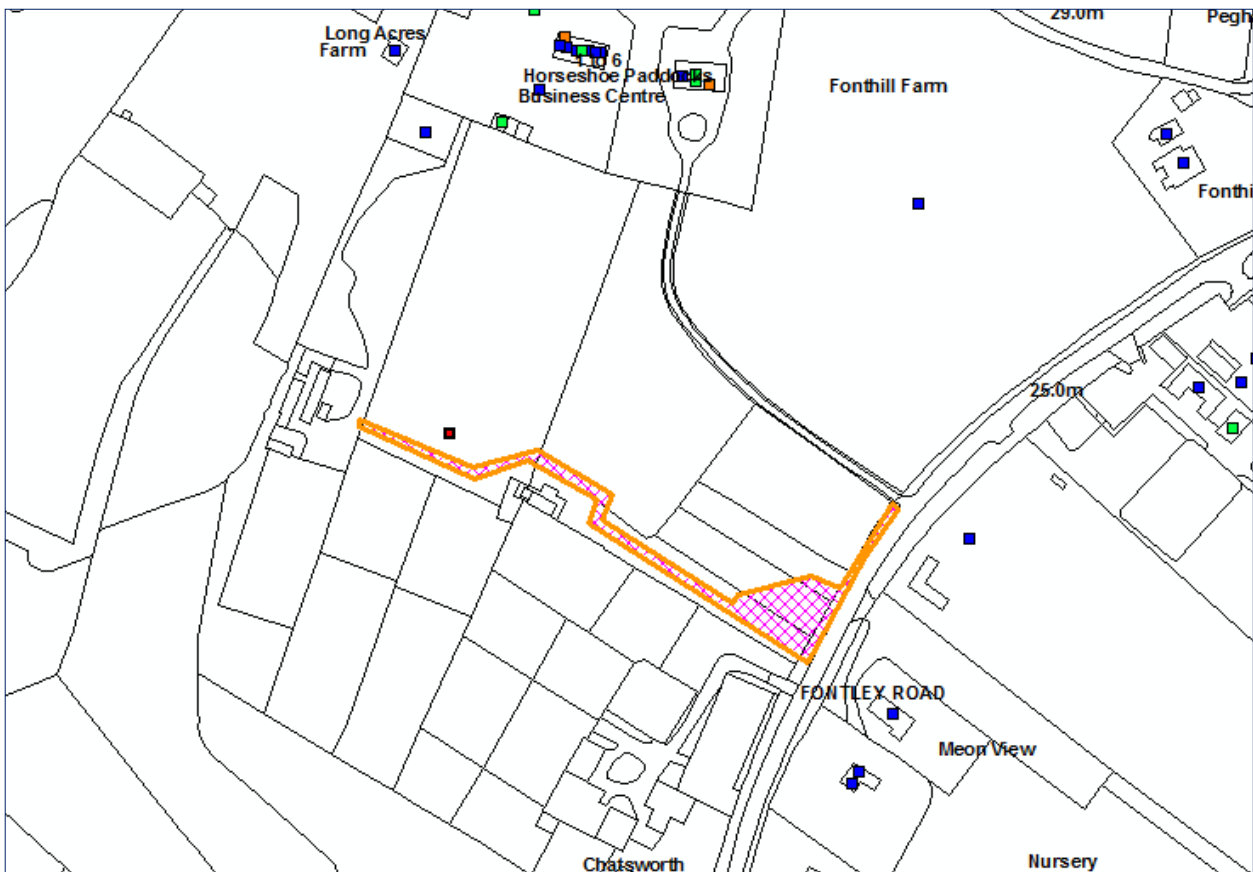
The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - Location Plan	2304/01		24.12.2018	Not approved
Plans - AMENDED SITE PLAN	2304/02 A		05.05.2019	Not approved
Plans - AMENDED PLAN & EAST SECTION ELEVATIONS	2304/03 A		05.05.2019	Not approved
Plans - AMENDED EAST ELEVATION	2304/04 A		05.05.2019	Not approved
Plans - AMENDED SOUTH WEST ELEVATION	2304/05 A		05.05.2019	Not approved
Plans - AMENDED NEW SCHEME & EXISTING HOUSE PLANS	2304/06		05.05.2019	Not approved

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

WINCHESTER CITY COUNCIL PLANNING COMMITTEE

Case No: 18/01666/FUL
Proposal Description: Proposed creation of a new vehicular access via Fontley Road; retention of existing field access track; replacement of existing dilapidated footbridge and improvements to public footpath.
Address: Land Rear Of Horseshoe Paddocks Business Centre, Laveys Lane, Titchfield, Hampshire
Parish, or Ward if within Winchester City: Wickham
Applicants Name: Mr K. Hoare
Case Officer: Liz Marsden
Date Valid: 10 July 2018
Recommendation: Permission subject to conditions



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WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

General Comments

Application is reported to Committee due to the number of comments received contrary to officer recommendation.

Amended plans and transport statement received 03.12.18 to address Highways concerns.

Site Description

The proposed access is to serve an existing equestrian site with an area of around 2.2ha located to the west of Fontley Road. It is on level land, the majority of which is laid to grass and subdivided into a series of paddocks, with stable buildings set along the westernmost boundary of the site. To the north there is a small industrial estate (Horseshoe Paddocks Business Centre), from where the existing vehicular access is taken. There are open fields either side of the paddocks and the area as a whole is predominantly rural in character and appearance. There is a footpath that diagonally crosses the land which the access is to serve, entering the southernmost part of the site from Fontley Road and exiting through the Business Centre to the north.

Proposal

The access road is substantially complete and extends along the southern boundary of the site from the group of stable buildings, on the western edge of the site, to the boundary with Fontley Road, a distance of around 200m. There is a slight detour around a stable block set roughly halfway along its length. The track is constructed from crushed stone, which provides a permeable surface. At the junction with Fontley Road, the access has been angled away from the boundary, so that it is more central to the road frontage of the field and further from the existing access to Chatsworth Equestrian Centre to the south, allowing a wide bell mouth onto the road. The existing ditch along the roadside is to be piped under the new entrance.

The proposed development also includes replacing the existing dilapidated footbridge that serves the public right of way and which enters the site by means of a stile. In addition, new hedgerows are to be planted along the boundary fence and along the initial section of the access road which is most visible in the public domain, together with trees to be planted in the triangle of land created by the angle of the access and along the frontage.

Relevant Planning History

19/00463/LDC (current application) - Change of use of agricultural land to equestrian use and erection of 19 stables.

Consultations

WCC Engineers: Drainage:

Land drainage consent will be required from the Lead Local Planning Authority for works within the ditch. Would be a good opportunity to ensure that the ditches are clear of obstructions in line with the riparian responsibilities of the owner.

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WCC Engineers: Highways:

Applicants will need to enter into Section 278 Agreement with the Highway Authority.

HCC Highways:

Satisfied that the access arrangements shown on the revised plans are acceptable in principle with the details agreed via the S278 design check process. No objection subject to condition.

HCC Countryside Access:

Wickham Footpath 27 runs through the site and is already obstructed at its northern end by the Business Centre and through the site by the paddock fences. The proposals state that the bridge at the southern end will be improved though this is not reflected in the plan. The proposed vehicular access will intersect the right of way and is likely to cause an adverse impact on the amenity value of the route and exacerbate the current access difficulties and therefore object to the proposal.

Representations:

Wickham Parish Council

Object to the proposals until the footpath is fully defined and made safe and accessible

7 letters received from 6 households objecting to the application for the following material planning reasons:

- Additional vehicles pulling out on to this narrow road, which has no street lighting would be dangerous.
- Fontley Road not wide enough for two lorries to pass each other and need to pull into entrances.
- Road used as a cut through and is at capacity.
- Access is close to an existing riding school and its use by lorries could distress the horses and pupils.
- The access will be used for vehicles other than those required to serve the stables, notably, a tree surgeon business and a fleet of lorries owned by the applicant. This would result in increased noise and disturbance in the area near the riding school and would be detrimental to the business operating there as well as the occupants of the dwelling that is located there.
- Construction business being run from the site together with a waste removals business. It is likely that the access will be used to serve these businesses and not just the stables.
- It could facilitate the change of use of the fields into another industrial estate.
- Additional pollution

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy
MTRA4,

Winchester Local Plan Part 2 – Development Management and Site Allocations
DM1, DM12, DM15, DM18, DM23

National Planning Policy Guidance/Statements:

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National Planning Policy Framework

Supplementary Planning Guidance
Wickham Village Design Statement
High Quality Places SPD 2015

Planning Considerations

Principle of development

The site is located in the countryside where the use of land for equestrian purposes is appropriate and Policy DM12 states that the provision of facilities or development in connection with such a use will be permitted providing that they comply with the Development Plan and subject to its impact on the character and landscape of the area and neighbour amenity, as discussed in the following sections.

Design/layout

The access track has taken the most direct line between the stable buildings and Fontley Road to which it is hoped to connect, along the boundary of the site, where it will have least impact on the size and layout of the paddocks. The main length of the track is 4m wide and at present this has been laid nearly to the road, though the eastern part of this is to be removed as the access angles away from the southern boundary to provide room for a wider bell mouth at the point that it meets the road. Information has been received to demonstrate that the access will enable access and egress by a 4 x4 towing a horsebox, the main purpose for which it is required as well as larger emergency vehicles.

The public footpath, which enters the site at its southernmost point by means of a stile, will have to cross the new track and an appropriately designed gate will be on the northern side where the access will be fenced off from the paddocks. To the south there will be a gap by the side of the new track and a gap will also replace the stile making this part of the footpath easier to negotiate. The existing footbridge over the ditch will be replaced with a new one to Countryside Service Design Standards.

Impact on character of area and neighbouring property

The track is, in itself, relatively unobtrusive, being laid flat and defined by the same type of post and rail fencing characteristic of the site and surroundings. The new access onto the main road, although wider than those to either side is of a similar simple design and the gates are to be set sufficiently far back so as to be unobtrusive. The primary impact is therefore from the use of the access, both in terms of noise and disturbance and highways safety.

Concern has been raised that the access will variously; facilitate the expansion of the business park onto the site; be used in connection with a construction/waste removals business and be used to accommodate large vehicles owned by the applicant but unrelated to the equestrian use of the site. These would cause noise and disturbance, which, due to the close proximity of the access to the boundary with Chatsworth Equestrian Centre and the riding arena, could result in detriment to the riding school that operates there.

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However, from a recent visit to the site there was no evidence of any commercial operation taking place and all the structures that were there, including some shipping containers, were being used in connection with the equestrian activity. Therefore the level and type of vehicular activity on the proposed access would be similar to that associated with the equestrian use, which currently obtains access from Lavey's Lane, via the Horseshoe Paddocks Business Centre. This has been calculated in the transport statement as being 44 daily two-way trips per day, including owners, vets, farriers etc. The largest type of vehicle, other than horseboxes, would be a small flat bed lorry delivering hay and straw once a month.

It is not considered that this level of traffic movement would be excessive or that the type of vehicle would be extraordinary in this rural setting so as to result in harm to the neighbouring equestrian business. It is noted that the arena at Chatsworth is located adjacent to the Fontley Road (closer than the proposed access) and would therefore already be affected to a certain extent by all types of vehicles that use it.

The new access could also have a beneficial impact on the occupants of Lavey's Lane, in that it would remove the number of equestrian related vehicular movements that currently use this narrow road to access the site.

Landscape/Trees

The boundary of the site has very little planting at the present time, with the post and rail fence along the frontage being visible behind the overgrown verge, due to being set at a slightly higher level than the road. The proposal includes the planting of trees and hedgerows behind the existing fence and along the most publically visible part of the new access, which will serve to soften the entrance and be in keeping with the rural character of the area.

Highways

Concerns have been raised about the level of traffic already using Fontley Road, but it should be noted that this proposal will not increase the number of vehicle movements, which the equestrian use already generates, but alters the point at which they access the highway. The access has been assessed by the County Highways Authority and is considered to be adequate in terms of visibility and manoeuvrability to serve the vehicles and use for which it has been designed. Since this assessment was based on the submitted information and which related specifically to the current use of the land that the access is to serve, it is felt to be appropriate to apply a condition to ensure that it is not used more generally by commercial vehicles unrelated to the equestrian use.

Other Matters

- Impact on public right of way (Wickham Footpath 27). The Countryside Access team has raised an objection to the proposal on the grounds that the vehicular access would result in loss of amenity value to the route and exacerbate the existing access difficulties, notably the obstruction of the public right of way (PROW) by the business Centre and by the compartmentalisation of the field which it crosses into paddocks. The stile leading from the southern end of the field onto the plank bridge crossing the ditch running along the roadside is also said to be difficult to use. It is also specified that in order to implement the proposal, if permitted, it will be necessary to enter into a Highways agreement for its surfacing and an agreement with Hampshire Countryside Service for the planting of hedges and erection of fences and gates that affect the PROW, this

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agreement is unlikely to be forthcoming due to their view that such features would not be in the public interest. Subsequent comments have recommended a diversion of the footpath as a solution.

It is acknowledged that the definitive line of the PROW is significantly compromised by features that have been in situ for some years and that a formal diversion may overcome this. However, the current proposal needs to be assessed in terms of its direct impact on the existing PROW and it is not possible to take into account issues that have no bearing on the application or to use it as a lever to alter the line of the footpath, the majority of which lies outside the red line of the application site. The features of the current proposal insofar as it affects the PROW are limited to:

- The access track. This is 4m wide and will be used by vehicles around 44 times a day going in each direction, considerably less than Fontley Road onto which the PROW emerges once it has left the field. Furthermore, the track crosses the footpath at a point where it curves and only 25m from the junction with the main road where vehicles going in either direction will be moving at a reduced speed. It is not considered that the access will therefore result in a hazard to users of the footpath. The stone surface of the track would not be inappropriate to a rural footpath.
- There is to be a 'kissing gate' to the north of the track where the footpath is to enter the paddock and this needs to be stockproof. The application specifies that it will be constructed to Countryside Service Design Standards.
- To the south of the track there will be a gap in the hedge that is to be planted, ensuring that there is no obstruction of the PROW and there is to be a further gap place of the stile described as 'difficult to use' is located. This will improve accessibility, particularly as, when currently viewed on site the stile is entirely overgrown and barely visible.
- The existing bridge is to be replaced, again to Countryside Service Design Standards, which is also considered to be an improvement.

The importance of retaining PROWs is recognised, but in this case it is considered that the minor obstacles proposed in the form of the track and the kissing gate are offset by the improvements to the access to the field and it would not be possible to sustain a reason for refusal based on the adverse impact on the PROW. The applicants should however be aware that the agreement of the Countryside Service is required for works affecting the footpath and an informative is added to this effect.

- Drainage. Both the footbridge and the vehicular access cross a ditch that runs along side the road and works within this area will require consent from the Lead Local Flood Authority. An informative has been added to this effect.

Recommendation

Permission subject to the following condition(s):

Conditions

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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).

2. The access hereby approved shall be used only in connection with the equestrian use of the land which it is to serve and for no other purposes or vehicles.

Reason: To accord with the stated requirement for the access and the standard to which it has been designed.

3. The development shall be carried out in accordance with the following approved plans:

0789-18-NJT dated 13/12/2018 – Proposed site plan

0790-18-NJT rev.A dated 29/06/2018 – Details of proposed gates and replacement bridge

2018-4289-001 Rev. C – Access arrangements contained in the Technical Note dated November 2018 (ref.JAHO/18/4289s)

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

Informatives.

1. In accordance with paragraphs 186 and 187 of the NPPF, Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:
 - offer a pre-application advice service and,
 - update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.In this instance additional information has been sought during the course of the application process to address concerns.
2. The Local Planning Authority has taken account of the following development plan policies and proposals:-
 - Winchester District Local Plan Part 1 - Joint Core Strategy: MTRA4, CP7, CP17, CP20
 - Local Plan Part 2 - Development Management and Site Allocations: DM1, DM12, DM13, DM15, DM18, DM23
3. This permission is granted for the following reasons:
The development is in accordance with the Policies and Proposals of the Development Plan set out above, 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.
4. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs

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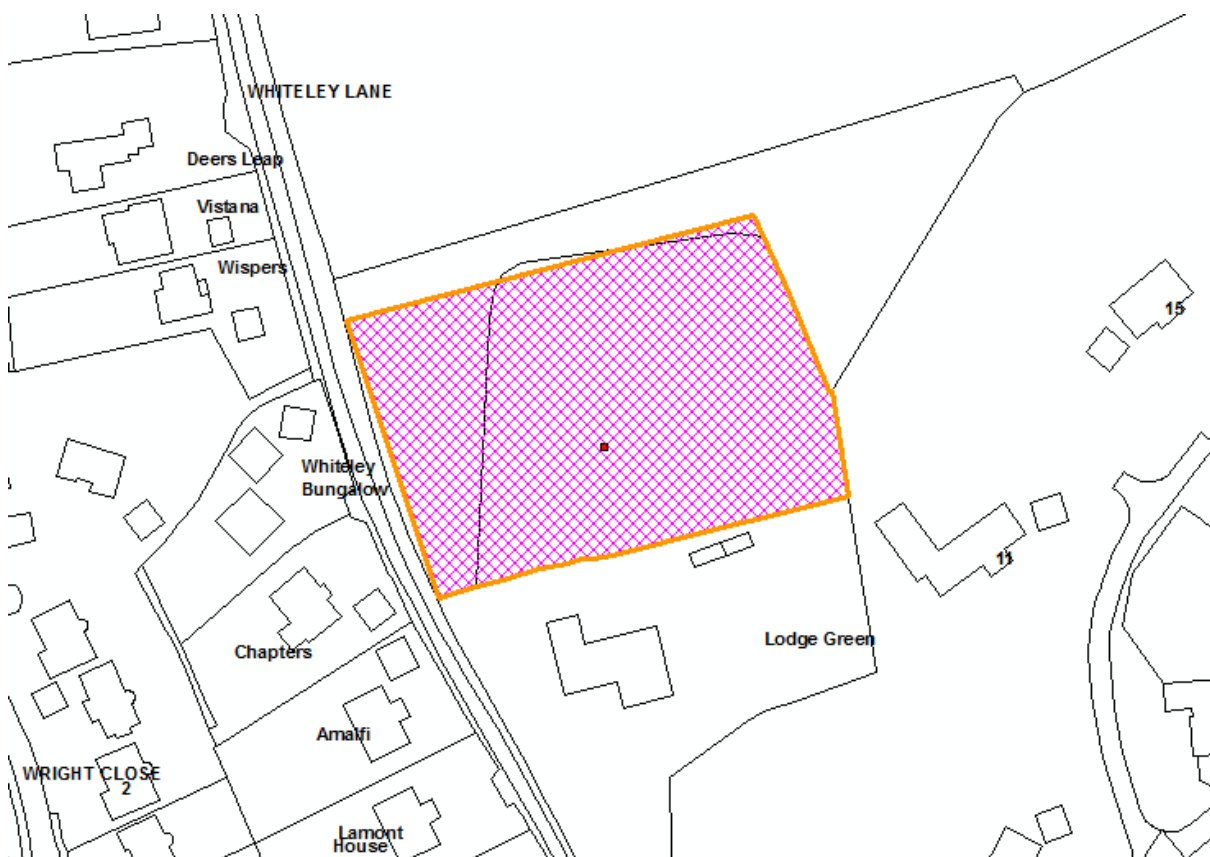
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Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

5. 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.
6. The applicant should note that Ordinary Water Course (OWC) consent will be required for any works to the ditch. More information can be found at: <https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/channelwatercourse>
7. Notwithstanding the works approved by this consent, it will be necessary to obtain the consent of the Countryside Service for works (including the erection of fences and gates and the planting of hedges) that affect the definitive line of Wickham Footpath 27.

Case No: 19/00426/FUL
Proposal Description: Erection of two detached 5 bedroom houses with detached garages.
Address: Land Adjacent Lodge Green Whiteley Lane Titchfield
Parish, or Ward if within Winchester City: Whiteley
Applicants Name: Whiteley Developments Ltd
Case Officer: Nicola Clayton
Date Valid: 26.02.2019

Recommendation: Application Refused



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General Comments

The application is reported to Committee due to the number of comments submitted contrary to the Officer's recommendation.

Site Description

The application site is an area of meadow/scrubland of 0.39ha. The site is generally level with the highest point being approximately 40m AOD at its southern boundary, dropping to a low point of approximately 35m AOD at its southwestern corner. The site is located along Whitley Lane, a narrow, single lane private no-through road which is also a PROW and provides access to a number of properties along its length.

To the north the site lies alongside the Botley Wood and Everett's and Mushes Copses a designated Site of Special Scientific Interest (SSSI); to the east and south of the site are large dwellings within large plots including those within Skylark Meadows and also Lodge Green immediately to the south (NB Lodge Green is not associated with this application). The site's western boundary is formed by Whiteley Lane along the western side of which run a number of slightly smaller detached residential properties, also accessed from Whitley Lane.

There are a number of large trees within the site many of which are the subject of Tree Preservation Orders although it appears that historically a substantial part of the site has been cleared of trees. The side and rear boundaries of the site are enclosed by timber fencing, the front boundary onto Whiteley Lane by post and wire fencing.

Proposal

Construction of two five-bedroom dwelling and associated garages.

Relevant Planning History

16/00142/FUL Erection of a 5 bedroom detached dwelling with a detached garage (RESUBMISSION - 15/02048/FUL) REF 20 March 2016. The application was dismissed at appeal. The inspector concluded that 'the proposed development would be in conflict with Policy MTRA4 of the LPP1 which restricts development within the countryside to certain uses and it would cause considerable harm to the character and appearance of the area, and these are sufficient reasons to dismiss the appeal.'

16/00141/FUL Use of the land as a caravan and camping site for the pitching of 11 caravans and area for camping. Ongoing

15/02048/FUL Erection of a 5 bedroom detached dwelling with a detached garage. WDN 11/01/2016

14/00977/OUT Residential development comprising 1 no. 2 bedroom dwelling, 1 no. 3 bedroom dwelling and 1 no. 4 bed dwelling with associated detached garages (OUTLINE - considering access and layout). REF 17th September 2014

06/00178/FUL Replacement of existing mobile home. REF 21st March 2006

06/00600/TPO Fell 7 no. Birch Trees. REF 7th April 2006

99/00514/OUT Detached dwelling with double garage and new access. REF 8th September 1999

98/00031/FUL 2 No five bedroom dwellings with detached double garages and new access. REF 18th March 1998

97/01372/FUL 3 No five bedroom dwellings and 2 no four bedroom dwellings with integral garages and new access. REF 19th November 1997.

Consultations:

Natural England - No comments received.

WCC Ecology - No objection subject to conditions.

WCC Landscape - Recommends refusal for this scheme.

WCC Trees - No objection in principle to the development, however the requirement for a method statement for protection of Root protection areas together with a number of conditions for the protection of trees would be required should the application be approved.

WCC Drainage - No objection subject to conditions relating to Sustainable Urban Drainage techniques.

WCC Highways - The application would not result in a material increase in traffic and is unlikely to cause demonstrable harm to the existing users of Whitely Lane. No objection subject to conditions.

WCC Strategic Policy - Recommends refusal for this scheme.

Representations

6 letters of support raising material planning reasons have been received for this application from local residents:

- Visual improvements to site
- Good design
- Positive impact on wildlife
- Prevents further adverse development

6 letters of objection have also been received on the grounds that a) this scheme does not differ from earlier refused applications; b) the site is not within the Whiteley settlement boundary; c) the impact of the development on wildlife.

Whiteley Town Council supports the neighbouring residents' agreement to the proposals.

Relevant policy

The Development Plan for the area comprises;
Winchester District Local Plan Part 1: Joint Core Strategy ' Adopted March 2013;
Winchester District Local Plan Part 2: Development Management and Site Allocations - Adopted April 2017;
Hampshire Waste & Minerals Plan ' Adopted October 2013.
Local Plan Part 1 - Joint Core Strategy (LPP1)

The following policies are relevant to this application:

DS1 ' Development Strategy and Principles
MTRA4 ' Development in the Countryside
CP1 ' Housing Provision
CP2 ' Housing Mix
CP10 ' Transport
CP11 ' Sustainable Low and Zero Carbon Built Development
CP13 ' High Quality Design
CP14 ' Effective Uses of Land
CP18 ' Settlement Gaps.
CP20 ' Heritage and Landscape Character.

The LPP1 development strategy sets the requirement for the overall housing growth in the District at 12,500 dwellings between 2011 and 2031. It focuses substantial growth in three strategic allocations (W of Waterlooville, N Whiteley and N Winchester) whilst setting targets for more limited growth in the market towns.

Local Plan Part 2: Development Management and Site Allocations

The following policies are particularly relevant to this application:

DM1 ' Location of New Development.
DM2 ' Dwelling Sizes
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.

Planning Considerations

Principle of development

The application proposes the erection of two detached 5 bedroom houses with detached garages on land adjacent to Lodge Green, Whiteley Lane. The site is located within the countryside (policy MTRA4) and within a settlement gap (policy CP18). There is considerable planning history on the site. The most recent application (16/00142/FUL) which was for one 5 bedroom detached dwelling with a detached garage was refused and dismissed at appeal (decision dated 12 January 2017) with the Inspector finding conflict with policy MTRA4 which restricts development within the countryside to certain uses and that the development would cause considerable harm to the character and appearance of the area in dismissing the appeal. The Inspector did find that particular proposal would not diminish the Strategic Gap, however that proposal only considered the impact of one dwelling; the current proposal for two dwellings each with detached garage, could have significant impact due to increased visual impact.

In terms of policy the only significant change from the last appeal is that LPP2 is now fully adopted (April 2017). The site remains within the countryside and the gap and so the proposed development is still contrary to the provisions of the development plan. The Council is able to demonstrate in excess of a 5 year supply of land with a 5% buffer and so there is no justification in terms of need for allowing two additional

dwellings within the countryside. The Council has also passed the Housing Delivery Test further strengthening the view that housing development should be in accordance with the development plan. The proposed development does not fall under any of the categories within MTRA4 which allows for certain types of development in the countryside.

Community led housing scheme

This housing proposal is not a community led scheme. It is just agreement of the closest neighbours who have suffered through unauthorised uses on the site and clearly would prefer 2 houses, this is not what is meant by community led in the policy and could set a very dangerous precedent for future abuse of planning policy. Community led housing should be formed through a legitimate community process such as neighbourhood planning that gathers support from the local community.

Landscape

The wider countryside cannot be seen from Whiteley Lane due to the ridgeline and surrounding woods and trees. However the application site does not have the appearance of being urban or suburban. Its openness and backdrop of mature woodland gives rise to a rural character.

While some of these areas of housing development are relatively recent and have been built since the Council's Landscape Character Assessment was written in 2004, neither the houses on Skylark Meadows nor Lodge Green itself significantly impinge on the rural character of the application site.

The site sits within the 'Whiteley Woodlands Landscape Character Area'. The key characteristics of this landscape are inter alia its woodland, its small paddocks, its nurseries and smallholdings. A 'Key Issue' in the area is 'suburbanisation and urban fringe encroachment'. Its 'Built Form Strategies' for the area include the recommendation to 'resist development which further suburbanises local settlements'.

From Whiteley Lane, the openness of the site is quite striking as it appears as an isolated finger of undeveloped wooded countryside which has endured and survived intact, while modern residential development has grown up around it. It is considered that while the context is suburban, the application site is lending a strong rural character to the immediate residential area.

The amount of new development in the area is changing its character, but this just serves to make the remaining pockets of undeveloped open space more valuable, not less.

The visual envelope of the site is small and there is only one public view into the site from the lane, however the development as proposed would be visually prominent and intrusive from this viewpoint. The development would represent further suburbanisation and urban fringe encroachment into this landscape character area and erode rural character, subsequently detracting from the enjoyment of the countryside from the public right of way -Whitley Lane footpath.

Highways

This application is for two 5 bedroom detached dwellings which will not result in a material increase in traffic and is unlikely to cause demonstrable harm to the existing users of Whiteley Lane. Sufficient off road parking is provided within the scheme.

Trees

The significant trees are protected by Tree Preservation Order. This creates a further restriction in respect of the Root Protection Area of these trees. This restriction extends the buffer to 18 metres in the main although one of the double garages impinges on the 18 metres without impacting on any of the trees.

Ecology

The site boundary is adjacent to Botley Wood and Everette's and Mushes Copses SSSI. A Habitat Management Plan (Daniel Ahern Ecology Ltd, October 2018) is included in support of this application. This states that a 15m buffer will be maintained between the northern site boundary and the edge of the development footprint. No works will be undertaken within this buffer zone. The proposed development is situated within the zone of influence of Solent & Southampton Water (Ramsar, SPA) and Solent Maritime (SAC). To mitigate against the potential adverse effects of the development on the integrity of the European site, it is agreed that contributions will be paid towards the Solent Recreation Mitigation Partnership Strategy.

Given the close proximity of the SSSI and European protected sites, Natural England have been consulted on this application.

An Ecological Impact Assessment (ECOSA, November 2018) is included in support of this application. The site is considered suitable for roosting bats, foraging and commuting bats, badger, breeding birds, reptiles and European Hedgehog. The broadleaved woodland, scattered trees and species poor defunct hedgerow habitats will be retained and protected during the development to ensure that protected species such as bats, breeding birds and Hazel Dormouse are not impacted. eDNA surveys undertaken in three of the five ponds situated within 500m of the application site, during 2015, found that Great Crested newts were not present within these ponds. The two remaining ponds were dry during the time of survey. It is considered unlikely that Great Crested Newt will be using the terrestrial habitat on site. Records of Hazel Dormouse are present within Botley Wood and Everette's and Mushes Copses SSSI, however it is considered unlikely that this species would be present within the woodland habitat on site, because of the limited understorey. Therefore no objection has been raised by the Ecologist.

Impact to neighbours residential amenity

The proposed development would be set back approximately 20m from the nearest residential property (Lodge Green) and over 50m from the residential properties on the opposite side of Whiteley Lane. No adverse effect on residential amenity would be expected to arise as a result of the proposed development.

Contributions

Financial contributions will be dictated by the Community Infrastructure Levy (CIL) charges. As the site lies within Zone 3 there will be a charge of £80 per m² (index

linked to BICS all-in tender price index). A CIL Form has been submitted with this application as required.

The site is located within the Solent Disturbance and Charge Zone therefore the appropriate sum will be paid in contribution to the Solent Recreation Mitigation Partnership Strategy.

The developable area of the site measures 0.39 ha which is beneath the threshold for the requirement to make a contribution towards affordable housing.

Conclusions

Based upon the above assessment the proposed development would result in the erection of two dwellings within the countryside and the gap, contrary to the policies of the development plan and in particular MTRA4 (countryside) and CP18(gaps).

The proposed development would cause considerable harm to the character and appearance of the area and would conflict with:

CP 20 - 'Heritage and Landscape Character' in that it would fail to conserve and enhance local distinctiveness;

DM15 - 'Local Distinctiveness' in that it would fail to respect the qualities, features and characteristics that contribute to the distinctiveness of the local area;

And DM23 - 'Rural Character' in that it would have an unacceptable effect on the rural character of the area by means of visual intrusion and would detract from the enjoyment of the countryside from public rights of way.

Recommendation

Application refused for the following reason(s)

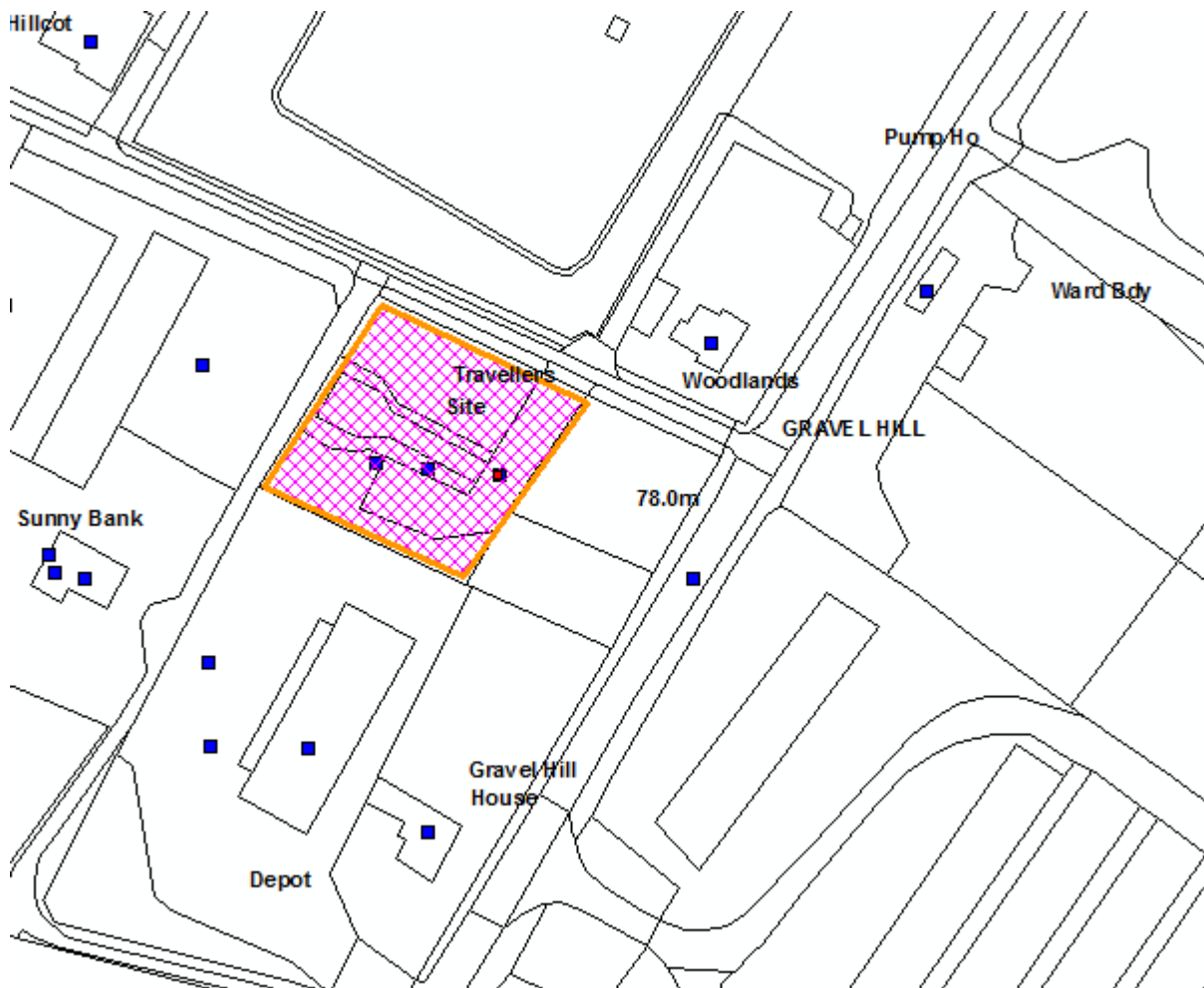
01 The proposed development is contrary to Policies MTRA4 and CP18 of the Local Plan Part 1 and the National Planning Policy Framework in that the proposal relates to land which is outside the settlement boundary of Whiteley and within a Settlement Gap and would be a harmful visual intrusion into an area where residential development would not normally be acceptable.

02 The proposed development is contrary to Policies CP20, DM15 and DM23 of the Local Plan Part 1 in that the addition of two dwellings in this countryside location would fail to conserve and enhance local distinctiveness and would have an unacceptable affect on the rural character of the area by means of visual intrusion and would detract from the enjoyment of the countryside from public rights of way.

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WINCHESTER CITY COUNCIL PLANNING COMMITTEE

Case No: 17/02213/FUL
Proposal Description: Variation of Conditions 01 and 02 of 16/00456/FUL to make the temporary permission permanent and to amend the site layout
Address: Land Adjacent To Gravel Hill Shirrell Heath Hampshire
Parish, or Ward if within Winchester City: Shedfield
Applicants Name: Ms Taylor Smith
Case Officer: Robert Green
Date Valid: 6 June 2018
Recommendation: Application Approved



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General Comments

The application has been reported to Committee at the request of Shedfield Parish Council, whose comments have been attached as an appendix to this report.

Due to the length of time since the submission of the Parish Council's comments and following the adoption of the Gypsy & Traveller Development Plan Document, the Parish were invited to revise their comments and the referral to committee was retained.

The application was submitted in August 2017 but could not be validated. Upon receipt of the required information, the case was validated in June 2018. Upon visiting the site, it was noted that the submitted site layout did not contain a gazebo structure and did not reflect the applicant's wishes for hard surfacing within Plot 3. An updated site layout was therefore requested and received in February 2019.

The application has been submitted under the applicant name 'Ms Taylor Smith' which is incorrect. The agent of the application has confirmed that the applicants are 'Ms Taylor' and 'Ms Smith'.

Site Description

The application site is 0.2 hectares in size and sits to the west of the Gravel Hill roadway.

To the south, a band of trees and vegetation divides the site from the parking facilities of a depot building which is being used for storage purposes.

To the north, an access track runs along the length of the site (which also provides access into the site), whilst a further access track serving a property known as 'Sunny Bank' sits to the west.

The site contains a combination of hard standing, shingle and grassed areas. Upon entering the site, there are 3 further entrances to individual plots with each containing their own parking facilities and residential amenity space.

All 3 homes on the site are moveable caravans. However 2 of the homes have been modified with a brick wall to the base of the caravan and cladding on the external surfaces.

The area is semi-rural in nature, with a mixture of residential and non-residential uses. The site adjoins a storage depot and is opposite a large site which is currently under the B2 (General Industrial) Use Class, known as Gravel Hill Farm. This site has recently been approved to change use to a flexible B1c/B2 and B8 use, under application 19/00001/FUL.

Proposal

In February 2017, the site received consent for the following under application 16/00456/FUL:

'Change of use of land to a private gypsy and traveller caravan site consisting of 3 no pitches'

Case No: 17/02213/FUL

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This consent contained a number of conditions regarding drainage, lighting and general limitations of the consent.

The application under consideration seeks to vary the wording of Conditions 01 and 02, which have been copied below:

1. The use of the site as a private gypsy and traveller caravan site consisting of 3 no. pitches hereby permitted shall be for a limited period expiring on 28th February 2019, on or before which date, the use shall cease, and all mobile homes and caravans shall be removed from the site and all other buildings, hardstandings, platforms and structures (including septic tanks and sewage treatment plants) shall be dismantled/ broken up and removed from the site and the land restored to its former condition.

Reason: The Council is in the process of establishing the required gypsy pitch provision for the District and allocation of gypsy and traveller sites so it would be premature to grant a permanent provision at this stage

2. The development shall be carried out in accordance with plan nos. TDA.2069.01 and TDA.2069.02 which include details of plot layouts, the siting of 3 mobile homes, landscaping details, boundary treatment and an acoustic fence.

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

This application seeks to remove the time limitation of condition 01 (allowing a permanent residence on the site) and vary the plan numbers contained within condition 02 to reflect alterations to the layout of the site.

Relevant Planning History

- 16/00456/FUL - Change of use of land to a private gypsy and traveller caravan site consisting of 3 no pitches – Approved 28.02.2017
- 15/00401/FUL - Change of use of land to a private gypsy and traveller caravan site consisting of 3 no pitches – Refused 21.05.2015
- 14/02405/FUL - Change of use of land to a private gypsy and traveller caravan site consisting of 3 no. pitches – Withdrawn 27.02.2015

Consultations

WCC Engineers - Drainage:

- Original response raised no objection but requested further details regarding drainage details for tarmac area.
- Confirmation received from agent that hard surfaced areas are cambered toward permeable areas on the site and the Drainage Engineer confirms they have no

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objections.

HCC Engineers - Highways:

- No highway objections to this application to make the temporary permission permanent and amend the site layout.

WCC Environmental Protection:

- Complaints have been submitted to the Environmental Health department during the course of the application which are comparable to those submitted in planning representations.
- Site visits have been conducted and resolutions are available through primary Environmental Health legislation separate to planning.
- No adverse comments or objections raised.

WCC Strategic Planning:

- Allowing the proposal would be in line with the Council's strategy set out in the DPD, as the application site is identified in that document as one which should be given permanent permission.
- If permanent consent were not granted the applicants would remain part of the identified unmet need in the area and it is likely that a new site would need to be found on which to address this need.

Representations:

Shedfield Parish Council

- Questions the occupants meeting the definition of 'travellers'
- Shirrell Heath is an unsustainable village
- Dogs barking day and night
- Continuing nuisance and distress caused to neighbours is evidenced and undisputed.
- Dispute the inclusion of the site under policy TR2 of the emerging Gypsy and Traveller Development Document.

9 letters from 4 addresses received objecting to the application for the following material planning reasons:

- Extra burden on amenities such as schools, health services, transport systems
- Already several traveller's sites in the area
- Site would not be considered for housing so should not be permitted for residential caravans
- Question the applicant's traveller status
- Dangerous access into the site
- Constant barking of dogs
- Misuse of paddock area

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- Questioning whether structures on the site are caravans

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy

DS1 – Development Strategy and Principles
MTRA1 – Development Strategy for Market Towns and Rural Area
MTRA4 – Development in the Countryside
CP5 – Gypsies and Travellers
CP7 – Open Space, Sport & Recreation
CP10 – Transport
CP13 – High Quality Design
CP18 – Settlement Gaps
CP20 – Heritage and Landscape Character
CP21 – Infrastructure and Community Benefit

Winchester Local Plan Part 2 – Development Management and Site Allocations

DM1 – Location of New Development
DM4 – Gypsies, Travellers and Travelling Showpeople
DM16 – Site Design Criteria
DM17 – Site Development Principles
DM18 – Access and Parking
DM19 – Development and Pollution
DM20 – Development and Noise
DM23 – Rural Character

Winchester District: Gypsy, Traveller and Travelling Showpeople Development Plan Document

TR2 – Sites with Temporary Consent

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Planning Considerations

Principle of development

The site is located outside of a defined settlement boundary and is therefore within the countryside.

In this area, policy MTRA4 of the Local Plan Part 1 (LPP1) only allows development which an essential or operational need for a countryside environment. MTRA4 continues to offer other uses which are considered suitable in principle. A permanent residential use, as proposed by this application, is not supported by MTRA4.

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However, the Planning Policy for Traveller Sites Document, alongside Policy CP5 of the LPP1 and DM4 of the Local Plan Part 2 (LPP2) accept that there may be justification to use rural sites for the special needs of Gypsies and Travellers subject to the sites being sustainable economically, socially and environmentally.

In February 2019, following an examination period by the Planning Inspectorate, the Council adopted the Winchester District Gypsy, Traveller and Travelling Showpeople Development Plan Document (DPD). This provides a strategy to plan for the expected demand of Traveller accommodation in the District by safeguarding existing sites from alternative development, allowing certain sites with temporary permission to become permanent and allowing the expansion of existing sites or creation of additional sites if precise criteria are met.

The DPD contains policy TR2 ('Sites with Temporary Consent') where *planning permission will be granted on [sites] with temporary consent for permanent gypsy and traveller accommodation.*

This application site is listed under this policy as Site W085 and its inclusion has been accepted by the Planning Inspectorate in the adopted DPD. Therefore, the principle of allowing the 3 pitches on the application site to receive permanent consent is acceptable.

The result of DPD is that the Council is able to demonstrate a 5 year supply of Traveller accommodation and the granting of permanent planning permission, as sought by this case, contributes toward meeting ongoing identified need over the Plan period; allowing the proposal is therefore in line with Council's strategy within the Adopted DPD.

Design/layout

Upon entering the site from the access track which runs from Gravel Hill, the paddock area, which is to be retained as such under condition 03 of this consent, sits to the left hand side. This is generally an open space which contains stables and temporary structures such as play equipment, and is divided from the pitch areas by the access track.

The 3 pitches form similar sized areas to the west of the track. A combination of boundary treatments and gates face toward the centre of the site, and each pitch is separated by fences of 1.6m in height.

Pitch 1 contains an area of hard standing which contains parking facilities, a gazebo structure and a mobile home which runs parallel with the boundary of the site. To the rear of the pitch, a gravelled area contains ancillary structures such as play houses alongside storage for the touring caravan associated with this pitch.

Pitch 2 sits in the centre of the site and contains a long gravel driveway bordered by areas of grass. The mobile home is set to the rear of the pitch and runs parallel with the border.

Finally, pitch 3 contains an area of gravel which the application seeks to change to tarmac. This contains the mobile home and parking facilities, with a grass area to the

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rear providing amenity space.

The layout of the site has therefore been organised in a manner which clearly separates the 3 pitches but maintains shared spaces such as the driveway and paddock area. The location of the mobile homes within the pitches is considered appropriate.

Concern has been raised regarding the appearance of the mobile homes, with some comments mentioning that dwellings have been built rather than mobile homes. A site visit has confirmed that all 3 homes on the site are caravans, with 2 of the homes being more substantial and decorated (with cladding and brick plinths) in a manner which makes them appear as more permanent features.

As it is the nature of Traveller applications that the appearance of the mobile home will change as homes are updated and revised, condition 04 has been retained in this application which ensures that all homes on the site must meet the legislative definition of a caravan and not exceed the dimensions of the homes shown on the documents submitted as part of this application which have been assessed as appropriate and suitable for the site.

Impact on character of area and neighbouring property

The character of the surrounding area is semi-rural in nature.

Gravel Hill in general is a straight roadway with a mixture of dense vegetation and open spaces to either side. In the area immediately surrounding the application, there is a mixture of residential properties and commercial buildings which are largely set back from the roadway or discrete due to the strong boundary treatment. To the south of the application site, a row of dwellings sits on the eastern side before shortly reaching the first cluster of dwellings which form part of Shirrell Heath.

As detailed further in the Landscape section of this report, the site is to retain the strong boundary treatment which borders the Gravel Hill roadway alongside the example which borders the site and the access track. As a result, the physical structures on the site (such as the mobile homes and parking facilities) are well screened from the public realm and physically separated from the roadway due to the retention of the paddock area.

Therefore, although introducing a residential use into the countryside, the character of the area is not adversely harmed.

'Woodlands' is the nearest residential property, located to the opposite side of the shared access track from Gravel Hill. The closest distance between the pitch 3 and perimeter of Woodland's residential curtilage is 12m. 'Sunnybank' and 'Hillcot' are to the rear, both share the access track with the site and are 25m and 55m from the boundaries of the application site respectively.

Gravel Hill House shares a boundary with the paddock area and is 35m from the boundary of pitch 1.

It is not considered that the proposed changes to the original consent making the presence of the residential occupation permanent would have an adverse impact on adjacent residential amenity through overbearing, overlooking or overshadowing.

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Concern has been raised regarding additional noise from the site and the impact this may have on the residential amenity of surrounding occupants. The Environmental Health department were duly consulted and confirmed that complaints had been received during the publicity period of the application. The Environmental Health Officer conducted a joint site visit with the Animal Welfare Officer who met with residents.

As with any domestic premises, resolutions and control are available through primary Environmental Health legislation rather than through a planning assessment which seeks to allow residential use on the site. Therefore, the Environmental Health officer raises no adverse comments regarding noise.

The application site shares a boundary with a non-residential site which is currently occupied and being used as a B8 (Storage and Distribution) building. Pitch 1 shares a boundary with the neighbouring site, and the mobile home is located 2.3m from the boundary which uses a 1.8metre high hedge alongside supporting vegetation for boundary treatment. To the opposite side of the boundary, the hard surfaced parking area for the commercial units provides a separation of 11m before reaching the building.

In the specific requirements of policy TR2, an appropriate acoustic barrier is required. At the time of submitting the application, the formal use class of the neighbouring building is a B8 (Storage and Distribution) facility which is a less intensive use with reduced noise outputs. In addition, a large fence already divides the site alongside vegetation which acts as a form of acoustic barrier between the site. These two aspects combined result in this aspect of the policy being satisfied.

In addition, the neighbouring site has been subject to an approved Prior Notification application which allows for the neighbouring storage building to be converted into 5no. residential dwellings. Such a neighbouring use would also not require an acoustic barrier.

However, it is acknowledged that circumstances may change and an opportunity may arise where an improved acoustic barrier is required if the neighbouring building is to change to a more noise intensive use. Therefore, condition 10 (which removes permitted development rights for the construction of further fences) has been amended to continue to allow the occupants of the site to construct an acoustic barrier, in accordance with the submitted noise assessment, if the need arises.

Landscape/Trees

As previously assessed, the site sits within an area characterised by its semi-rural nature, with a combination of uses and boundary treatments in the immediate area.

The application site itself sits behind a tall hedge of 2.6m which runs parallel to the Gravel Hill roadway, whilst a conifer with a height of approximately 7m sits between the site and the access track to the north.

The result of this is that when travelling from the north along Gravel Hill, the site is well screened by existing surrounding vegetation and users of the highway are largely unaware that a residential use exists behind the boundary treatment. This is further supported by the retention of the paddock area between the roadway and the residential pitches.

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From the opposite direction, the 2.6m hedge on the Gravel Hill roadway combines with the dense vegetation within the garden of Gravel Hill House to screen the pitches on the site. In the event that the vegetation within Gravel Hill House (outside the control of this application) dies or is removed, the view of the site from the public realm would be of the paddock area and fencing with the majority of the residential area screened by the depot building which, whilst less preferable than the existing situation, does not expose the residential use on the site to an adverse level.

Policy TR2 requests that a landscape framework is submitted to provide suitable boundary treatment around the site to ensure that the site is visually contained. As the existing landscaping of the site has been assessed as capable of visually containing the site, an additional condition (11) has been included to ensure that the surrounding boundary treatment is maintained at heights dictated by the submitted landscape drawing, and that any alteration to this height must be first approved in writing by the Local Planning Authority following an assessment.

The site is located within a 'settlement gap' as defined by Policy CP18 of the LPP1. This policy seeks to retain the generally open and undeveloped nature of the area and does not allow development that physically or visually diminishes the gap.

As the site is located in an area which contains a variety of built form and presents landscaping opportunities which screen the residential use on the site, the proposal does not physically or visually diminish the settlement gap and does not harm its wider function.

Therefore, based on the above assessment the permanent residential use of the site for the purposes proposed would not have an adverse visual impact on the surrounding landscape.

Highways/Parking

The revised layout has been assessed by the WCC Highway Engineer who raises no objections. The Highway Engineer also assessed the highways impact of allowing the site to be used permanently as 3 residential pitches and raises no objection.

Policy TR2 asks for access to be site to be improved 'as required'. However, as a highways impact has not been identified access improvements are not required in this case. If, in the future, further pitches are required on the site, this would be subject to further applications and improvements to the access arrangement can be requested if considered appropriate at that time.

Sufficient facilities are provided to allow occupants to park private vehicles within individual plots. Conditions 09 and 10 have been retained which ensure that no commercial activities take place on the site and no vehicles over 3.5 tonnes are stationed, parked or stored on the site; in the interests of highway safety and to protect the amenity of the nearest residential dwellings.

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Other Matters

Comments have been made alleging that occupants of the site are not Gypsy/Travellers. A joint site visit was undertaken with a member of the Enforcement team and the case officer where meetings were held with the occupants; it was concluded that those on the site meet the statutory definition of a Traveller. Notwithstanding this, condition 01 has been included which limits the consent to those who meet the definition and this can be enforced against if this is not complied with.

As a member of the Solent Recreation Mitigation Partnership, the Council are working together with other local authorities and conservation bodies to protect the thousands of birds that spend the winter along the coast through the Solent Recreation Mitigation Strategy.

The Solent is internationally important for its over-wintering birds, with 90,000 waders and more than 10 per cent of the world's Brent Geese. Many of these waders and wildfowl fly thousands of miles to spend the winter here and must be able to feed undisturbed to build up enough energy reserves to survive the winter and complete their migratory journey back to their breeding grounds. In recognition of its importance the coast and adjoining estuaries have been designated Special Protection Areas (SPAS).

The Solent is also renowned for its coastal walks and other recreational opportunities. Millions of people visit each year, and planned new housing is set to increase that figure. People who are walking along the shore can, often unintentionally, disturb the birds especially dog walkers. So local authorities and conservation bodies are working together through the Solent Recreation Mitigation Partnership to prevent that disturbance.

Under the Strategy, all residential development within 5.6km of the SPAs resulting in a net increase in dwellings will be asked to make a contribution towards mitigation projects in the Strategy. Through funding from developers in association with planning permissions for new housing, the Partnership has already established a team of rangers who will talk to visitors to the coast in the county about how to enjoy a walk without disturbing the birds who are spending winter along our shores.

As the proposal results in 3 no. 2-bedroom residential units, a contribution of £500 per property is required and is to be obtained prior to the issuing of the decision via an up-front payment form.

Planning Obligations/Agreements

In seeking the planning obligation(s) and/or financial contributions for..., 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

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(a) Subject to the provision of a completed up-front payment form which secures a total contribution of £1500 toward the Solent Recreation Mitigation Partnership

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

(b) subject to the following conditions:

Conditions

01 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites.

Reason: The site is in an area where residential development is not normally permitted.

02 The development shall be carried out in accordance with plan nos. TDA.2069.03 which includes details plot layouts, the siting of 3 mobile homes, landscaping details and boundary treatment.

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

03 The front part of the site, outlined in blue on plan no. TDA.2069.02, shall be retained as pasture for the grazing of horses

Reason: To prevent the spread of residential development into this part of the site as the site is in an area where residential development is not normally permitted.

04 All mobile homes positioned on the site shall meet the definition of 'caravan' in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended) and shall not exceed the dimensions shown on plan no. TDA.2069.01 dated September 2014.

Reason: The site is in an area where residential development is not normally permitted.

05 There shall be no external outdoor lighting on the site, whether fixed or free standing.

Reason: The site is located within an area of countryside where excessive light pollution would harmfully impact on the character of the area.

06 Within 2 months of the date of this permission, details of the proposed water supply, proposals for the disposal of foul and surface water and proposals for recycling/waste management (including any associated structures) shall be submitted to the local planning authority. The submitted details shall include a timetable for implementation of the proposals when they have been approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and timetable.

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Reason: To ensure satisfactory water supply, provision of foul and surface water drainage and recycling/waste management.

07 Within 2 months of the date of this permission, details of proposals for the disposal of surface water shall be submitted to the local planning authority. The submitted details shall include a timetable for implementation of the proposals when they have been approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and timetable.

Reason: To ensure satisfactory disposal of surface water.

08 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no means of enclosure (including fences, gates or walls) shall be erected on the site, other than the acoustic barrier fence shown on plan no. TDA.2069.01.

Reason: To ensure the development does not impact unduly on the character of the countryside, within a designated gap.

09 No commercial activities shall take place on the land, including the storage of materials.

Reason: To protect the amenity of the nearest residential dwellings.

10 No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: To protect the amenity of the nearest residential dwellings.

11 The existing hedges, other established planting and boundary treatment must be retained and maintained at the heights shown by drawing TDA.2069.03 [dated June 2018 and received February 2019].

If any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased, another tree or plant of the same species and size as the existing shall be planted in the same place, within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

N.B – For the avoidance of doubt, and in accordance with drawing TDA.2069.03, the maintained height of the hedge parallel to the Gravel Hill roadway must be 2.6m and the Conifer line height must be approximately 7m.

12 Reason: To retain and protect the trees which form an important part of the amenity of the area and support the visual integration of the site.

Informatives:

1.

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In accordance with paragraph 38 of the NPPF (July 2018) , Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance a site meeting was carried out with the applicant.

2.

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

Winchester Local Plan Part 1 – Joint Core Strategy

- DS1 – Development Strategy and Principles
- MTRA1 – Development Strategy for Market Towns and Rural Area
- MTRA4 – Development in the Countryside
- CP5 – Gypsies and Travellers
- CP7 – Open Space, Sport & Recreation
- CP10 – Transport
- CP13 – High Quality Design
- CP18 – Settlement Gaps
- CP20 – Heritage and Landscape Character
- CP21 – Infrastructure and Community Benefit

Winchester Local Plan Part 2 – Development Management and Site Allocations

- DM1 – Location of New Development
- DM4 – Gypsies, Travellers and Travelling Showpeople
- DM16 – Site Design Criteria
- DM17 – Site Development Principles
- DM18 – Access and Parking
- DM19 – Development and Pollution
- DM20 – Development and Noise
- DM23 – Rural Character

Winchester District: Gypsy, Traveller and Travelling Showpeople Development Plan Document

- TR2 – Sites with Temporary Consent

3.

This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out above, 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.

4.

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

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Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

5.

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.

6.

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.

For further advice, please refer to the Construction Code of Practice

<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

7.

Please be advised that Building Regulations approval may be required for this development. Please contact WCC Building Control Department for more information (T: 01962 848176, E: buildingcontrol@winchester.gov.uk)

8.

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. 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.

The submitted details should be clearly marked with the following information:

- The name of the planning officer who dealt with application
- The application case number
- Your contact details
- The appropriate fee.

Further information, application forms and guidance can be found on the Council's website - www.winchester.gov.uk.

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Appendix 1 – Shedfield Parish Council Comment

From: **Shedfield Parish**

Case No: 17/02213/FUL

Closing Date for comments: **06 July 2018**

Location: Land adjacent to Gravel Hill, Shirrell Heath, Hampshire

Proposal: Variation of Conditions 01 and 02 of 16/00456/FUL to make the temporary permission permanent and to amend the site layout

LISTED BUILDING GRADE:

Comments:

Shedfield Parish Council wish to object strongly to this proposal on the following grounds:-

With the backing of the entire community, Shedfield Parish Council has opposed this development from the start. It has reached this stage only as a result of past failures of Winchester City Council.

The site is in a strategic settlement gap, whose importance is highlighted in the adopted Village Design Statement. The Response by Strategic Planning makes clear just how many other key policies are violated – DS1, MTRA1, MTRA4, CP5, CP7, CP10, CP13, CP18, CP20, CP21 within LPP1; DM1, DM4, DM16, DM18, DM19, DM20, DM23 in LPP2.

CP5 and DM4 refer specifically to Gypsies, Travellers and Travelling Showpeople, and emphasise that sites should 'encourage social inclusion', 'be accessible to local services' and 'avoid harmful impacts on nearby residential properties'. As long-established residents of Droxford whose entitlement to be considered as 'travellers' remains open to question, the applicants have never sought any 'social inclusion' and by repeated and persistent anti-social behaviour have further alienated local residents. In terms of 'local services', the unsustainable village of Shirrell Heath has no shop, pub, post office, bus service, doctor or dentist. The applicants' behaviour, for example in burning the plastic covering off copper wire, but particularly as regards noise (DM20) is persistent and unacceptable. The day-and-night barking of dogs in the kennel prevents neighbours from opening windows even in the current heatwave. The police have had to attend on more than one occasion to deal with violent incidents involving the applicants. The continuing nuisance and distress caused to neighbours is evidenced and undisputed.

It has long been recognised that the application for two years' temporary planning permission was granted only because WCC had, at that time (February 2017), no Traveller Plan in place, having failed over more than a decade to produce one. WCC Planning Committee initially voted against it, but were persuaded by officers that a successful appeal could be launched, so reversed their opposition while noting all the reasons to reject the application.

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The Draft Traveller DPD, whose belated appearance we welcome, will shortly undergo examination. However, TR2 seeks to make permanent the temporary planning permission awarded to site W085. Having consulted our residents, Shedfield Parish Council strongly objected to its inclusion. We hope to speak to our objection at the examination, principally on four grounds:

- Permitting this site contravenes the most significant policies of the Local Plan
- The three permitted pitches are not necessary to meet demonstrated present and future Traveller needs, since the DPD predicts a surplus of seven pitches
- The applicants, who in our view do not meet the definition of gypsies/travellers, have consistently and repeatedly treated the community and the planning process with utter contempt and failed to observe the conditions imposed: they have four caravans on site, some of them sub-let; the site plan submitted as part of 17/02213/FUL bears no relation to the reality as regards number and location of caravans, while the paddock is given over to play equipment and rarely contains a horse
- The nuisance and noise - especially from kennels – is impacting neighbours' wellbeing

It would add insult to injury to allow the kennels to be moved even nearer to the neighbouring dwelling, and this request should be immediately rejected.

Shedfield Parish Council supports TR4 of the draft DPD, and even prior to its publication had supported permanent planning permission for Travelling Showpeople in our parish. We oppose 17/02213/FUL not from hostility to travellers, but because it contravenes so many planning principles.

Request for application to be considered by Committee (NB: Case Officer to forward form to Head of Planning Control if this section completed)

If the case officer is minded to approve this application, Shedfield Parish Council would request that it is considered by Committee.

Signed: T S Daniels

Planning and Projects Officer

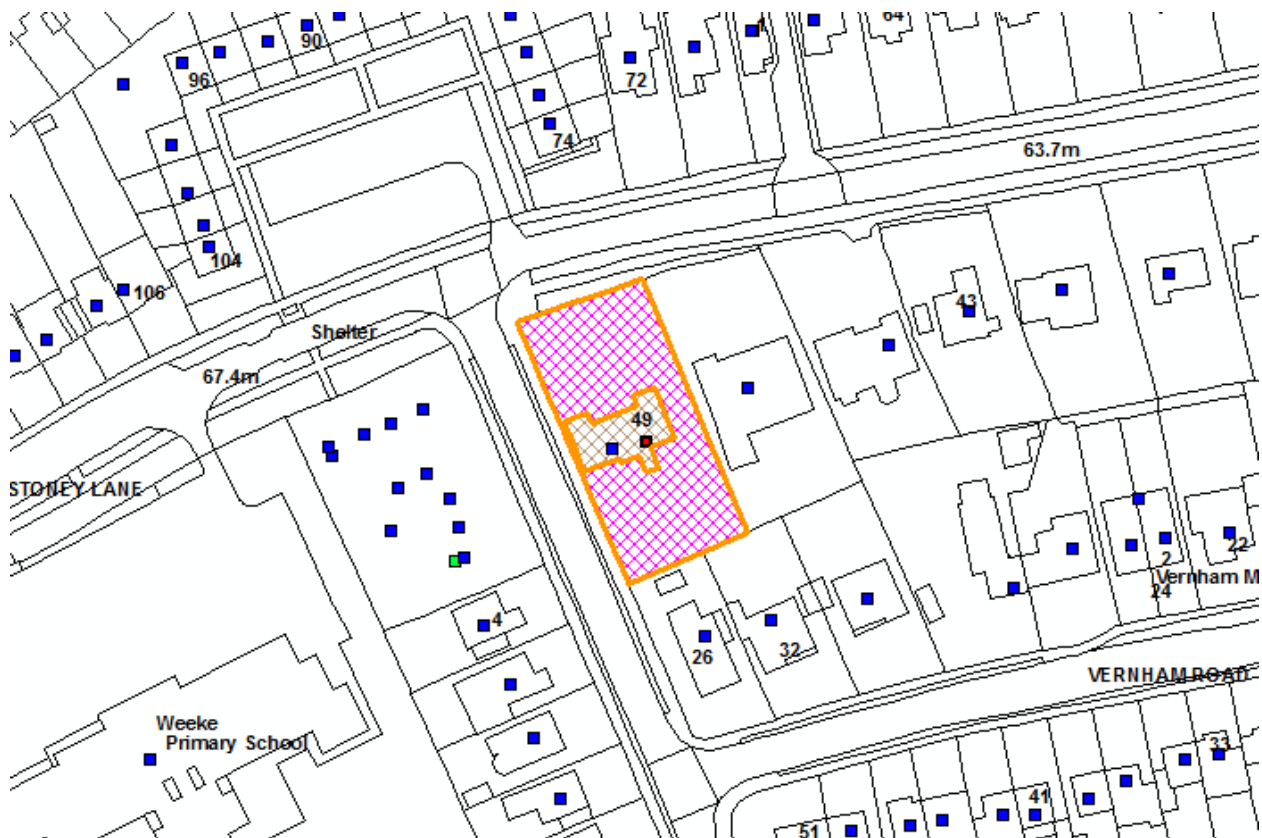
Date: 05 July 2018

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Agenda Item 15

WINCHESTER CITY COUNCIL PLANNING COMMITTEE

Case No: 19/00645/FUL
Proposal Description: Proposed development of 4 x 3 bed semi-detached houses and 4 x 2 bed apartments following removal of existing dwelling.
Address: 49 Stoney Lane Winchester SO22 6DP
Parish, or Ward if within Winchester City: St Barnabas
Applicants Name: Mr Samuel Doswell
Case Officer: Liz Marsden
Date Valid: 21 March 2019
Recommendation: Refuse



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General Comments

Application is reported to Committee due to the number of comments received contrary to officer recommendation.

Amended Plans received 09.05.2019:

- changed the eastern end of the apartment block, so that the roof is fully pitched from first floor eaves height.
- reduced the footprint of all buildings.
 - The apartment block by around 0.4m in width (side to side) and 0.75m in length (front to back).
 - Each pair of semi-detached houses by 1.8m in width.
- Alter the design of houses on plots 1 and 2, removing gable ends from the frontage and reducing the eaves height on the front elevation. The side elevations will have a full gable. The internal layout of the houses has been altered to take account of the reduced width of the house, but there will still be a room in the roof void.
- The houses on plots 3 and 4 have been reduced in height as well as width, removing the accommodation on the second floor.

Amended plans received 05.06.2019:

- Revised the site layout to take account of the highways officer's comments, narrowing the accesses, introducing cycle stores and showing the street light to be retained.
- Corrected the floor and roof plans of plots 1 and 2

Site Description

The site, which has an area of 0.126 ha, is located at the junction of Stoney Lane and St Matthews Road. Whilst the area as a whole is residential, St Matthews Road marks a change in the pattern of development, where the overall character of Stoney Lane alters from predominantly single storey and chalet style bungalows in good-sized plots to the east to a more mixed form and type of development, including a school, single storey terraces, semi detached houses and, further west, commercial properties and a church. The location of the site is such that it would be viewed primarily in the context of the more spacious eastern section.

The existing building on the site is a bungalow, with roof lights to accommodation in the roof space. The adjacent dwellings on Stoney Lane (no.47) and to the south of the site on St Matthews Road are also single storey, with dormers serving the upper floor accommodation which is contained entirely within the pitched roofs.

The site is level and at present screened from the immediate neighbour to the south (5 St Matthew Road), by a tall and dense belt of evergreens) which also screen the southern part of the site from No.47 to the east. The western boundary has a hedge along the northernmost section, with a close boarded fence along the southern part.

To the west of the site on the opposite corner of St Matthews Road has recently been developed, following a planning consent in 2017, with 8 dwellings comprising a terrace of 2 storey properties along the Stoney Lane frontage and a pair of semi-detached and a single detached chalet style bungalow facing St Matthews Road. These buildings, although more modern in design and materials than neighbouring properties in the area, reflect features of existing development, including the use of pitched roofs and dormers.

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Proposal

The application seeks to demolish the existing bungalow and replace it with 8 residential units in the form of a two-storey apartment building, containing four 1 and 2 bed units along the Stoney Lane frontage and two pairs of semi-detached houses fronting St Matthews Road. Three new accesses are to be created, two from St Matthews Road to serve the semi-detached houses and one, centrally located along the Stoney Lane frontage to serve the apartments. The existing access to the property is to be closed up.

The apartment building is to be set around 8m back from the front boundary of the site, but will be over 11m further forward than the existing dwelling. It extends across nearly the full width of the site, leaving a gap of around 1.6m to the eastern boundary, but abutting the footpath on the western side along St Matthews Road. At its nearest point it will be 5.8m from the neighbouring dwelling to the east (No.47 Stoney Lane). Parking is to be located to the front of the building, though no formal layout has been shown. There is a bin store along the front boundary and amended plans have shown a cycle store to the rear of the block.

The semi-detached houses are set 6m back from the edge of St Matthews Road and have rear gardens of between 8.5m and 9m in length. There is a discrepancy in the revised plans for plots 1 and 2, which show the sides of the roof to be hipped in the roof plan, but with a gable end in the elevation. This has implications for the level of accommodation that could be provided in the roof space. Again car parking is to be provided to the front of the properties. Bin and cycle stores are shown in the rear gardens.

Relevant Planning History

12/02518/FUL – demolition of existing garage and erection of two storey side extension – permitted 23.01.2013

17/01172/FUL – detached three bedroom chalet bungalow – permitted 16.06.2018

Consultations

WCC Engineers - Drainage:

Site in Flood Zone 1 and at very low risk of flooding. No objection subject to conditions

HCC Highways:

The increase in vehicle movements can be safely accommodated and will not result in detrimental impact on the operation or safety of the local highway network.

Notwithstanding this there are some issues that should be addressed.

- The accesses shown are unnecessarily wide and should be reduced and positioned centrally to the manoeuvring aisles of the parking areas.
- The Stoney Lane access should be repositioned to avoid need to relocate lamp column (not shown on the plans).
- A tree on the highway is shown to be removed and will require the consent of the Highway Authority.
- Grass verges will need to be reinstated on the access to be closed. This should be annotated on the application drawings.
- The amount of parking appears to be in accordance with the residential parking standards but the layout is important to quality of the development and should be shown.

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- The loss of on-street parking bays is acceptable from a highway safety point (and have been the subject of a Traffic Regulation Order) of view but should be reviewed by the City Council with regards to potential loss of amenity.
- No provision for cycle parking/storage required to support the development of cycling as a practical transport choice.

Southern Water:

No drainage strategy proposals received and these should be made the subject of a condition, if proposal approved. Applicant advised to discuss further with Southern Water.

WCC Historic Environment - Urban Design:

The revised plans do address some of the concerns raised on the initial scheme but don't address the fundamental issue of overdevelopment and is out of character with the pattern and spatial characteristics of the surrounding area.

WCC Landscape and Open Space - Trees:

Tree Preservation Order made in respect of the trees along the Stoney Lane frontage of the site.

WCC Landscape and Open Space - Ecology:

Additional surveys for bats are required prior to determination. 10 new native trees would be required to compensate for the loss to biodiversity from the trees to be removed.

Representations:

City of Winchester Trust: Object. Proposal overcrowded and apartments are not well orientated and make little use of any passive solar gain. The amendments to the proposal do not overcome their objection.

21 letters received, from 18 households, objecting to the originally submitted plans for the following material planning reasons:

- increase in traffic in an already concentrated area
- proximity to school could lead to increased danger to children from cars, particularly given the new accesses.
- Loss of on-road parking spaces due to new accesses
- Lack of visitors spaces leading to increased pressure on fewer road spaces
- Houses would dominate a street of bungalows and change character of quiet residential street
- Out of keeping with the character of the area
- Loss of trees which enhance and soften the street scene.
- Height of the new dwellings inappropriate
- Area been subject to considerable infill and overdevelopment which does not enhance the well-being of residents
- Overdevelopment of the site.
- Overlooking and loss of amenity to adjacent properties.
- adjacent to a large recent development and together will make the area very overcrowded.
- Unsympathetic design
- No need for additional houses when existing recently built properties are not being occupied.

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Following the submission of revised plans a further 22 letters of objection were received, 9 of which were from parties who had not commented previously. Additional comments included:

- Adverse impact on ecology
- The revised proposals are a slight improvement but do not go far enough to make the development acceptable
- Inaccuracies in the supporting statements
- Revisions are too slight and do not reduce the density of the proposal
- The revised roof designs will give an unbalanced appearance to the development
- The recent development on the other side of the road does not justify a further development that is out of character with the surrounding area.
- Previous proposals along Stoney Lane have not been allowed to go forward of the building line.
- The development can be distinguished from More Place
- Amended design does not remove overlooking of adjacent properties or the impact that the development will have on this sensitive corner.
- Applicant has not addressed the comments of the highways officer.

12 letters of support received raising material planning reasons:

- Will provide affordable dwellings in sustainable location
 - Higher density development is acceptable in an urban location and will reduce requirement for houses in the countryside
 - Proposed apartments ideal for first time buyers
 - landscape and design compliments the surrounding properties and the recent development on opposite corner of St Matthews Road
 - Proposed access to site safer than the existing
 - Proposal better than the recent approval on this site
 - Have listened to neighbours concerns and reduced roof heights
- The proposal is not the replacement of a single dwelling with 8 as the existing property is already sub-divided and there is permission for a further dwelling on the site.

Reasons aside not material to planning and therefore not addressed in this report. Some of the letters of support are from people who live outside the community

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy
MTRA1, CP2, CP3, CP11, CP13, CP14, CP16, CP20

Winchester Local Plan Part 2 – Development Management and Site Allocations
WIN1, DM1, DM15, DM16, DM17, DM18, DM24

National Planning Policy Guidance/Statements:
National Planning Policy Framework

Supplementary Planning Guidance
High Quality Place SPD 2015

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Planning Considerations

Principle of development

The proposal site is located within the main settlement boundary of Winchester and therefore there is a presumption in favour of additional housing development, subject to an assessment with other policies of the Local Plan.

Policy CP2 of the Local Plan Part 1 (LPP1) considers housing mix and requires that there should be a majority of 2 and 3 bedroom dwellings, unless local circumstances indicate an alternative approach should be taken. In this case, four out of the 8 units have 3 bedrooms (with plots 1 and 2 having the potential for a fourth in the roof space - shown on the plans as a study) and 3 of the 4 flats have 2 bedrooms with the fourth being a single bed unit. The proposal is therefore in accordance with this policy.

Policy CP14 of LPP1 states that the development potential of all sites should be maximised and that higher densities will be supported on sites which have good access to facilities and public transport. In this case there are public transport links close to the site and shops a short distance away to the west, and the western end of Stoney Lane. However, the primary determinant will be how well the design responds to the general character of the area and in this case it is not considered that the proposal would preserve or enhance the character or appearance of the surrounding area for reasons set out below.

The requirement for affordable housing has been altered so that in schemes of fewer than 10 houses, where the floor area of the development is less than 1,000 square metres (measured internally) and the site area is less than 0.5ha there is no requirement for affordable housing. In this case, the proposal would result in eight residential units with a total floor area of around 860 square metres.

The development has a density of 63.7 dwellings per hectare.

Design/layout

The layout of the development has been informed by the number and type of units that it is proposed to accommodate on the site. This necessitates the substantial apartment building being set entirely in what is currently the front garden of the bungalow, considerably forward of the established building line in the area, in order to provide sufficient room for the pairs of semi detached houses to the rear. This building extends across almost the full width of the site and, although the plans have been amended to provide a fully hipped roof on the eastern elevation, it will still have a full two-storey elevation immediately adjacent to St Matthews Road, in contrast to the existing bungalow, which is set behind a fence and with a pitched roof sloping away from the boundary.

In terms of the layout of the flats, the hipping of the roof has reduced the available floor area to flat 3, so that it is a single bedroom unit. It has also resulted in outlook from the primary living area, comprising kitchen and living/dining rooms, being restricted to a single small north facing window, though additional light is to be obtained from roof lights in the eastern elevation. Neither of the first floor flats benefit from the south facing elevation, with the high level windows in that elevation serving hallways.

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The houses to the rear have been reduced slightly in terms of their footprint in order to increase the space between the house on plot 1 and the rear of the apartments to 4.5m, though this area for flat 2 is reduced due to the parking provision for plot 1. The design of the houses have also been altered, no longer reflecting the style of the apartment block but have a more contemporary appearance, with gabled rather than hipped side elevations.

The houses on plots 1 and 2 have not, however, been reduced in height from the original submission (8m) and although the front roof slope is pitched, this is from an eaves height of around 4.5m and the asymmetrical roof form means that the rear elevation is full two storey in appearance. The element of accommodation in the roof space has been retained, with potential for extending it towards the side elevations.

The houses on plots 3 and 4 have been reduced in height (to around 6.4m), though this has been achieved without significant loss of floor space (other than the previously proposed accommodation within the roof void), by means of a very shallow pitch on the front elevation to a height of over 4m, with a slightly steeper pitch beyond. The overall impact of these alterations, particularly when viewed from the side, is that of a two-storey flat roofed building.

Cycle stores are provided to all properties, with those serving the apartments being located to the rear, reducing further the limited land available to the occupant of the ground floor flat. It is not indicated how the occupants of the upper floor would gain access to this store without going through the ground floor flats. All parking provision is to be set along the frontage of the properties resulting in an extensive area of hard standing along both the Stoney Lane and St Matthews Road frontages. The fact that it is necessary for the parking area for plot 3 to overlap plot 2 and plot 1 to encroach into the amenity area for flat 2, is an indication of the inadequate size of the site to accommodate the number of units proposed.

Impact on character of area

The area in the vicinity of the site is predominantly residential, and is characterised by a variety of dwelling styles, though the majority of these along both Stoney Lane and St Matthews Road, within which context the site will be viewed, being single storey or chalet style bungalows. The density of the existing development varies, with properties closer to together in longer plots to the north of Stoney Lane and more well spaced dwellings to the south. Between the junctions of Stoney Lane with St Matthews Road to the west and Berewecke Avenue to the east the buildings are all set well back from the road, with mature trees and hedgerows along their frontages, resulting in a spacious and attractive suburban setting. The density along this section of the road is 13.5 dwellings per hectare.

The density of the proposed site equates to 63.7 dph. Whilst, as stated by one of the supporters of the proposal, a higher density is not in itself a bad form of development, it does need to be achieved in a way that enhances rather than detracts from the existing character of the area, which is not the case with the submitted proposal. The size of the apartment building and its position much closer to the road will result in an intrusive feature that will be visible in longer views from both directions along Stoney Lane and appear incongruous in this setting.

The applicant has referred to the recently developed More Place, to the west of St Matthews Road as being comparable to the proposal. It is acknowledged that the form and

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density of that development (though lower than the current application) is a departure from the more spacious properties, particularly to the east of the site, but it is considered that it can be clearly distinguished from this application. The site is larger than 49 Stoney Lane and has a greater depth, enabling a courtyard type of development with all car parking contained within the site and the gardens of the houses backing onto the road. Whilst at present, the roadside boundaries of the gardens are defined by close boarded fences, which are a relatively harsh feature, hedges have been planted along the outside which will mature and soften their impact. The application site, however, will result in both roadside frontages being given over to hard standing and parking, providing an uncharacteristic hard urban edge, particularly on the St Matthews Road frontage, which will not be sufficiently mitigated by the small areas of planting that are proposed.

Furthermore, the buildings in More Place have been designed to provide a transition between the two-storey houses along the Stoney Lane frontage, to a lower chalet bungalow design where that site is adjacent to the older properties. The application site has made some effort at a similar approach, by reducing the height of the dwellings on plots 3 and 4 but, as noted previously, the minimal pitch to the roof has resulted in the appearance of a two-storey house with a flat roof, rather than the pitched roofs that are characteristic of the area. It is considered that the design and form of the proposed buildings are out of keeping with and detrimental to the character and appearance of the surrounding area.

One of the most significant impacts on the visual amenity of the area will be the loss of the trees on the Stoney Lane frontage, which is necessary to achieve the new access to the apartments. This is assessed in a subsequent section of this report.

Impact on neighbouring property

The primary impact of the proposal will be on the neighbouring property to the east, No. 47 Stoney Lane. The proposed buildings are at a sufficient distance to ensure that there is no direct loss of light through overshadowing. There would also be only limited loss of outlook from the windows serving primary living accommodation, due to the part of the property closest to the boundary with 49 being comprised of a garage and pool building. The apartment building would be visible from windows in the front elevation, but would not intrude significantly into the 45 degree angle that is generally considered to provide an acceptable level of outlook. The revised plans have also reduced the impact of the building from these views with a pitched roof sloping away from the boundary from just above first floor eaves height. It is not therefore considered that a reason for refusal could be sustained on the grounds of an unacceptable impact on the outlook of No.47.

The houses to the rear, in particular those on plots 3 and 4, would however result in a number of windows looking directly towards the rear garden of No. 47 at a distance of only 8.5m from the boundary. Although the proposed 3m high pleached hedge would ensure that no views could be obtained from ground floor windows, screening from the upper floors is reliant on the retention of some overgrown evergreen trees. These have spread considerably to the extent that they cover much of the garden area of plot 4, leaving a further reduced amenity area to serve that house. With the close proximity of these trees to the kitchen/dining area and garden access, there is likely to be considerable pressure to remove these trees which, given their poor quality, would be difficult to resist, even if their retention was secured by means of a condition. The loss of the trees would result in views being obtained over much of the neighbour's rear garden, with subsequent loss of privacy and amenity.

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The loss of the trees would also, to a more limited extent, enable views across the rear gardens of properties in Vernham Road to the south east of the site though these would be at a more oblique angle and the rear of the properties themselves are at a sufficient distance not to be unduly affected.

No.26 St Matthews Road is located to the south of the site and at present screened from it by a belt of mature evergreens which are to be removed. The loss of this screening will have little direct impact on No. 26, which has a garage nearest to the boundary and will not be affected by loss of light or outlook. There are no windows proposed in the south elevation of plot 4 and therefore there would be no loss of privacy due to overlooking.

Landscape/Trees

There are a number of existing trees around the boundary of the site, the most significant of which are silver birches along the frontage and a line of overgrown evergreen trees (Lawson Cypress) on the southern part of the site. The majority of the cypress trees, which at present reduce the length of the site by around 4m, are to be removed. Whilst these do serve to provide a softer green edge to the site, they are not of sufficient quality or importance to the visual amenity of the area for their removal to justify a reason for refusal on these grounds.

There are also trees along the Stoney Lane frontage of the site, a group of three trees near the centre of the front boundary, comprising two silver birch and a crab apple and a further two silver birches at the north western corner. These trees together are of significant value to the visual amenities of the area, being visible in longer views along Stoney Lane, particularly as this part of the road has fewer mature roadside trees than is characteristic of the road in general. Their importance has been recognised by them being made the subject of recent tree preservation orders (TPOs).

The proposal seeks to remove the group of trees in the centre of boundary in order to provide a new access, which would be necessary to ensure that cars could park and manoeuvre within the relatively narrow frontage area. It is considered that the loss of these trees would have a significant and unacceptable adverse impact on the visual amenities of the area to the detriment of its character and appearance.

The applicant's tree consultant has responded to the TPO and makes the point that it is not necessarily a constraint and that their removal can be mitigated by further planting at this site, post development. Birch trees are referred to as being fast growing with a short lifespan when compared to other species. It is also stated that Birch trees are amongst the most prolific pollen producers, associated with health problems and therefore their retention in this location close to a school and the potential occupants of the flats is not an ideal scenario. The applicant's arboriculturalist classification of the trees as category C (BS5837:2012) is subjective and is not supported by the council's tree officer, who would attach a higher category B classification.

It is acknowledged that replacement trees can be used to mitigate the loss of important trees, though given the maturity and the height of the specimens to be removed, it would take a significant number of years for a replacement to equal the contribution to the visual amenity of the area from the existing trees. Furthermore, given the constrained site area available, the majority of which is taken up with car parking, and the closer proximity of the apartment building to the frontage of the property it is

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debatable as to whether trees of an appropriate size and species could be accommodated.

With regard to the pollen issue, the trees have been in situ for many years and, with the recent intervening development, are perhaps now less likely to affect school children. It is not considered that this argument, where there is no evidence to demonstrate an adverse impact on health attributable to these trees, provides sufficient justification for their removal.

Highways/Parking

The amended layout plan addresses some of the Highway's officer comments in terms of the width of the accesses and annotation of the tree on highway land. It also shows cycle stores to be provided for all units.

If the parking spaces to the front of the apartment building are unallocated it is necessary to provide a minimum of 5.5 (realistically 6) spaces to serve the units. No layout has been provided as to how this can be achieved, but it is apparent that the cars will need to park in tandem, leading to potential difficulties with manoeuvring vehicles and cars becoming blocked in. The spaces to the east of the access are constrained by the bin store and do not meet the minimum width (2.4m per space) that is required. The proposal will result in cars being parked very close to windows serving primary living accommodation, reducing further the limited outlook available.

There is also a difficulty with the spaces to the front of the houses, with the spaces just achieving the minimum width needed (2.4m per space) but in the case of plots 1 and 2, not achieving the required length the spaces (4.8m) together with a 6m wide manoeuvring aisle, despite encroaching into the space available to the ground floor apartment to the north. This shortfall is around 0.4m in total across the width of the site and could be rectified by extending further into the amenity area of the flat or the narrow belt of planting between plots 2 and 3. Either of these options would increase the area of hard surfacing and potentially jeopardise the survival of the limited landscaping that is retained, resulting in an uncharacteristically hard urban edge to the site.

It is also noted that plots 1 and 2 have the potential for an additional bedroom in the roof space, which is shown on the submitted plans as a study. These rooms are lit by roof lights, and although they are currently modest in size, it would be possible with the revised design of the roofs to extend them to around 6m in length, sufficient to provide an additional bedroom. A fourth bedroom would generate the need for a third parking space per unit, which could not be obtained on site.

Therefore, under the currently submitted layout plans it has not been demonstrated that there is adequate on-site parking in accordance with the adopted residential parking standards. It is, however, recognised that the site is located in a sustainable location, with shops and public transport in reasonably close proximity. In these circumstances and providing the car parking and manoeuvring space that is available could be provided at sizes that accord with accepted standards, it is not considered that a reason for refusal on the grounds of insufficient on-site parking could be sustained. It is however clear that, due to the quantum of development proposed for this site, the space remaining for parking and the manoeuvring of vehicles is very tight and this is a direct consequence of the overdevelopment of the site.

The two new vehicular accesses to the site from St Matthews Road also result in the

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reduction and relocation of the on-street permit holder/short stay parking bays. This has been agreed with the Highway Authority by means of a variation to the Traffic Regulation Order and it is confirmed that there is no objection to this in terms of highway safety, though the impact that this has on amenity is left to the assessment of the City Council as planning authority. At present there is a 40m stretch of road that is marked as parking bays and providing space for around 7 cars. The proposal would result in at least 2 of these spaces, with 3 alternative spaces shown to the north, closer to the junction with Stoney Lane and 2 to the south, along the frontage of 26 St Matthews Road.

Whilst these spaces may not be fully used throughout the day, their proximity to the school does result in them being occupied regularly at the start and finish of the school day. However, notwithstanding the likelihood that, due to the lack of on-site visitors spaces, there will be increased demand for the fewer remaining on-street spaces, it is not considered that the loss of amenity to residents in the vicinity of the site is such that a reason for refusal could be sustained on this basis.

Ecology

An ecological appraisal has been submitted which confirms that there are bat roosts in the area and crevices under the roof tiles which provide bat roost potential and recommends further surveys. In the absence of these surveys it is appropriate to include a reason for refusal based on lack of adequate information. A number of biodiversity enhancement measures are referred to in the report, but the Council ecologist additionally requires the planting of 10 replacement trees. Given the cramped nature of the site it is not certain that these could be accommodated in a manner that would enable them to mature and ensure their long term retention.

Conclusion

The proposal would result in a cramped and contrived form of development which would be out of keeping with and detrimental to the character and appearance of the area

Recommendation

Refuse for the following reasons:

1. The proposed development would, by reason of its size, scale, layout, unsympathetic design and prominent location, result in a dense and intrusive form of development which would be out of keeping with the pattern and spatial characteristics of the surrounding area to the significant detriment of its character and appearance. The proposal would therefore be contrary to Policies WT1 and CP13 of Winchester District Local Plan Part 1 - Joint Core Strategy, policies DM15, DM16 and DM17 of Winchester District Local Plan Part 2 - Development Management and site Allocations and Supplementary Planning Document - High Quality Places.
2. The proposed dwellings would, by reason both of their close proximity to each other within the development site and to the neighbouring property to the east, have an overbearing and unacceptable impact on the amenities of the occupants of those properties through loss of outlook and privacy through potential overlooking. The proposal would therefore be contrary to policy DM17 of the Winchester District Local Plan Part 2 - Development Management and Site Allocations.

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3. The proposal would result in the loss of trees, covered by a Tree Preservation Order to the detriment of the visual amenity of the surrounding area. It would therefore be contrary to policies CP20 of Winchester District Local Plan Part 1 and DM23 of Winchester District local Plan Part 2.
4. The proposed development is contrary to Policy 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 fully assess the impacts to protected species and habitats or demonstrate that the potential impacts can be successfully mitigated.

Informatives:

1. In accordance with paragraphs 186 and 187 of the NPPF, Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:
 - offer a pre-application advice service and,
 - update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.In this instance no pre-application advice was sought but a meeting was held with the developers prior to the validation of the submitted application, in which officers expressed concern about the proposal and suggested that it was withdrawn.
2. The Local Planning Authority has taken account of the following development plan policies and proposals:-
 - Local Plan Part 1 - Joint Core Strategy: MTRA1, CP2, CP3, CP11, CP13, CP14, CP16, CP20
 - Local Plan Part 2 - Development Management and Site Allocations: WIN1, DM1, DM15, DM16, DM17, DM18, DM24

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Case No: 19/00577/FUL
Proposal Description: Retrospective alterations/amendments connected to the approved scheme 16/00258/FUL;
- additional living area formed within the roof space serving units 4 and 5
- additional lightwell serving unit 2
- small window infilled serving unit 3 on the west elevation
- minor landscape alterations
- revised bin/cycle storage

Address: 7-9 Gordon Avenue Winchester SO23 0QE
Parish, or Ward if within Winchester City: St Michael

Applicants Name: Mr Talwar
Case Officer: Mrs Megan Osborn
Date Valid: 13 March 2019
Recommendation: Permit



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General Comments

Application is reported to Committee as the number of objections, received 6 objections.

This is a retrospective application to the already converted building into 6 flats. The previous application was permitted and some of the flats are now in use. The previous application was seen at committee due to the number of objections received contrary to the officers recommendation.

Site Description

7-9 Gordon Avenue is located within the city of Winchester in the area of Highcliffe. This is a corner plot with no. 7 on the corner and no. 9 fronting onto Gordon Avenue. The building was used as a news agent and residential (mixed A1 and A3), however the use has ceased a number of years ago.

The side of the building fronts Nelson Road with a wall running along the side boundary and a garden to the rear. There is a walkway to the east of the building between no.9 and no.11 Gordon Avenue that provides access for bins for houses 11-19 Gordon Avenue.

The original dwelling has had permission, granted on the 2nd June 2016 (16/00258/FUL), to convert the original shop and dwelling into 6 one no. bedroom flats. This also included an extension to the rear and side of the property. This has now been carried out and this application is for amendments to that scheme.

Proposal

This application is for 6 one bedroom flats, the additional changes include 2 'lounge' areas to flats 4 and 5.

This proposal is a retrospective application for:

- Additional living area within the roof space of units 4 and 5.
- Additional lightwell serving unit 2.
- Small window infilled serving unit 3 on west elevation.
- Minor landscape alterations.
- Revised bin/cycle storage.

Relevant Planning History

16/00258/FUL - conversion of existing mixed A1 and C3 buildings with single and two storey rear and side extensions and adaptations to form 6No. One bedroom apartments. Permitted 2nd June 2016.

Consultations

Engineers: Highways:
No objections

Representations:

City of Winchester Trust:
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This proposal has already been implemented and with the level of objection the COWT objects to this application.

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

- Parking – The proposal doesn't provide any parking and therefore puts pressure on the already exacerbated on street parking in this area.
- Over development of the site
- The space to the rear of the site is not used correctly.
- The 'lounge' areas will be used as bedrooms and therefore more parking is required.

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy
MTRA1, DS1, CP2, CP3, CP10, and CP13

Winchester District Local Plan Part 2
DM2, DM15, DM16, DM17, DM18

National Planning Policy Guidance/Statements:
National Planning Policy Framework

Other Planning guidance
Movement, Access, Streets and Spaces
Parking Standards 2002

Planning Considerations

Principle of development

The principle of the flats was accepted under the previous application (16/00258/FUL) and the application that has been submitted as for the amendments to the already approved application for the 'Conversion of existing mixed A1 and C3 buildings with single and two storey rear and side extensions and adaptations to form 6No. One bedroom apartments'.

Impact on character of area and neighbouring property

The only external changes to the properties from the previously consented scheme are the changes to remove a window on the west elevation and add roof lights on the west and north elevations and some external change to the bin and cycle stores. It is considered that this amendments would not result in any further material harm on the character of the surrounding area or any material planning harm on the surrounding residential amenities.

Landscape/Trees

There is a small change to the landscaping of the proposed flats in that the landscaping to the west of the dwelling is to be thinner than the proposed landscaping. It is considered that these changes would not result in any significant planning harm in term of landscaping of the surrounding area.

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Highways/Parking

The previous application assessed the parking in relation to the number of flats proposed and it was concluded that the proposal for 6 one bedroom flats in this location was acceptable to not provide parking as this is a sustainable location. This application doesn't changes the proposed number of bedrooms from the previous application.

With regard to secure and undercover cycle parking, this is being provided through way of lockable individual stores, which is in accordance with Policy. The application is therefore acceptable from a highway point of view.

Affordable housing

Since the previous application was determined in May 2018 the National Planning Policy (NPPF) has been. For housing development, major development is defined in the National Planning Policy Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. As this application is not for more than 10 dwellings and the site is not over 0.5 hectares then this site is not applicable.

Recommendation

Permit subject to the following condition(s):

Conditions

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

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

02 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

02 Reason: To ensure a satisfactory visual relationship between the new development and the existing.

03 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking and re-enacting that order, with or without modification), no windows or doors other than those expressly authorised by this permission shall, at any time, be constructed in the east elevation(s) of development hereby permitted.

03 Reason: To protect the amenity and privacy of the adjoining residential properties.

04. The development hereby permitted shall be carried out in accordance with the plans listed below unless otherwise agreed in writing by the local planning authority:

Block and Location plan - 2019/02

As built plans and elevations - 2019/02

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04. Reason: For the avoidance of doubt, to ensure that the proposed development is carried out in accordance with the plans and documents from which the permission relates to comply with Section 91 of the Town and Country Planning Act 1990.

Informatives:

01. In accordance with paragraph 38 of the NPPF (July 2018) , Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and, - update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance the application was acceptable as submitted and no further assistance was required.

02. 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.

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

Local Plan Part 1 - Joint Core Strategy: MTRA1, DS1, CP2, CP3, CP10, and CP13

Local Plan Part 2 - Joint Core Strategy: Development Management and Site Allocations: DM2, DM15, DM16, DM17, DM18

04. 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.

05. 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.

06. 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.

For further advice on this please refer the Construction Code of Practice

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<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

08. 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.

The submitted details should be clearly marked with the following information:

The name of the planning officer who dealt with application

The application case number

Your contact details

The appropriate fee.

Further information, application forms and guidance can be found on the Council's website

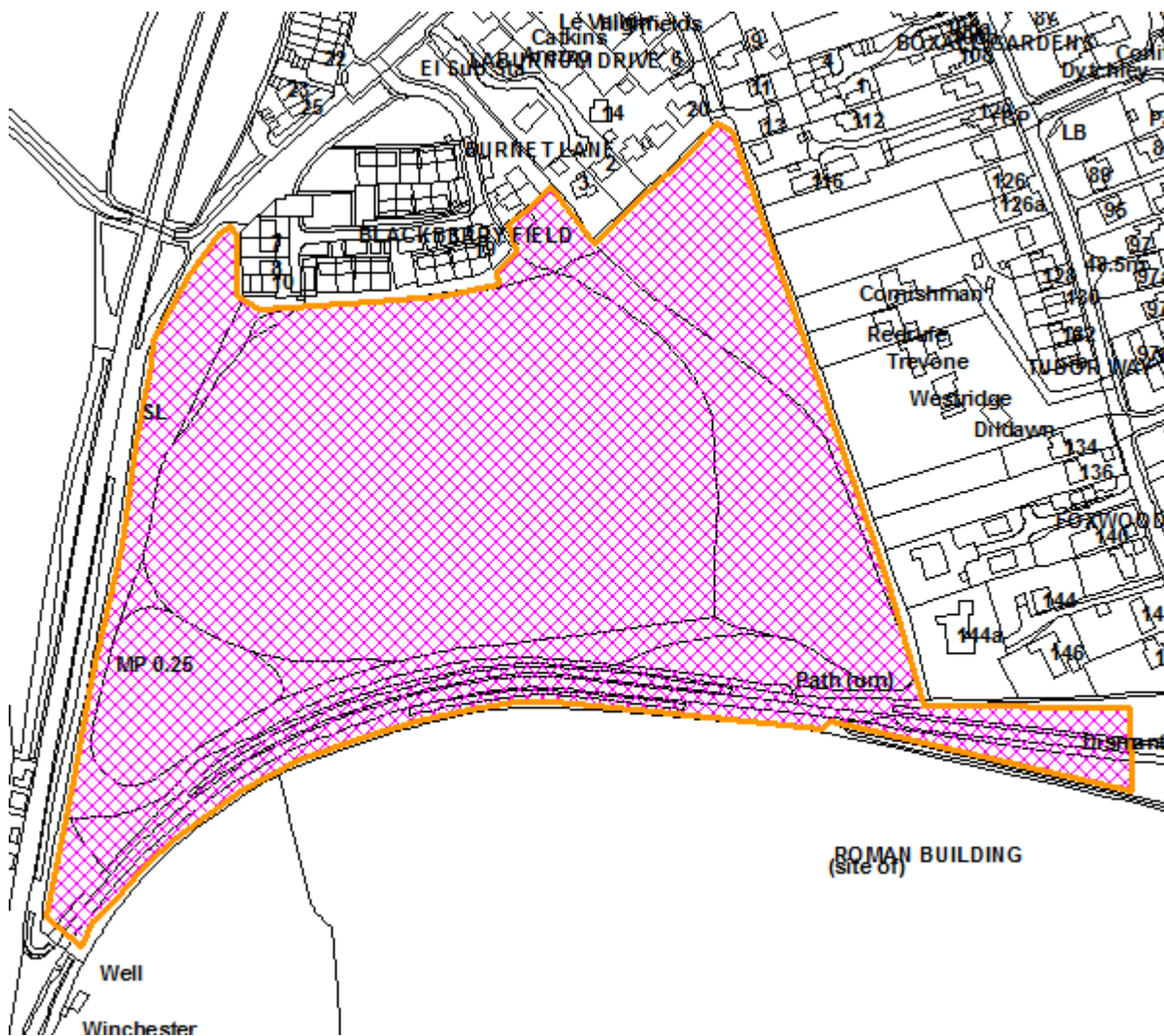
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www.winchester.gov.uk.

09. 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.

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Case No: 19/00048/FUL
Proposal Description: (AMENDED PLANS 24.04.2019) A development of 35 units, including infrastructure and the open space provision associated with the development area. Provision of remaining open space, (change of use from agricultural, to publicly accessible recreation land). Diversion of Public Right of Way (ROW/3189777), in addition to a minor diversion of one of the three claimed Rights of Way.
Address: Land Off Burnet Lane Kings Worthy Hampshire
Parish, or Ward if within Winchester City: Kings Worthy
Applicants Name: Mr Daniel O'Shea
Case Officer: Mrs Megan Osborn
Date Valid: 8 January 2019
Recommendation:



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General Comments

Application is reported to Committee as the number of objections, received contrary to the officers recommendation.

An area roughly similar to the application site has consent under reference 15/00969/OUT for a 100% affordable housing exception scheme. This scheme has not been implemented to date. This consent established the maximum acceptable developable area of the site and this should be adhered to in any future consents. Condition 15 of the planning permission makes specific reference to a plan which indicated the maximum developable area and which any reserved matters should be based on (plan number 977-P3/P29A Rev B illustrative developable area).

This proposal is for the development of 35 houses and the previous consented scheme was for 25 houses and was an outline application in broadly the same developable area.

Site Description

The site is located on the western side of Kings Worthy 3 miles north of Winchester.

The application site is known locally as 'Top Field' and is a former agricultural parcel of land.

The site has residential development to the north and east of the site, and a mainline railway to the west and on the southern boundary is a disused railway.

The site is not mainly open field with some vegetation along the boundaries and a public right of way running approx. the perimeter of the site from the development on Burnett Lane. There are also some un-official rights of way across the site used for dog walking.

Proposal

The proposal is for 35 dwellings with associated landscaping and parking. The area of development is in the north eastern corner of the site linking with the existing development to the north.

Relevant Planning History

Top Field applications –

14/01861/OUT - Residential development of up to 50 no. dwellings to top field and 7 no. dwellings on 'Dildawn'; upgrading the existing access off Hookpit Farm Lane with associated roads, parking areas and landscaping with an optional access off Springvale Road (Amended description) - REFUSED 26 March 2015

The scheme was refused on 9 grounds relating to -

- policy for development within the countryside,
- prematurity to the delivery of the local plan,
- development in a sensitive landscaping area,
- not providing appropriate levels of affordable housing,

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- resulting in development of land designated as open areas under Policy RT5,
- the lack of adequate ecology assessments,
- the provision of associated facilities outside the red-line site area and no assessment of archaeological impacts that would be caused,
- the lack of provision for long-term funding for the off-site open space areas,
- and the loss of a feature tree on the Tudor Way site.

15/00969/OUT - (Additional illustrative layout plan received 977-P3/P29 Rev A) Proposed residential development with 25 dwellings located on top field and 7 self build dwellings located on Dildawn (SHLAA site 329) including upgrading the existing access off Hookpit farm lane with associated roads, parking areas and landscaping PERMITTED 6th February 2018.

Blackberry field applications –

The existing 25 affordable exceptions houses were granted permission under reference 05/01662/OUT the time limit for which was extended under reference 11/01383/OUT. This scheme is now complete and occupied.

12/01912/FUL - Residential development for 25 no. affordable dwellings including associated roads, parking area and landscaping . PER 8th February 2013.

Consultations

Engineers: Drainage:

The site is within Flood Zone 1 and is at very low risk of surface water flooding. The geology is chalk and head deposits. Therefore there are no objections raised.

Engineers: Highways:

No objections

Archaeology

No objections, subject to conditions 10 and 14

Head of Strategic Planning:

No objections

Head of Landscape:

No objections

Southern Water:

No objections, subject to conditions 6.

SWM

Proposal acceptable subject to conditions 7 and 8.

Ecology

No objections, subject to conditions 9 and 20.

Economic development

A section 106 has been completed to require an Employment Skills Plan

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Contamination

No objections subject to conditions 11 and 19.

Representations:

Kings Worthy Parish Council

- Support this application

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

- The development would result in flooding.
- The drains are very close to the boundary with the existing houses.
- This would result in built development which would result in more pollution, traffic and flooding.
- The paths from Ilex Close are not required.
- The development would be highly visible and harmful.
- This would increase the traffic at Tesco corner.
- The school is already over subscribed.
- The building work would effect the wildlife in the area.
- There are insufficient facilities to support the development.

2 letters of support received.

- This is an acceptable site and more development could go here.
- This is for much needed dwellings.
- The layout is well thought out and retains much needed open space.
- Here you should include reason why support proposal.

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy

DS1 – Development Strategy and Principles

MTRA1 – Development Strategy for Market Towns and Rural Area

MTRA2 – Market Towns and Larger Villages

MTRA4 – Development in the Countryside

CP1 – Housing Provision

CP2 – Housing Mix

CP4 – Exception Sites

CP7 – Open Space, Sport & Recreation

CP10 – Transport

CP11 – Sustainable Low and Zero Carbon Built Development

CP13 – High Quality Design

CP14 – Effective Uses of Land

CP15 – Green Infrastructure

CP16 – Biodiversity

CP20 – Heritage and Landscape Character

CP21 – Infrastructure and Community Benefit

Winchester District Local Plan Part 2

DM1 – Location of New Development

DM2 – Dwelling Sizes

DM6 – Open Space Provision

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DM15 – Local Distinctiveness
DM16 – Site Design Criteria
DM17 – Site Development Principles
DM18 – Access and Parking
DM23 – Rural Character
DM26 – Archaeology

National Planning Policy Guidance/Statements:
National Planning Policy Framework

Planning Considerations

Principle of development

The proposal is for the development of 35 dwellings on part of 'Top Field', which is outside the defined settlement boundary of Kings Worthy (DM1). The site is therefore subject to the provisions of policy MTRA4 (LPP1) under which housing would not normally be permitted.

Policy CP4 (LPP1) allows for affordable housing to be permitted exceptionally on sites in the countryside to meet specific local needs. Policy CP4 requires the site to be;

- suitable in terms of its location, size and tenure to meet an identified local housing need that cannot be met within the policies applying to the settlement to which that need relates;
- of a design and character appropriate to its location and avoids harm to the character of the area or to other planning objectives, taking account of the policy objective to maximise affordable housing provision;
- secured to meet long term affordable housing needs, and will remain available in perpetuity.

The proposal is for 35 affordable homes. The latest National Planning Policy Framework defines affordable housing and all 35 - rented; shared ownership and discounted market sale are defined as affordable, as the shared ownership and Discounted Market Sale homes provide a route to home ownership at a discounted price.

In terms of the viability argument for providing less than 100% affordable rented all of the proposed houses are classed as affordable and there is no proposal to introduce market housing. This can be supported under policy CP4 if the viability assessment submitted with the application confirms that the proposed split of affordable rent and other tenures is justified.

Housing need information is included in the planning statement has been assessed by the council's New Homes Delivery Team to ensure that the proposal does address local housing need. For those registering for rented accommodation there are a Total of 86 Households, this need consisting of 52, 1 bedroom homes; 26 2 bedroom homes; and 8, 3 bedroom homes. There are a further 57 households registered with the central government agency (Help to Buy South) for other types (e.g. shared ownership) of affordable housing. These households would like to meet their housing need in Kings Worthy and there are 16 households wanting 1 bedroom accommodation; 27 wanting 2

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bedroom; and 14 a 3 bedroom home. The applicant commits to 25 homes for rent out of the need on the register from 86 households. These 25 homes consist of 4 x 1 bedroom flats to rent; 4 x 2 bedroom flats to rent; 11 x 2 bedroom houses to rent, and 6 x 3 bed houses to rent potentially meeting some of the need for rented accommodation from those with a local connection to Kings Worthy. Also 10 homes will provide a route to home ownership with 6 x 2 bedroom houses for shared ownership; 2 x 3 bedroom houses for shared ownership and 2 x 4 bed houses for Discounted Market Sale (DMS). The Council is keen to understand the emerging Discount Sale Market and these 2 homes provide for larger homes for households that would otherwise not be able to buy on the Open Market.

There are no households with a Local Connection to Kings Worthy that need a 4 bed rented property and as the cost of shared ownership homes is calculated using open market values then even purchasing the lowest share possible (25%) means that 4 bed homes are likely to be unaffordable.

As a planning exception site all 35 homes are to be affordable with over 70% being rented homes. All of the homes will contribute towards the housing need in the Kings Worthy Parish and this will be secured through a `cascade` provision in the legal agreement.

Any proposal for less than 100% affordable rented housing would also need to show community support. The application is supported by evidence of a public consultation exercise and evidence that the parish council and majority of the Top Field Action Group support the application subject to the remainder of Top Field being made publically available as open space (this is included in the legal agreement).

Design/layout

The location of the affordable homes is judged to be acceptable as the site has already been established as suitable for affordable housing through the extant planning permission and the exercise of assessing other suitable sites was done at that time with the application site being the preferred option.

The proposed amendment drawings address a list of concerns raised to the previous scheme and seem to be much more consistent in urban design terms. Improvements were made to the site layout in order to reduce the amount of carriageway proposed to the west, by proposing dwellings facing directly the open space. As stated in the High Quality Places SPD, "where development adjoins a park, buildings should maximise that relationship by effectively addressing the space in question, for example by buildings fronting onto the space."

Further design development was made to the site layout to provide end vistas with a landscape treatment instead of ending with car parking spaces.

It was suggested that large areas of car parking spaces, particularly at the front of plots, should be softened with appropriated landscaping. Changes were made on an amended scheme by splitting car parking spaces between trees in front of Plots 16-22 and 7-13.

Improvements were made on the elevation treatment of buildings located along exposed street corners such as Plot 2 and 35, in order to provide a better articulation

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with windows overlooking both sides.

Lastly, improvements were made to the pedestrian links along the development, to increase footfall and encourage pedestrian use by designing for natural surveillance.

The proposed design of the dwelling is acceptable in the context of Kings Worthy and the materials proposed are acceptable and will form a condition to this planning application. (Condition XX)

Impact on character of area and neighbouring property

The principle of development at this location has already been accepted and the character and scale of the dwelling are considered acceptable in relation to the character of the surrounding area.

The dwellings have been arranged so that they would not result in any material planning harm towards surrounding neighbouring properties. Most of the dwellings are a significant distance away from neighbouring properties and therefore would avoid overlooking and overbearing. The nearest dwellings are plots 1 and 2, plot 1 being nearest to the neighbouring dwelling in Blackberry Field, this is proposing no windows on this side elevation and is a sufficient distance away that it would avoid overshadowing or overbearing. Condition 23 has been recommended to restrict any windows on elevations that would result in overlooking.

For the amended proposals and the proposed increase in dwelling numbers (+10) the application is accompanied by a Landscape and Visual Impact Assessment (Deacon Design July 2018) which builds upon the work done by Sue Sutherland Landscape Architects (LVIA July 2014) for the previous 25 unit scheme.

The proposals respond to the landscape and visual sensitivity identified in these documents by locating the proposed dwellings at lower land levels than the previously consented scheme which it is intended will have the effect of reducing visual impact from the various near and far viewpoints identified.

The proposed development would sit within the development area deemed least sensitive in terms of landscape and visual impact whereas the previous 25 unit scheme extended beyond the 'yellow line' boundary at its highest point (see p 27 DAS).

The site continues to be well contained by strong boundary hedgerows and trees along the southern and western boundaries; however long distance views are available to the east and north east towards Kingsworthy village and the downland beyond. In some cases the continued growth of boundary vegetation has provided greater screening of views. To respond to visual impact the most recent LVIA proposes structure planting and tree planting along the western southern and eastern extents of the development, pockets of incidental open space and tree planting within the development to break up the overall mass of the development and further tree planting along the edges of the field.

The proposals will still be visible, particularly from photo-viewpoints 7, 8 and 9 (within the village of Kingsworthy at Tovey Place and Broadview Recreation ground on the line of the disused railway) however it is considered that the changes proposed for this application will have little change upon the perceived level of visual impact initially identified for the consented 25 unit scheme.

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The proposal provides details to reinforce boundaries with native hedgerows species and trees that will help maintain visual amenity and enhance the local landscape character. This will include provision for habitat protection and ecology enhancements using native and suitable non-native planting that will support biodiversity across the site.

Small street trees and areas of landscaping have been proposed with the developed area especially around the parking areas to break it up.

Highways/Parking

Parking numbers are inline with Winchester City Council's parking standards.

The application is accompanied with a transport assessment, which is acceptable from a highway point of view. It sets out the highway implications and demonstrates that there is no material impact, particularly to the Hookpit Farm Lane / Springvale Road junction.

The application is therefore acceptable from a highway point of view

Drainage

Foul water drainage:

The site will use a gravity system which connects directly into the existing Southern Water system via the manhole in Ilex Close (details of which have to be submitted under condition 6).

Surface water drainage:

A sustainable drainage strategy (SUDs) has been developed for the proposed scheme. This scheme relies on gravity, discharging run off into a 'detention basin' which have capacity to contain surface water runoff from a 1 in 100 year storm, including an allowance for climate change (details of this will need to be submitted to the LPA before development commences on the site, condition 7 and 8).

The attenuation pond and swales would be managed for both wildlife and as landscape features to enhance and promote area a range of uses.

Ecology

Dormice: The site has a dormouse population, which is a rare and protected species. The site offers opportunity for planting a hazel and hawthorn coppice, managed to create a suitable habitat to support the dormice to thrive. This will be done by ecology mitigation areas agreed by the applicant and Winchester City Council ecologists (condition 2).

Reptiles : Another protected species on the site are reptiles. It is proposed to create sequence of basking areas for them, which will comprise of area of long grass and log piles set within woodland glades on the eastern boundary of the site. Detail of these can be found in the ecology report and is conditioned under condition number 2.

Natural England

Natural England notes that we, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance

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with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Winchester City Council as applicant conclude that the proposal will not result in adverse effects on the River Itchen SAC. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects of water pollution in the River Itchen SAC, Natural England agrees with this assessment.

Footpath diversion

The public right of way ref. ROW/3189777 was confirmed as a Definitive Map Modification Order on 25th October 2018, following an inquiry on the 22nd August 2018. The order was based on the use of the footpath between the periods of 1972 to 1992. Over time the path routes, as defined, have become inaccessible due to shrub and vegetation overgrowth. As such defined areas are now through areas that are important ecological habitat. Therefore in order to clear them in line with the order this would result in an unlawful destruction to the protected habitat.

The actual trodden paths are different to the official Public Right of Way, therefore an application has been submitted under the Town and Country Planning Act to divert footpath ROW/3189777 (19/00912/PTH). And a further application has been submitted for the trodden footpath on the site (19/00913/PTH).

In addition to the granted Public Right of Way an application has been submitted to HCC Rights of Way for a further 3 claimed rights of way from Ilex Close in the north eastern corner of the site. A further 3 applications have been submitted to the WCC legal department to divert these footpaths to avoid ecological mitigation (19/00909/PTH, 19/00910/PTH, 19/00911/PTH).

These are still being assessed by our legal department.

Archaeology

The application site lies to the north of a Scheduled Ancient Monument (National Heritage List No. 1013269 - Iron Age field system, banjo enclosure and RB villa 500m E of Woodham Farm). Archaeological remains associated with the monument are known to extend to the south of the Scheduled Area and may also (as suggested by aerial photographic evidence) extend into the area of the application site.

To the north of the application site previous archaeological investigations undertaken in relation to previous development have identified a curvilinear Late Iron Age enclosure. The enclosure ditch was found to have been re-cut on several occasions and extended southwards towards the proposed development area. A number of other features were also recorded, including two distinct pit groups and a small urned cremation cemetery also of Late Iron Age date.

It is anticipated that further archaeological remains relating to this enclosure and other features (and potentially the Scheduled Monument known to the south of the disused railway) will occur within the proposed development area.

Planning consent has previously been granted at the proposal site (15/00969/OUT) and as such there is no objection in principle to the proposal on archaeological grounds.

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However it is considered likely that buried archaeological remains relating to later prehistoric occupation and activity (and potentially of other periods) will be present application site. Such remains may be disturbed by groundworks associated with the proposal (both from new building, hard landscaping, drainage (foul and surface water), services and landscaping works / ecological mitigation measures proposed across the wider site).

Whilst this does not present an overriding concern, a programme of archaeological work to investigate, record analyse and subsequently report on the archaeological evidence that would otherwise be destroyed by the proposed development should be secured through the attachment of suitable conditions to any planning consent that may be granted.

The pre-commencement conditions are required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and / or construction works (condition 10).

It is important that archaeological mitigation measures are considered and fully implemented ahead of any site preparation, infrastructure or other enabling works, or, integrated into other mitigation measures (such as for ecology etc).

Other Matters S106

The previous exception site schemes that have been approved have been subject of S106 obligations that require open space provision, ecological compensation and public footpath provision.

The impact of this new scheme on the quantum and position of the agreed areas of open space, ecological mitigation land and line of the public footpaths will need careful consideration to ensure that any variations do not result in diminished areas or less desirable footpath alignments. A new S106 agreement will be needed to cover these matters.

A S106 agreement will be needed to secure the affordable houses in perpetuity, this has been drafted and agreed by all parties.

Conclusion

The site lies outside the defined settlement boundary of Kings Worthy and is being proposed as a rural exception scheme to meet local needs under policy CP4.

It is considered that the proposal meets the requirements of Policy CP4 to meet local needs based upon the affordable housing requirement within Kings Worthy.

The development is acceptable in all other matters.

Recommendation

Permit subject to the following condition(s):

Legal Agreement (S106) Head of Terms:

**Open Space provision,
Ecology,
Footpaths,
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**Employment skills plan
Affordable housing provision.**

(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 begin not later than 3 years from the date of this decision.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and particulars: -

Location Plan DREW170706-LP.01 Revision B
Site Layout DREW170706-SL.01 Rev G
Site Layout DREW170706-SL.02 Rev G
Site Layout DREW170706-CSL.01 Rev G
Supporting Layout DREW170706-BML.01 Rev D
Supporting Layout DREW170706-DML.01 Rev D
Supporting Layout DREW170706-RSL.01 Rev D
Street Elevations DREW170706-SE.01 Rev D
Street Elevations DREW170706-CSE.01 Revision B
Plot Drawing. Elevation DREW170706-P.1-2.e Revision C
Plot Drawing. Plans DREW170706-P.1-2.p Revision C
Plot Drawing. Elevation DREW170706-P.3-4.e Revision B
Plot Drawing. Plans DREW170706-P.3-4.p Revision B
Plot Drawing. Elevation DREW170706-P.5-6.e Revision B
Plot Drawing. Plans DREW170706-P.5-6.p Revision B
Plot Drawing. Elevation DREW170706-P.7-10.e1 Revision B
Plot Drawing. Elevation DREW170706-P.7-10.e2 Revision B
Plot Drawing. Plans DREW170706-P.7-10.p Revision A
Plot Drawing. Elevation DREW170706-P.11-13.e Revision A
Plot Drawing. Plans DREW170706-P.11-13.p Revision A
Plot Drawing. Elevation DREW170706-P.14-15.e Revision A
Plot Drawing. Plans DREW170706-P.14-15.p Revision A
Plot Drawing. Elevation DREW170706-P.16-19.e1 Revision B
Plot Drawing. Elevation DREW170706-P.16-19.e2 Revision B
Plot Drawing. Plans DREW170706-P.16-19.p Revision B
Plot Drawing. Elevation DREW170706-P.20-22.e Revision B
Plot Drawing. Plans DREW170706-P.20-22.p Revision B
Plot Drawing. Elevation DREW170706-P.23-25.e Revision A
Plot Drawing. Plans DREW170706-P.23-25.p Revision A
Plot Drawing. Elevation DREW170706-P.26-33.e1 Revision C
Plot Drawing. Elevation DREW170706-P.26-33.e2 Revision C
Plot Drawing. Plans DREW170706-P.26-33.p1 Revision C
Plot Drawing. Plans DREW170706-P.26-33.p2 Revision C
Plot Drawing. Elevation DREW170706-P.34-35.e Revision C
Plot Drawing. Plans DREW170706-P.34-35.p Revision C

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Ancillary. Plans/Elev DREW170706-SHD.01.pe Revision A
Ancillary. Plans/Elev DREW170706-SHD.02.pe Revision A

Landscape plans

Illustrative Masterplan DD207L01 Revision E
Outline Landscape Strategy Plan DD207L02 Revision E
Landscape Management Plan DD207R01_04
Viewpoint Location Plan DD207PL.1
Landscape and Visual Impact Appraisal DD207R01 Revision A
Appendix 1 – Illustrative Masterplan
Appendix 2 – Visual Impact Assessments
Appendix 3 – Outline Block Plan
Appendix 4 – Viewpoint Sheets

Tree plans

Tree Survey Report CBA 11120 v1
Tree Works Schedule & Tree Protection CBA 11120 v2

Transport

Transport Statement. Parts 1 & 2 039.0012/TS/1

Ecology

Preliminary Ecological Appraisal (John Wenman ecological consultancy) R1895/b
Ecological Mitigation Plan (John Wenman ecological consultancy) R2039/e – April 2019
Phase 2 Ecological Survey (Hazel Dormice, Reptiles and White Helleborine) (John Wenman ecological consultancy) R1966/f – April 2019

Reason: For the avoidance of doubt, to ensure that the proposed development is carried out in accordance with the plans and documents from which the permission relates to comply with Section 91 of the Town and Country Planning Act 1990.

Prior to commencement of the development:

3. No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

4. No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include the following, as relevant:

- new footpath links eg from Ilex Close;
- Boundary treatments
- repairs to existing paths
- new gates;
- signage;
- interpretation panels;

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- bins

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

5. Prior to the commencement of the development hereby permitted excluding works of demolition, detailed information (in the form of SAP design stage data and a BRE water calculator) demonstrating that all homes meet the equivalent of 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.

6. Prior to development above foundation level, detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority and Southern Water before the commencement of the development hereby permitted. The approved details shall be fully implemented before development commences.

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

7. Unless otherwise agreed in writing by the LPA, No development hereby permitted shall commence until the groundwater level monitoring from December to April has been submitted to and approved in writing by the Local Planning Authority.

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

8. Unless otherwise agreed in writing by the Local Planning Authority, no development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

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

9. Prior to any site clearance, excavation or preparatory works on site including the removal of any vegetation, top soil or trees or translocation of species, a Strategy for Pre-commencement Works shall be submitted to and approved by the local planning authority setting out a schedule for all pre-commencement works including timings of mitigation measures, tree protection and site inspections. This shall cover as required:

- tree works
- ecology
- archaeology
- s278 works / access works
- drainage / utility works

Pre-commencement works shall be carried out in accordance with these approved details.

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Reason: To ensure that pre-commencement works are co-ordinated to avoid unacceptable impacts to trees, biodiversity and archaeology and to minimise impacts on public and local amenity.

10. No development or any works of site preparation shall take place until the applicant or their agents or successors in title have implemented of a programme of archaeological mitigation works (to include a phase of preliminary archaeological evaluation work), in accordance with a Written Scheme of Investigation that has been submitted to and approved by the local planning authority in writing. No development or site preparation shall take place other than in accordance with the Written Scheme of Investigation approved by the LPA.

The Written Scheme of Investigation shall include:

- The programme and methodology of site investigation and recording
- Provision for post investigation assessment, reporting and dissemination
- Provision to be made for deposition of the analysis and records of the site investigation (archive)
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: To mitigate the effect of the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations Policy DM26 Winchester District Local Plan Part 2; Policy CP20 of the Winchester District Joint Core Strategy.

11. No development shall take place unless otherwise agreed in writing until a scheme to deal with contamination shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall conform to current guidance and best practice as set out in BS10175:2011 Investigation of potentially contaminated sites - code of practice; CLR 11 – Model procedures for the management of land contaminations; or other supplementary guidance and include the following phases, unless identified as unnecessary by the preceding stage and agreed in writing by the LPA:

- a) A desk top study and conceptual model documenting all the previous and existing land uses of the site and adjacent land;
- b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study;
- c) A remedial strategy detailing the measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a suitably qualified person to oversee the implementation of the works.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants.

12. Prior to work commencing on the site a Construction Management Plan shall be submitted to and approved in writing by the local planning authority.

The Construction Management Plan shall include the following details:

- Development contacts, roles and responsibilities
- Public communication strategy, including a complaints procedure.

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- Dust suppression, mitigation and avoidance measures.
- Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
- Use of fences and barriers to protect adjacent land, footpaths and highways.
- Details construction traffic management measures including the provisions to be made for the parking and turning on site of operative and construction vehicles during the period of development.
- Details of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway.
- Avoidance of light spill and glare from any floodlighting and security lighting installed.
- Pest Control

Works shall be undertaken in accordance with the approved details.

Reason: To ensure that all demolition and construction work in relation to the application does not cause materially harmful effects on nearby land, properties and businesses.

13. 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.

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

Prior to occupation:

14. Following completion of archaeological fieldwork, within 9 months (unless otherwise agreed in writing) a report will be produced in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports and publication. The report shall be submitted to and approved by the local authority.

Reason: To ensure that evidence from the historic environment contributing to our knowledge and understanding of our past is captured and made publicly available. Policy DM26 Winchester District Local Plan Part 2; Policy CP20 of the Winchester District Joint Core Strategy.

15. Before any development hereby permitted is first occupied, details of measures to be adopted by the applicant or any other party becoming responsible for the development, for the management and maintenance of un-adopted common areas comprising shared land outside the private garden areas and dwellings; shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that satisfactory future arrangements for the maintenance of the common parts of the development are secured in the interests of good planning and the amenities of future residents, since the development is not to be adopted by the local authority.

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16. No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. The parking spaces provided for the dwellings shall be thereafter maintained and kept available.

Reason: To ensure adequate car parking provision within the site in accordance with the standards of the Local Planning Authority.

17. Prior to the occupation of the dwelling(s) hereby permitted detailed information (in the form of SAP "as built" stage data and a BRE water calculator) demonstrating that all homes meet the equivalent of 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.

18. Before the development hereby approved is first brought into use, a turning space shall be provided within the site to enable refuse and emergency vehicles using the site to enter and leave in a forward gear. The turning space shall subsequently be retained and kept available for such purposes at all times.

Reason: In the interests of highway safety.

19. Prior to the occupation of the development hereby permitted, written verification produced by the suitably qualified person nominated in the approved remedial strategy shall be submitted to and approved in writing by the Local Planning Authority. The report must demonstrate that the approved remedial strategy has been implemented fully, unless varied with the written agreement of the Local Planning Authority in advance.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants.

20. Prior to any external lighting being installed, details shall be submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the approved details.

Reason: To protect the appearance of the area, the environment and local residents from light pollution.

Other:

21. Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning

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Authority. The development shall not be completed other than in accordance with the approved details.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants.

22. The parking areas shall be provided in accordance with the approved plans before the dwellings are first occupied and thereafter permanently retained and used only for the purpose of accommodating private motor vehicles or other storage purposes incidental to the use of the dwelling houses as a residences.

Reason: To ensure the permanent availability of parking for the property.

23. 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 windows other than those expressly authorised by this permission shall, at any time, be constructed in the north elevation of plot 1, the side (south west) elevation of plot 19, the side (north east) elevation of plot 20, the north elevation of plot 23 and the east elevation (fronting onto plot 7) of the flats to the south of the site hereby permitted.

Reason: To protect the amenity and privacy of the adjoining residential properties.

Informatives:

01. In accordance with paragraph 38 of the NPPF (July 2018) , Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance the applicant was updated of any issues after the initial site visit.

02. 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.

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

Local Plan Part 1 - Joint Core Strategy: DS1, MTRA1, MTRA2, MTRA4, CP1, CP2, CP4, CP7, CP10, CP11, CP13, CP14, CP15, CP16, CP20, CP21.

Local Plan Part 2 - Joint Core Strategy: Development Management and Site Allocations: DM1, DM2, DM6, DM15, DM16, DM17, DM18, DM23, DM26.

04. 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

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Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

05. 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.

06. 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.

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>

07. 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.

The submitted details should be clearly marked with the following information:

- The name of the planning officer who dealt with application
- The application case number
- Your contact details
- The appropriate fee.

Further information, application forms and guidance can be found on the Council's website - www.winchester.gov.uk.

08. 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.

09. Before undertaking any work which affects a public highway (including a public right of way) you must obtain specific written approval from the Director of Economy, Transport and Environment at Hampshire County Council and enter into or secure any necessary legal agreements or consents to enable the works on a public highway to proceed. It is an offence to carry out unauthorised works on a public highway. This requirement applies not only to the creation of new vehicle accesses involving excavation within a footway, verge
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or carriageway but also to the stopping of existing access(es) or other works on or to the public highway. For further information, please contact highways.development.control@hants.gov.uk

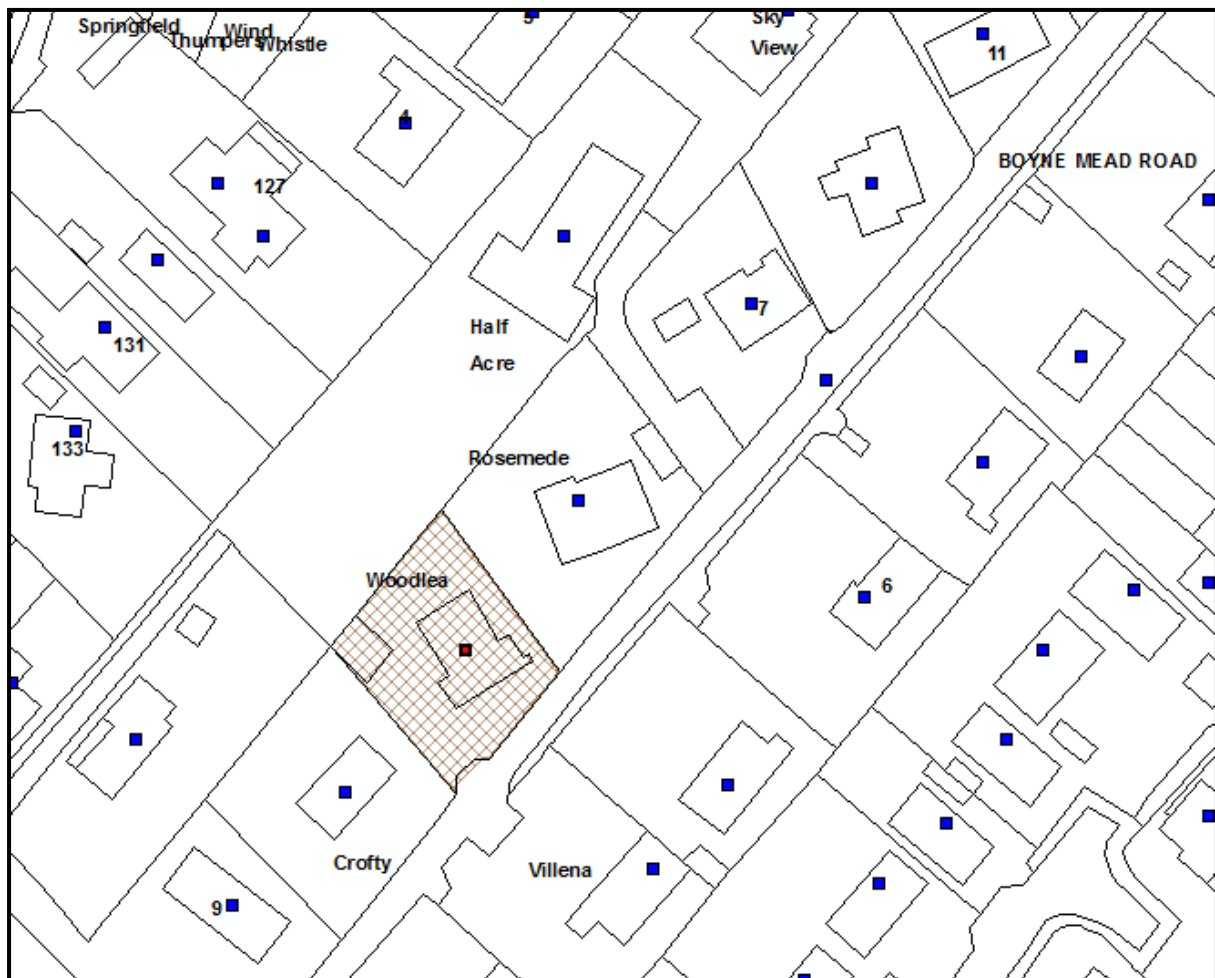
If road is not going to be adopted

The applicant is advised that, if the road is not adopted, an Advance Payment Code is required to seek a surety bond upfront to cover the cost of completing the access new road. Please contact Hampshire County Council Highway Authority on 01962 847074 for further details.

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Case No: 19/00189/HOU
Proposal Description: Proposed loft conversion with associated front, rear and side dormers; rear balcony; side and rear decking, fencing and terrace;
Retrospective: Conversion of garage into studio, with small front extension.
Address: Woodlea, 3 Boyne Mead Road
Kings Worthy
SO23 7QZ
Parish, or Ward if within Winchester City: Kings Worthy
Applicants Name: J Attwood & P Little
Case Officer: Alexander Strandberg
Date Valid: 28th of January 2019
Recommendation: Application Refused



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General Comments:

The application is reported to Committee due to the number of public representations received contrary to the Officer's recommendation.

Site Description

Woodlea, 3 Boyne Mead Road is a detached single storey dwellinghouse located in a residential area of southern Kings Worthy. The surrounding area contains a mixture of housing types, architectural styles and a variety of different materials employed. A number of loft conversions have been carried out along the street, with associated dormer windows added facing Boyne Mead Road.

The property is located on ground where there are significant level changes as the land slopes steeply in a north-east to south-west direction. The rear garden is modest in size, and as such, the rear façade of the dwellinghouse is located approximately 7 metres from the property boundary at its nearest point, and approximately 9.5 metres at its furthest point.

The dwellinghouse is accessed from Boyne Mead Road, where the driveway slopes downwards towards the existing garage and rear curtilage of the property. Due to the slope to the rear of the property and the existing boundary treatments on site, the rear curtilage of the neighbouring property at Half Acre, 3 Nations Hill, is visually prominent.

Proposal

The application seeks to erect dormer windows to the front, rear and one side of the existing dwellinghouse. It further seeks to erect a balcony and decking, with fencing at the rear of the property.

The proposal also seeks to obtain retrospective planning permission for a garage conversion and extension which has been carried out at the property.

Relevant Planning History

78/01407/OLD - Erection of extension to provide addition to outhouse: PER - 12.09.1978.

Representations

Kings Worthy Parish Council

- There are no reasons to object to the application provided there are no objections from neighbouring properties.

7 representations received supporting the application for the following reasons:

- The proposals will create a pleasant and functional family home.

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- All properties have rear windows along Boyne Mead Road.
- It will enhance the property.
- Screening would mitigate any issues of overlooking.
- The proposals are consistent with schemes that have previously received approval.

Relevant Planning Policy

Winchester Local Plan Part 1 – Joint Core Strategy

- DS1 – Development Strategy and Principles
- MTRA2 – Market Towns and Larger Villages
- CP13 – High Quality Design

Winchester Local Plan Part 2 – Development Management and Site Allocations

- DM1 – Location of New Development
- DM15 – Local Distinctiveness
- DM16 – Site Design Criteria
- DM17 – Site Development Principles
- DM18 – Access and Parking

National Planning Policy Guidance/Statements

National Planning Policy Framework 2018

Planning Considerations

Principle of development

The application site is located within the settlement boundary of Kings Worthy. In this area, policy MTRA2 (Market Towns and Larger Villages) of the Local Plan Part 1 allows for development which is appropriate in scale and design provided that it is in accordance with the policies of the Development Plan and unless material planning reasons indicate otherwise.

Policy DM15 of the Winchester District Local Plan Part 2 (2017) states that developments should respect the qualities, features and characteristics that contribute to the distinctiveness of the local area. In addition to this, policy DM16 of the Winchester District Local Plan Part 2 (2017) states that development which accords with the Development Plan should be permitted provided it responds positively to the character, appearance and variety of the local environment, within and surrounding the site, in terms of its design scale and layout.

The High Quality Places Supplementary Planning Document (2015) summarises that the impact of dormers on the shape, form and character of the roof needs to be carefully considered. Dormers should not dominate the roof, and should complement the overall composition of the building in terms of proportion, size, position, detailing

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and materials. They should furthermore generally be aligned with the windows below and be kept well away from the ridge and edges of the roof.

The document outlines the important aspects to consider for new balconies. They can have a significant impact on residential amenity as they increase the amount of potential overlooking so therefore need to be carefully related to neighbouring properties.

The document further details what constitutes good roof and fenestration design. New development should ensure that the roof design, including the roof shape, roofline, and scale and massing of the roof is well related to the design and character of the building and sensitively related to the context. It should also ensure that the fenestration successfully accords with the overall design concept.

Impact on Property and Character area

The addition of dormers on three elevations of the property is considered to significantly alter the roof of the existing dwellinghouse. Their combined surface area would effectively dominate the roof of the dwellinghouse. They are considered to be overscaled when viewed in relation to the surface area of the existing roof of the dwellinghouse. The dormer windows as proposed within the application are not set down from the existing ridge and are situated close to the lower edge of the roof. It is therefore considered that the proposed dormers would have a detrimental impact upon the host dwellinghouse, significantly altering the overall character of the building.

The addition of the dormer on the south-west elevation is not considered to complement the overall composition of the building. The height of this dormer window would exceed the ridge height of the front part of the dwellinghouse, which is visible from the public realm along Boyne Mead Road. It would appear as an incongruous feature on the roofscape of the dwellinghouse and would unbalance the overall composition of the dwellinghouse when viewed within the street scene.

The proposed balcony and decking on the north-west elevation would have a considerable impact upon the existing dwellinghouse. The proposal seeks to install a significant element of fenestration upon this elevation. There are currently two small round windows upon this façade; as such, it is considered that the addition of the proposed fenestration in addition to the balcony and raised decking upon this elevation would be unsympathetic to the character and overall design of the existing dwellinghouse.

It is therefore considered that the proposal is contrary to policies DM15 and DM16 of the Winchester District Local Plan Part 2 (2017) and does not accord with the best practice design guidance as set out in guidelines GP1, HQB2, HQB3, HQB6, HQB8, HQB9 and E5 of the Winchester High Quality Places (2015) SPD.

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Impact on residential amenity

As the nearest neighbouring dwellinghouses are over 10 metres from the dwellinghouse at no. 3 Boyne Mead Road, it is not considered that the developments would result in any loss of light to neighbouring properties.

Each of the proposed dormer windows are relatively large scale, occupying a significant proportion of the existing roof of the dwellinghouse. They extend from the roof ridges almost entirely to the edge of the roof. Due to the large massing created by the design of the proposed dormers, the relatively small garden of the property and the close proximity between their respective façades and neighbouring properties, it is considered that the proposed dormers would appear dominant and overbearing within their surroundings. The proposed dormer on the north-west elevation would appear particularly overbearing due to the proposed addition of a considerable element of fenestration and a balcony. The considerable ground level change sloping downwards to the neighbouring property to the north-west of the application site would further accentuate the proposed dormer on the rear elevation.

The proposed dormer windows and balcony include the installation of a significant amount of fenestration on the north-west, south-west and south-east elevations of the dwellinghouse. As the proposals seek to create a new storey to the dwellinghouse, the impacts of overlooking are of special importance. There are currently a number of dormer windows that have been added to the front elevations of dwellinghouses along Boyne Mead Road. As such, it is not considered that the proposed dormer on the south-east elevation would have any detrimental impacts upon neighbouring amenity by way of overlooking.

The proposed dormer, balcony, fenestration and raised decking on the north-west elevation are located approximately 8.5 metres from the property boundary. The ground levels slope downwards north-west and the rear of the property faces outdoor amenity space which is currently actively used by the occupants of the neighbouring property. The addition of the proposed dormer, balcony, fenestration and raised decking would therefore have a significant negative impact upon overlooking upon the neighbouring property. The ground level change would further exacerbate the overlooking issues created by the developments.

The proposal is therefore contrary to policies DM17 of the Winchester District Local Plan Part 2 (2017) as it is considered that the developments would have an unacceptable adverse impact on adjoining properties by reason of overlooking and by being overbearing.

Garage Conversion

The proposed garage conversion to a studio involves the erection of an extension and the change of materials of the existing structure from brick to wooden cladding and is retrospective.

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As the garage is set down from Boyne Mead Road, and is relatively small scale, it is considered that the impact upon the character of the surrounding area is limited. The use of timber is prevalent along Boyne Mead Road, and as such, it is considered to visually reflect the variety along the street.

As the proposal involves the conversion from a garage to a studio used for Pilates, a key consideration is the availability of parking at the site. The studio is part of a local business and due to the small size of the converted studio, there are physical limitations to the number of customers that can use the facilities at any given time. The property is currently able to provide adequate parking for a minimum of four cars; as such, it is considered that there are sufficient parking spaces available to serve the studio and the dwellinghouse without impacting the surrounding area.

Due to the single storey, small scale design of the proposed extension to the garage, it is not considered that the development will have any significant detrimental impacts upon neighbouring amenity by way of overlooking, overshadowing or by appearing overbearing.

Recommendation

That planning permission is refused for the following reason:

1. The proposal is considered to be contrary to policies DM15 and DM16 of the Winchester District Local Plan Part 2 (2017) and the High Quality Places Supplementary Planning Document (2015) by virtue of its siting, mass, design and scale. The proposed developments would prove to be incongruous features when viewed in relation to other properties along Boyne Mead Road. The developments in combination would appear overscaled, unbalanced and unsympathetic to the character of the existing building, failing to respond positively to the local character of the area and having a detrimental impact upon it.
2. The proposal is considered contrary to policy DM17 of the Winchester District Local Plan Part 2 and the High Quality Places Supplementary Planning Document (2015) as it would have an unacceptable adverse impact upon neighbouring properties by reason of overlooking and by being overbearing.

Informatives

1. In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) (July 2018), Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution.

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To this end WCC offer a pre-application advice service and update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance a site meeting was carried out with the applicant.

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

Winchester District Local Plan Part 1 (2013): DS1, MTRA2, CP13

Winchester District Local Plan Part 2 (2017): DM1, DM15, DM16, DM17, DM18

Winchester District High Quality Places Supplementary Planning Document (2015)

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PDC1133
PLANNING COMMITTEE

REPORT TITLE: CONFIRMATION OF TREE PRESERVATION ORDER TPO2253 –
2 BEREWEEKE AVENUE, WINCHESTER

20 JUNE 2019

REPORT OF CABINET MEMBER: Councillor Jackie Porter, Cabinet Member for
Built Environment and Wellbeing

Contact Officer: Ivan Gurdler

Tel No: 01962 848 403

Email: igurdler@winchester.gov.uk

WARD(S): ST BARNABAS

PURPOSE

To consider confirmation of Tree Preservation Order 2253 to which three letters of objection has been received.

RECOMMENDATIONS:

1. That having taken into consideration the representations received, Tree Preservation Order 2253 be confirmed.

IMPLICATIONS:

1 COUNCIL STRATEGY OUTCOME

- 1.1 The confirmation of this Tree Preservation Order (TPO) will contribute to the High Quality Environment outcome of the Community Strategy by maintaining the environmental quality and character of the area.

2 FINANCIAL IMPLICATIONS

- 2.1 There are no financial implications for the City Council at this stage. Compensation is potentially payable only where sufficient evidence has been provided by an applicant to support an application to carry out works to the protected tree and where that application is refused.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 None.

4 WORKFORCE IMPLICATIONS

- 4.1 None.

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None.

6 CONSULTATION AND COMMUNICATION

- 6.1 On serving of the TPO, the landowner and immediate neighbours were notified and allowed 28 days to object.
- 6.2 At the time that TPO 2253 was served there was three letters of objection.

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 Trees have a significant impact on our surroundings, the quality of our lives and where we live. They form an important and integral part of the countryside and in every town and village throughout the District. Trees support the natural beauty of our countryside and diversity of our natural wildlife.

8 EQUALITY IMPACT ASSESSEMENT

- 8.1 None.

9 DATA PROTECTION IMPACT ASSESSMENT

- 9.1 None required.

10 RISK MANAGEMENT

10.1 None.

Risk	Mitigation	Opportunities
<i>Property</i>	N/A	N/A
<i>Community Support</i>	N/A	N/A
<i>Timescales</i>	N/A	N/A
<i>Project capacity</i>	N/A	N/A
<i>Financial / VfM</i>	N/A	N/A
<i>Legal</i>	N/A	N/A
<i>Innovation</i>	N/A	N/A
<i>Reputation</i>	N/A	N/A
<i>Other</i>	N/A	N/A

11 SUPPORTING INFORMATION:

- 11.1 This matter comes to Planning Committee because three objections to the making of TPO 2253 have been received and have not been withdrawn.
- 11.2 TPO2253 was issued on 25th January 2019 to protect 21 trees at the property. The Council received notification that the site had been sold for development and the trees were at risk for felling. If TPO 2253 is not confirmed, the TPO will expire on 25th July 2019.
- 11.3 A development proposal was received which included the removal of one large mature significant Pine adjacent to Berewecke Avenue and the removal of 2 smaller Pines from the group adjacent to Berewecke Road.
- 11.4 The trees on the property are mature specimens of good health and vitality. The trees are significant species within the local landscape and provide continuous avenues of trees that are located both sides of Berewecke Road and Berewecke Avenue.
- 11.5 The trees located along the eastern boundary of the property can be viewed from the flats at Eastacre. The upper canopies of these trees extend above the roof space of the dwelling at No2 Berewecke Avenue and can be viewed from Berewecke Avenue. The trees located on the southern and western boundaries of the property can be viewed from the public highways both ways on Berewecke Road and Avenue giving them high visual public amenity value.
- 11.6 The protection of the trees by a Tree Preservation Order is in accordance with Government guidance which states that "*orders should be used to protect selected trees if their removal would have a significant negative impact on the local environment and its enjoyment by the public.*" Any tree removal at this property for development purposes would interrupt the current continuous line

of trees and would have a detrimental impact on the visual public amenity value that the trees currently provide.

11.7 The Secretary of State's view is that the higher the amenity value of the tree or woodland and the greater any negative impact of proposed works would have on amenity, the stronger the reasons needed before consent is granted.

11.8 There are no arboricultural reasons or justification provided for the felling of any tree at this property, there is no history of tree failure and no reports of structural damage being caused to the dwelling or neighbouring properties.

12 OTHER OPTIONS CONSIDERED AND REJECTED

12.1 At the time that TPO 2253 was served, the Council received 3 letters of objection.

12.2 **Summary of objections received:**

None of the 21 trees included in the TPO have cultural, historical biodiversity or rarity value and that only a few of the trees were under threat from development, and that none of the trees meet to the necessary criteria for protection from a TPO.

12.3 The objectors opinion is that the Horse Chestnut tree and Lime on the eastern boundary are not good specimens and block out valuable light from the residents in Eastacre. The trees have low visual public amenity value as they cannot be viewed from the public highway. The trees make the paths within the site hazardous from wet autumn leaves, and removing them would enhance the lives of residents in Eastacre.

12.4 The Yew trees that abut to Berewecke Road are not under immediate threat from felling as they act as screening from Berewecke Road and the TPO will inhibit their maintenance for cutting back off the highway.

12.5 The objector disagrees that the 11 Pines that abut Berewecke Road have no amenity value as the only view the public have of them is the lower stems as the foliage of the trees are metres above the ground. The objector has concerns in the event of tree failure during stormy weather the trees would damage the house.

12.6 The objector's opinion is that they will not be able to sell the property with the TPO on the trees and their only option may be is to sell to a developer.

12.7 One letter of objection was received from a resident in Eastacre who has stated she would not want the Horse Chestnut trees destroyed but reduced by half to two thirds.

13. Arboricultural Officers response

- 13.1 The Trees are significant features in the local landscape at Bereweke Road and Avenue. There is currently no evidence that the trees are in poor health to suggest they may fall or are otherwise dangerous. The Pines are good examples of their species with good extension growth and vitality.
- 13.2 The Pine trees with clear, tall stems with canopies high above the ground are normal for this species of tree. Long and short distance views of the trees of the trees can be achieved from both directions on Bereweke Road and Avenue.
- 13.3 The Horse Chestnut and Lime are located on the eastern boundary of the property in the rear garden of No2 Bereweke Avenue. The lower parts of the trees are screened from public view but the upper parts of the trees extend above the roof space of the dwelling and can be viewed from the public highway in Bereweke Avenue. Located behind the trees is Eastacre which is a WCC sheltered housing scheme comprising of 37 dwellings. The trees are adjacent to the communal gardens of Eastacre giving the residents full visual public view of the trees, and therefore the trees meet the necessary criteria for protection from a TPO that is in accordance with the Government guidance outlined below.
- 13.4 Government guidance states that trees located in the rear gardens of property should not normally be protected by a TPO without good reason however there are circumstance where the legislation allows trees with limited visual public amenity to be protected.
- 13.5 Government guidance further states that trees subject to protection from a TPO or parts of them should be visible from a public place. However Vincent Fraser QC sitting as a Deputy High Court Judge in Wilkson Properties v RB Kensington & Chelsea in 1949 stated:
- “It is for this reason that the guidance goes on to recommend that the tree or part of it should normally be visible from a public place. Visibility from a public place is the normal of establishing that there is a reasonable degree of public benefit, but is not the only way. Counsel for the claimant quite properly accepted that a case of public benefit could be made out to justify the TPO even where the tree is not visible from a public place and that one example where this might occur is where a significant number of members of the public could see the tree from their properties”*
- 13.6 The objector’s opinion is that the Horse Chestnut Tree and Lime have low visual public amenity value because the trees are located in the rear garden of their property and there are no public views of the trees. However the judgement above makes it clear that tree preservation orders may be used to protect trees where members of the public may view the trees from their properties.

13.7 Following discussions with developers there is a present and a future threat to the trees from felling and construction activities of which is a trigger point for the Local Authority to serve the TPO. Under the UK planning system, local authorities have a statutory duty to consider the protection of trees assessing planning applications. The confirmation of this TPO will satisfy this duty.

BACKGROUND DOCUMENTS:-

Planning Practice Guidance – Tree Preservation Orders and trees in conservation areas.

TEMPO

The following Tree Evaluation Method for Preservation Orders (TEMPO) assessment has been carried out to evaluate the amenity value of the trees.

Condition & suitability for TPO	Fair	Suitable	3 points
Retention span (in years)	20-40 Years	Suitable	2 points
Relative public visibility & suitability	Large or medium trees	Suitable	4 points
Other factors	Tree groups or members of groups important for their cohesion		4points
Expediency assessment	Immediate threat to trees		5 Points
Total			points awarded – 18

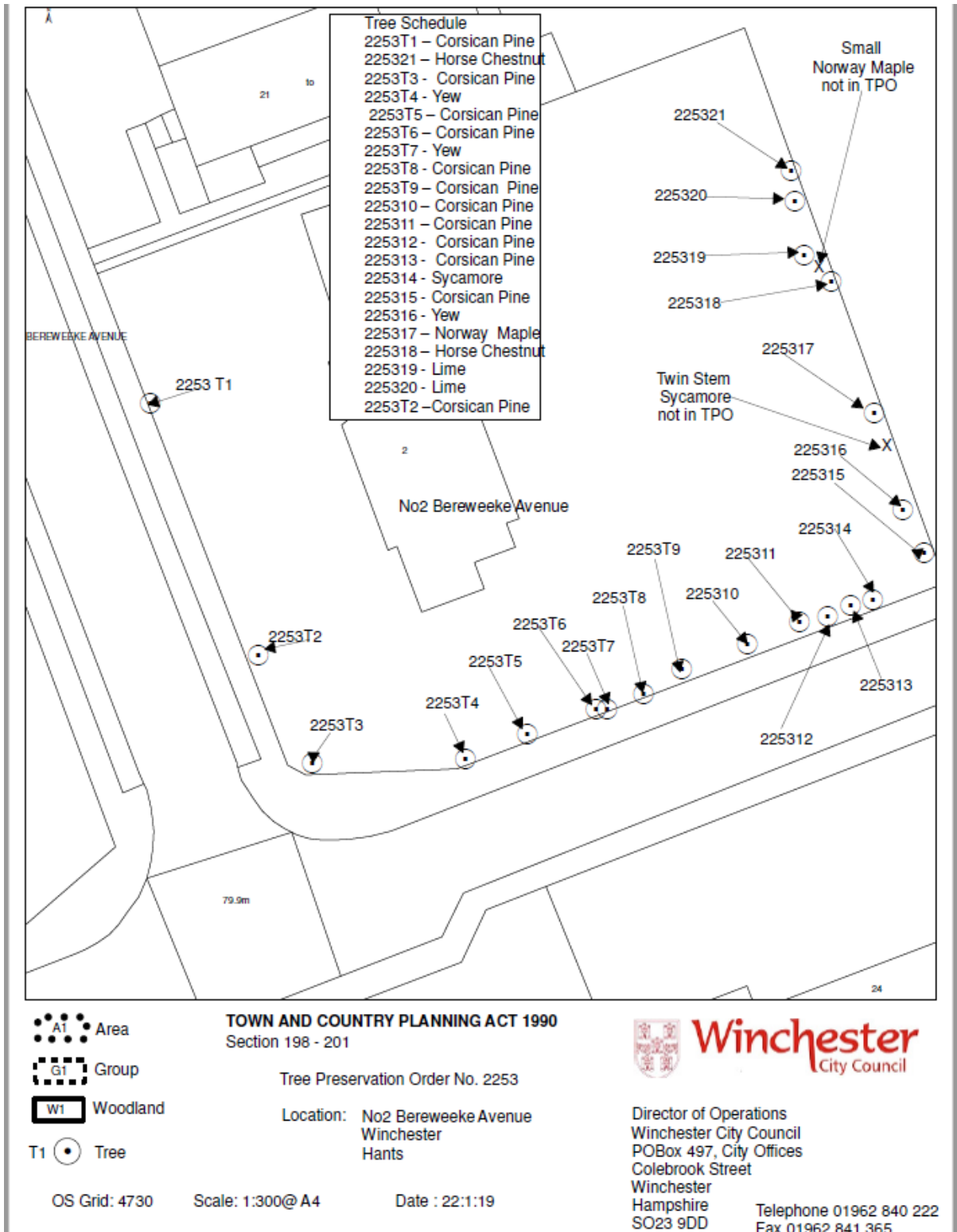
The trees score a total of 18 points which establishes that the trees definitely merits a TPO, and confirms that the trees are of sufficient public visual amenity value to be protected by a TPO.

Previous Committee Reports:- None.

Other Background Documents:- None.

APPENDICES:

Appendix 1 – Map of the site.



REPORT TITLE: CONFIRMATION OF TREE PRESERVATION ORDER TPO 2252
– 35 DEAN LANE, WINCHESTER.

20TH JUNE 2019

REPORT OF CABINET MEMBER: Cllr Jackie Porter Cabinet Member for Built
Environment and Wellbeing

Contact Officer: Ivan Gurdler Tel No: 01962 848403

Email igurdler@winchester.gov.uk

WARD(S): ST BARNABAS

PURPOSE

To consider confirmation of Tree Preservation Order 2252 to which two letters of objection and two letters of support has been received.

RECOMMENDATIONS:

1. That having taken into consideration the representations received, Tree Preservation Order 2252 be confirmed.

IMPLICATIONS:

1 COUNCIL STRATEGY OUTCOME

- 1.1 The confirmation of this Tree Preservation Order (TPO) will contribute to the High Quality Environment outcome of the Community Strategy by maintaining the environmental quality and character of the area.

2 FINANCIAL IMPLICATIONS

- 2.1 There are no financial implications for the City Council at this stage. Compensation is potentially payable only where sufficient evidence has been provided by an applicant to support an application to carry out works to the protected tree and where that application is refused.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 None

4 WORKFORCE IMPLICATIONS

- 4.1 None

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None

6 CONSULTATION AND COMMUNICATION

- 6.1 On serving of the TPO, the landowner and immediate neighbours were notified and allowed 28 days to object.
- 6.2 At the time that TPO 2252 was served there was two letters of objection and two letters of support.

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 Trees have a significant impact on our surroundings, the quality of our lives and where we live. They form an important and integral part of the countryside and in every town and village throughout the District. Trees support the natural beauty of our countryside and diversity of our natural wildlife.

8 EQUALITY IMPACT ASSESSEMENT

- 8.1 None

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 None required.

10 RISK MANAGEMENT

10.1 None

Risk	Mitigation	Opportunities
<i>Property</i>	N/A	N/A
<i>Community Support</i>	N/A	N/A
<i>Timescales</i>	N/A	N/A
<i>Project capacity</i>	N/A	N/A
<i>Financial / VfM</i>	N/A	N/A
<i>Legal</i>	N/A	N/A
<i>Innovation</i>	N/A	N/A
<i>Reputation</i>	N/A	N/A
<i>Other</i>	N/A	N/A

11 SUPPORTING INFORMATION:

11.1 This matter comes to Planning Committee because two objections to the making of TPO 2252 has been received and have not been withdrawn.

11.2 TPO 2252 was served at 35 Dean Lane on 24th January 2019. The Council received notification that tree felling had been carried out at the neighbouring property (No 37 Dean Lane) to clear the site for development. If TPO 2252 is not confirmed, the TPO will expire on 23th July 2019.

11.3 T1 and T2 (Beech) may be viewed from the public highway in Dean Lane and T3- T5 (Beech) may be viewed from Old Hillside Road giving the trees high visual public amenity value.

11.4 The protection of the trees by a Tree Preservation Order is in accordance with Government guidance which states that “orders should be used to protect selected trees if their removal would have a significant negative impact on the local environment and its enjoyment by the public.” Any tree removal at this property for development purposes would have a detrimental impact on the visual public amenity value that trees currently provide.

11.5 The Secretary of State’s view is that the higher the amenity value of the tree or woodland and the greater any negative impact of proposed works would have on amenity, the stronger the reasons needed before consent is granted.

11.6 There are no arboricultural reasons or justification provided for the felling of any tree at this property, there is no history of tree failure and no reports of structural damage being caused to the dwelling or neighbouring properties.

12 OTHER OPTIONS CONSIDERED AND REJECTED

12.1 At the time that TPO 2252 was served, the Council received 2 letters of objection and 2 letters of support:

13 **Summary of objections/support**

13.1 The trees do not contribute to the character and amenity of the area and are not prominent in the public right of way and they are encircled by housing and too far way from the rights of way.

13.2 The trees are of no particular merit and are not easily seen by anyone but us and our neighbours.

13.3 Public visibility alone is not be sufficient to warrant a TPO order.

13.4 The trees are not rare and do not have any cultural or historic value.

13.5 The supporter had witnessed the destruction and obliteration of all the trees and wildlife habitat at No 37 Dean Lane and has stated "this cannot be allowed to happen again".

13.6 The trees contribute to the valued skyline and provide habitat for wildlife, screening and privacy between neighbours.

13.7 The trees contribute to the character and bring amenity value to the local area.

13.8 The trees form a prominent feature from the local gardens and highways.

13.9 The natural neighbourhood should be safe guarded as much as possible.

14 **Arboricultural Officers response**

14.1 T1- T5 (Beech) are mature trees that are of reasonable health and vitality. They may be viewed from the public highway in Dean Lane and from Old Hillside Road. Old Hillside Road is not an adopted highway but has a metallised surface and is used as a public highway by pedestrians and vehicles to access residential properties in Old Hillside Road, Hillside Close and Hazel Court. The road is also used as pedestrian access to Tegdown estate.

14.2 As the trees can be viewed from both roads they have high visual public amenity value and therefore making them suitable for protection from a TPO. Government guidance states that trees subject to protection from a TPO or parts of them should be visible from a public place.

- 14.3 T1- T5 (Beech) are characteristic of this part of the Winchester district, and they contribute to the sylvan setting of Dean Lane that adds local character to the landscape setting.
- 14.4 It is apparent from a recent discussion with the current landowner, that whilst during his lifetime, he currently has no plans to remove any trees. However, should family members be in control of or in ownership of the land, then they may wish to develop the land. It cannot be said when or if such events might take place. Government guidance states:
- 14.5 “It is expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area.”
- 14.6 “But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.”
- 14.7 Under the UK planning system local authorities have a statutory duty to consider the protection of trees assessing planning applications. The confirmation of this TPO will satisfy this duty.

BACKGROUND DOCUMENTS:-

Planning Practice Guidance – Tree Preservation Orders and trees in conservation areas.

Tree Evaluation Method for Preservation Orders- (TEMPO)

TEMPO is designed as a field guide to decision-making, and is presented on a single side of A4 as an easily completed pro forma.

TEMPO is based on the accumulated scores derived in Parts 1 & 2 of the survey sheet and identifies four outcomes, as follows:

- Any 0 points you cannot apply TPO
- 1-6 points TPO indefensible
- 7-10 points Does not merit TPO

- 11-14 points Possibly merits TPO
- 15+ points Definitely merits TPO

Trees scoring 15 points or more are those that have passed both the amenity and expediency assessments, where the application of a TPO is fully justified based on the field assessment exercise.

The following Tree Evaluation Method for Preservation Orders (TEMPO) assessment has been carried out to evaluate the amenity value of T1-T5 (Beech).

Condition & suitability for TPO	Fair	Suitable	3 points
Retention span (in years)	40-100	Very suitable	4 points
Relative public visibility & suitability	Large or medium trees clearly visible to the public	Suitable	4 points
Other factors	Members of groups of trees that are important for their cohesion		2 points
Expediency assessment	Foreseeable threat to trees	Foreseeable	3 Points
Total			16 points awarded - Definitely merits TPO

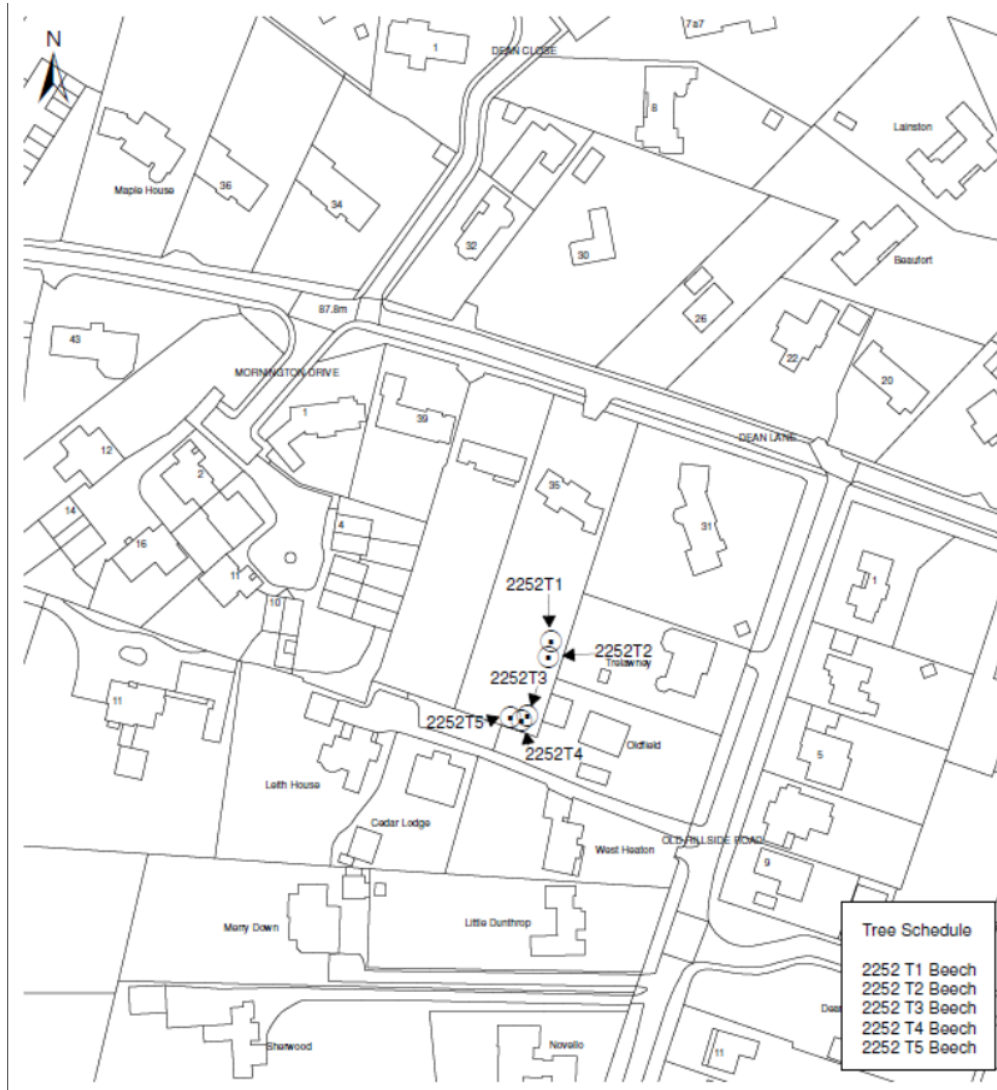
The trees score a total of 16 points which establishes that the trees definitely merits a TPO and confirms that the trees are of sufficient public visual amenity value to be protected by a TPO.


Previous Committee Reports- None.

Other Background Documents:- None.

APPENDICES:

Appendix 1 – Map of the site.



-  A1 Area
-  G1 Group
-  W1 Woodland
-  T1 Tree

TOWN AND COUNTRY PLANNING ACT 1990
Section 198 - 201

Tree Preservation Order No. 2252

Location: 35 Dean Lane
Winchester
SO22 5LL

OS Grid: 4629

Scale: 1:1000 @ A4

Date : 22 January 2019



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