



Meeting	Planning Committee
Date and Time	Thursday, 14 February, 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 - 16)

Minutes of the previous meeting held on 10 January 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 12 February 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 - WCC items 7 - 10 (PDC1126)	
7.	15 Silwood Close, Winchester, SO22 6EN (Case no: 18/01986/FUL) (Pages 17 - 30)	St Barnabas
8.	63 St Cross Road Winchester, SO23 9RE, (Case no: 18/02549/HOU) (Pages 31 - 38)	St Michael
9.	4 De Lunn Buildings, Jewry Street, Winchester, SO23 8SA (Case no: 18/02661/FUL) (Pages 39 - 44)	St Michael
10.	Land At St Swithuns Church, London Road, Headbourne Worthy (Case no: 18/01978/FUL) (Pages 45 - 62)	The Worthys
11.	Planning Applications - WCC Items 12 and 13 (PDC 1126 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 <u>before</u> 2.00pm).	
12.	Lower Farm, School Lane, Headbourne Worthy, Winchester (Case no: 18/02679/FUL) (Pages 63 - 70)	The Worthys

- | | | |
|-----|--|-------------------------------|
| 13. | Orchard Gate, Lordswood, Highbridge, SO50
6HR (Case no: 18/02332/HOU) (Pages 71 -
78) | Colden
Common &
Twyford |
| 14. | Confirmation of Tree Preservation Order
2235 - Water Lane, Bishops Sutton, Alresford
(PDC1125) (Pages 79 - 84) | Alresford &
Itchen Valley |
| 15. | Confirmation of Tree Preservation Order
2233 - Pitt Manor Cottage, Kilham Lane
(PDC1127) (Pages 85 - 92) | St Luke |

L Hall
Head of Legal Services (Interim)

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.



6 February 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: Ruffell (Conservative)

Vice-Chairman: Read (Conservative)

Conservatives

Cunningham
McLean
Berry

Liberal Democrats

Clear
Evans
Izard
Rutter

Deputy Members

Scott

Laming and Weir

Quorum = 4 members

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.

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.

PUBLIC PARTICIPATION:

Following the Councillors' questions, 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.

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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PLANNING COMMITTEE

10 January 2019

Attendance:

Councillors:

Ruffell (Chairman) (P)

Berry (P)

Izard (P)

Clear (P)

McLean (P)

Cunningham (P)

Read (P)

Evans (P)

Rutter (P)

Others in attendance who addressed the meeting:

Councillors Horrill (Leader), Griffiths, Learney and Porter.

Others in attendance who did not address the meeting:

Councillor Brook (Portfolio Holder for Built Environment)

1. **MINUTES**

RESOLVED:

That the minutes of the meeting held on 13 December 2018, be approved and adopted.

2. **PLANNING APPLICATIONS SCHEDULE**
(Report PDC1123 and Update Sheet refers)

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

The Committee agreed to receive the Update Sheet as an addendum to Report PDC1123.

Councillor Izard made a personal statement in respect of Item 12 (1A The Old Police Station, Dolphin Hill, Twyford) that as Ward Member for Colden Common and Twyford he had visited the site and had met with the owner of Twyford Stores in respect of parking problems in the area. However, he had not expressed a view on the proposed scheme or pre-determined the application..

The Committee were reminded that there was no requirement to make a declaration solely because of their role as Ward Member for any particular application due for consideration by the Committee.

Applications outside the area of the South Downs National Park (WCC):

Item 7: Two storey domestic extension and single storey side extension to existing 19th century house. Rendered boundary wall (retrospectively built) to the west elevation. (Amended proposal)
Carlton Villa, 10 Compton Road, Winchester, SO23 9SL.
Case number: 17/03246/HOU

This application was withdrawn from the agenda on 4 January 2019.

Item 8: Redevelopment of the site following the demolition of existing dwelling house at 29 Downside Road and the erection of 3no. dwellings with associated landscaping and parking. (RESUBMISSION)
Hazelwood, 29 Downside Road, Winchester, SO22 5LT
Case number: 18/02454/FUL

The Head of Development Management referred Members to the Update Sheet which set out: that following amendments to the proposed landscaping in response to earlier comments by the Landscape Officer, it was advised on 8 January 2019 that the Landscape Officer had no further comments; and comments received from objector (Tim Spencer) as set out in full within the Update Sheet.

During public participation, Tim Spencer spoke in objection to the application and Jim Beaven spoke in support of the application and answered Members' questions thereon.

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

- Familiar with the issues following the subsequent two refused applications at the site;
- Does not address the previous reasons for refusal and fails to meet DM15 (local distinctiveness) and CP14;
- Layout of proposal could be changed going forward to create further bedrooms and the application was therefore contrary to DM2;
- Internal layout larger and not of a high quality design;
- Safety and access issues with nowhere for vulnerable road users to go and the road insufficient for the properties that currently use it;
- Considered that the proposal diminished all aspects for residents at No. 33 Downside Road; and
- If minded to approve, urged the Committee to ensure the property would be kept to a smaller dwelling by removing Permitted Development Rights to comply with policy CP2 and the addition of a boundary treatment plan in

consultation with the residents of No. 33 Downside Road to ensure their privacy needs are met.

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 the removal of Permitted Development Rights for the 3no. dwellings proposed.

Item 9: RETROSPECTIVE APPLICATION FOR NEW FARM ACCESS AND ACCESS WORK

Trackway Access, Hunton Down Lane, Hunton, Sutton Scotney

Case number: 18/01917/FUL

The Head of Development Management referred Members to the Update Sheet which set out details of the gas pipeline confirmed within 50m of the site and outlining an additional informative, should permission be granted. In addition, correspondence received from objector (Ian Donohue); three further objections received from Alan Marlow on behalf of The Ramblers and The British Horse Society (BHS) and Hampshire County Council Countryside Services and additional comments received from Lindsay Papworth correcting her previous comment in relation to the width of Weston Down Lane. The full details of this correspondence was set out in full in the Update Sheet.

During public participation, Ian Donohue (Southern Planning Practice) spoke in objection to the application and Andrew Klemz (Agent), Giles Wordsworth and Steve Jenkins spoke in support of the application and all answered Members' questions thereon.

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

- Retrospective application –still a number of uncertain issues;
- The receipt of late information on the Update Sheet regarding the location of pipelines and the impact of work which had already been conducted on the byway;
- Red indicators that apply cannot be seen on the drawings;
- Lack of clarity on byway 28;
- Restrictions on the byway for pedestrians, cyclists etc;
- Relocation of signage does not reflect routing;
- Vehicles too wide for track;
- Already undertaken work without necessary authority;
- HCC Countryside Services had raised an objection in respect of the public rights of way and the byway change; and
- Urged the Committee to carry out further consideration of the application and to defer its decision or refuse the application.

At the conclusion of debate, the Committee agreed to defer determination of the application in order to enable matters related to the pipeline, health and safety and rights of way to be clarified.

Item 10: Demolish former day care centre and erect eight detached dwellings with associated access, parking and landscaping
The Grove Day Services, Hinton Fields, Kings Worthy
Case number: 18/02349/FUL

The Head of Development Management referred Members to the Update Sheet which set out: a correction to the applicant details to read: Fortitudo Limited, c/o Agent Chapman Lily Planning, Unit 5, Designer House, Sandford Lane, Wareham, BH20 4DY; an updated map; changes to the general comments, the proposal, the principle of development, design and layout, conditions and Appendix 1 to the report; and clarification of the number of representations of objection received.

During public participation, Jo Newbery and Anthony Lee, spoke in objection to the application, Councillor Ian Gordon (Kings Worthy Parish Council), Sylvia Leonard (Agent) and Brett Spiller 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:

- Speaking on behalf of residents, some local groups and as Chairman of Kings Worthy Pre-school Committee;
- Housing will be 'inserted' into the school site which has doubled in size over the past seven years;
- Catchment area three miles long and this was a one mile road, therefore it was considered inevitable that land would be used for parking;
- Management plan is welcomed;
- Concerns that access from 0830-1530 hours but also used during evenings for community use;
- Route into school narrow – cars leave the school past the site and therefore movements will be severely restricted;
- Vehicle restrictions should be put in place during school hours to reduce the impact on the school and for pupil safety during these times;
- Yellow lines ignored resulting in poor site lines;
- Disappointed site has to open onto Hinton Fields as traffic at the site was minimal prior to this; and
- Seeking an access plan for six days a week, instead of five and a mix of smaller houses to generate less traffic overall.

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.

Applications inside the area of the South Downs National Park (SDNP):

Item 12: Demolition of existing garages and construction of two semi detached 1.5 storey houses
Flat 1A, The Police Station, Dolphin Hill, Twyford, SO21 1PU
Case number: SDNP/18/05355/FUL

The Head of Development Management referred Members to the Update Sheet which set out additional comments from the Council's Drainage Engineer with a revision to Condition 6 and an update to Landscape maintenance with a revision to Condition 8

In addition, a verbal update was provided setting out an email that had been received from Councillor Cook as Ward Member which reiterated support for the application.

During public participation, Simon Cooper spoke in objection to the application and Derek Steele (WCC New Homes Team) spoke in support of the application and all 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.

Application outside the area of the South Downs National Park (WCC):

Item 13: Change of use from existing barn building with permanent warden accommodation to residential use and erection of toilet & shower block (Amended).

Two Hoots Campsite, The Oak Barn, Sutton Wood Lane, Bighton, SO24 9SG
Case number: 18/02331/FUL

The Head of Development Management referred Members to the Update Sheet which set out that not all committee notification letters had been delivered correctly and that the applicants had been sent a copy of this via email accordingly.

During public participation, David Parham (Applicant) spoke in support of the application and answered Members' questions thereon.

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

- Successful business in the District which had experienced an increase in bookings over the last year;
- Received funding from the LEADER programme as a valued asset which was supported by the local community;
- There was now a need for the applicants to reside on site with no increase to the footprint of the building but offering an improvement to their health and wellbeing;
- The applicants were not seeking to increase camping so there was no need to remove further sewage;
- The Council were keen to retain and encourage rural business and considered that this application should be supported; and
- Considered that this application met Policies DM10 to DM12.

At the conclusion of debate, the Committee agreed to grant permission for the following reason: the application adheres to Policy DM10 of the Local Plan Part 2 (LPP2) as an essential facility and service in the countryside with a functional need to live on site to service the needs of the business, subject to an appropriate planning condition to ensure that the occupants of the residential accommodation are linked through their employment at the campsite (operational requirement) and adequate drainage and operational condition. The precise wording of these conditions to be delegated to the Head of Development Management, in consultation with the Chairman

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 7, the planning application was withdrawn on 4 January 2019;

(ii) 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 the removal of Permitted Development Rights for the 3no. dwellings proposed;

(iii) That in respect of item 9, the determination of the application be deferred, in order to enable matters related to the pipeline, health and safety and rights of way to be clarified; and

(iv) That in respect of item 13, permission be granted for the following reason: the application adheres to Policy DM10 of the Local Plan Part 2 (LPP2) as an essential facility and service in the countryside with a functional need to live on site in order to service the needs of the business, subject to an appropriate planning condition to ensure that the occupants of the residential accommodation are linked through their employment at the campsite (operational requirement) and adequate drainage and operational condition. The precise wording of conditions to be delegated to the Head of Development Management, in consultation with the Chairman.

3. **CONFIRMATION OF TREE PRESERVATION ORDER 2228 - LAND AT WHITELEY LANE, FAREHAM**
(Report PDC1124 refers)

RESOLVED:

That, having taken into consideration the representations received, Tree Preservation Order 2228 be confirmed.

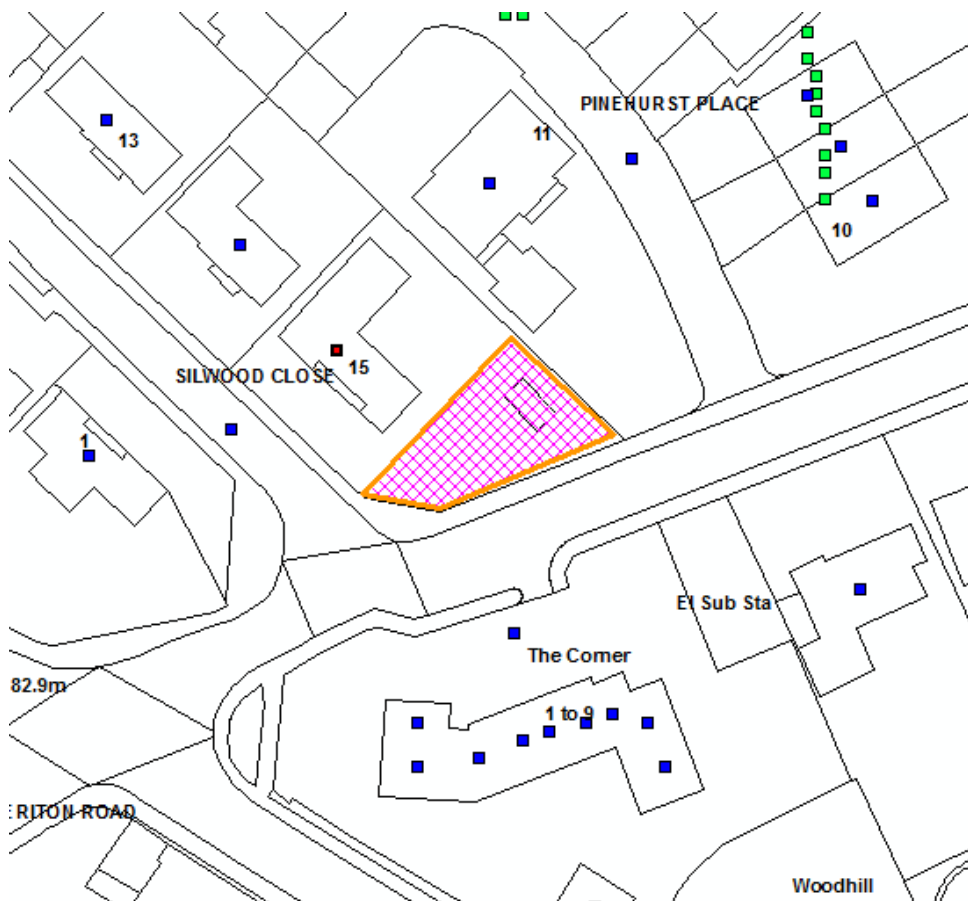
The meeting commenced at 9.30am, adjourned between 1:00pm and 2.00pm and concluded at 3.00pm.

Chairman

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WINCHESTER CITY COUNCIL PLANNING COMMITTEE

Case No: 18/01986/FUL
Proposal Description: Erection of 1no. two bedroom dwelling.
Address: 15 Silwood Close, Winchester, SO22 6EN
Parish, or Ward if within Winchester City: St Barnabas
Applicants Name: Mr & Mrs Lewis
Case Officer: Robert Green
Date Valid: 23 August 2018
Recommendation: Application Permitted



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General Comments

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

The application is a resubmission of an application refused in May 2017 under 17/00206/FUL. The refused application was contained within a smaller application site and contained a larger dwelling which included a cantilever element. The application was refused for the following reasons:

1. The proposed footprint of the dwelling within the small plot in this prominent location will lead to a development that will appear very cramped in the street scene and as a result the contemporary development will stand out and will appear to jar with the prevailing character of the area. With little room to soften the boundaries adjacent the street there is limited opportunity to minimise the impact of the development. The development is therefore contrary to policies MTRA1 and CP13 of the Winchester District Local Plan Part 1 - Joint Core Strategy, Policies DM15, DM16, DM17 and DM24 of Winchester District Local Plan Part 2 - Development Management and Site Allocations and the High Quality Places Supplementary Planning Document

2. The development would place future pressures on the felling or pruning of a protected Beech tree which contributes significantly to the characteristics of the area. The development is therefore contrary to policy CP20 of the Winchester District Local Plan Part 1 - Joint Core Strategy

3. The development would, by reason of its size and siting within the constrained site, create an overbearing impact on the current and future occupants of 15 Silwood Close. The development is therefore contrary to policy DM17 of the Winchester District Local Plan Part 2 - Development Management and Site Allocations

The current application has enlarged the legal ownership of the site allowing additional landscaping, presented an alternative design and included arrangements following concern raised regarding the Beech Tree.

Site Description

The application site currently forms the side garden space of 15 Silwood Close and is to the south-east of the existing property, forming a corner plot between Silwood Close and Berewecke Road. The site widens from Silwood Close leading to a maximum depth of 17.2m, with a maximum width of 25m.

At present the site contains a wooden outbuilding, grass areas and shrubbery. Boundary treatment consists of a hedge to the west, a brick plinth wall with timber panels running parallel to Berewecke Road and a brick wall between the site and 11 Pinehurst Place. The site slopes slightly to the east and rises north toward Silwood Close.

The wider area exhibits a suburban character and largely consists of large dwellings within large plots, set back from the roadway with trees and vegetation bordering the road.

Proposal

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The proposed development is for the construction of a two bedroom dwelling, with bedroom accommodation on the lower level and living accommodation on the upper floor which contains a balcony. Two parking spaces are provided to the east of the dwelling, with a car port constructed over one of the spaces. An access point would be constructed to serve the parking area onto Bereweeke Road.

The building uses contemporary materials in the form of white render and timber cladding with dark framed windows. The proposed dwelling would be 3.2m from the side elevation of 15 Silwood Close and 12.3m from 11 Pinehurst Place at the closest distance.

Relevant Planning History

17/00206/FUL - Erection of 1no. two bedroom dwelling including access onto Bereweeke Road – Refused 25th May 2017.

Consultations

WCC Engineers: Drainage:

- Site is in Flood Zone 1, at very low risk of surface water flooding.
- Further details are requested by condition.

WCC Engineers: Highways:

- Adequate visibility is available for the new access
- The proposed parking facilities meet standards
- Conditions are recommended obtaining details for the prevention of mud, parking during construction and car parking availability.

Head of Landscape (Trees):

- Technical assessment of impact is acceptable.
- Concern originally raised regarding shading and impact from lead drop/bird foul from the mature Copper Beech Tree which is TPO protected.
- Amended plans were received which added a car port beneath the impacted area and confirmed the use of hard surfacing within the courtyard area.
- Objection was removed and appropriate conditions included.

Southern Water

- Re-iterated requirement for development to be outside 3 metres from the public sewer with no soakaways within 5m of the sewer.
- Satisfied for outstanding matters to be considered during the condition stage. The main building location and layout would be acceptable.

Representations:

City of Winchester Trust:

- The design is modern and acceptable, although the question remains whether the site is large enough to accommodate such a dwelling.

24 letters from 20 addresses received objecting to the application for the following reasons:

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- Highways impact from additional driveway
- Impact on neighbouring Beech Tree
- Loss of greenery
- Overdevelopment of the site
- Breaking of building line
- Dwelling floor space is too small
- Flat roof and glazing is out of character
- Extra housing is unnecessary
- Winchester requires larger housing
- Bat roost not considered

Letter received from Cllr Leary objecting to the scheme:

- Interrupts building line to an unacceptable degree
- Would 'stick out' into the street
- Proposal fails to respect the nature and proportions of neighbouring properties.

1 letter received providing a neutral opinion:

- Significant improvement on the previous design

3 letters of support received.

- 'Nicely modern'
- Will enhance the street scene
- Introduces a starter dwelling

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

- Impact on surrounding property value

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy

- MTRA1 – Development Strategy Market Towns and Rural Area
- CP2 – Housing Provision and Mix
- CP11 – Sustainable Low and Zero Carbon Built Development
- CP13 – High Quality Design
- CP16 – Biodiversity
- CP20 – Heritage and Landscape Character

Winchester Local Plan Part 2 – Development Management and Site Allocations

- DM1 – Location of New Development
- DM2 – Dwelling Sizes
- DM15 – Local Distinctiveness
- DM16 – Site Design Criteria
- DM17 – Site Development Principles
- DM18 – Access and Parking
- DM24 – Special Trees, Important Hedgerows and Ancient Woodlands

National Planning Policy Guidance/Statements:

National Planning Policy Framework 2018

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Supplementary Planning Guidance

Winchester High Quality Places Supplementary Planning Document

Planning Considerations

Principle of development

The site is located within the defined settlement boundary of Winchester. Within this area, the principle of constructing additional residential units is acceptable subject to compliance with the development plan and material planning considerations.

The requirement for affordable housing contributions has been altered so that in schemes of fewer than 10 houses or 1,000 square metres, there is no requirement for a contribution. In this case, there is proposed to be 1 unit with a total floor space of less than 1,000 sqm.

Policy CP2 of the Local Plan Part 1 (LPP1) also requests new development meets a range of housing needs and ensures that the majority of new dwellings contain 2 or 3 bedrooms. The development proposes a 2-bedroom property and complies with this policy.

The development provides 2 parking spaces within the site which complies with adopted Residential Parking Standards.

Design/layout

The proposal would result in a small property being located in a similar position to the front elevation of 15 Silwood Close, to the south eastern corner of the plot. A courtyard garden then extends to a car port which is served by hard surfacing linked to an additional dropped kerb onto Bereweeke Road.

The design of the building is contemporary in nature by means of its form, design, materials and fenestration details. A small number of developments in the area use a modern design form, such as 'The Corner' (opposite the site), 10 Bereweeke Road (~80m to the east) and the 2-bedroom dwelling which faces Stockbridge Road, completed as part of The Corner development.

The High Quality Places SPD states that opportunities for contemporary design exist, but their design needs to be informed by the context. The existing modern developments in this area add interest to the built environment but effectively integrate in the street scene through the use of effective soft landscaping and high quality materials.

In relation to the application site, the plot size is smaller than the plot sizes of a majority of dwellings in the area, marking a prominent position within the street scene upon entrance to Bereweeke Road. Compared to the previously refused application, the footprint of the dwelling has been reduced from 136sqm (excluding basement) to 102sqm. The overall height of the development is also reduced through sinking the dwelling below the existing ground level. The resulting dwelling would therefore be 4.5m above existing ground levels, compared to 6m on the refused application.

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In addition, the size of the application site has been increased to include space for meaningful landscaping to allow the development to be softened through the complementary use of landscaping.

As a result, the contemporary design of the dwelling would sit in a plot which does not appear cramped from the street scene and contains measures to soften the development, following other successful contemporary developments in the area. This allows the dwelling to be integrated within the plot and surrounding street scene avoiding the harm which was evident in the previously refused scheme.

The development includes a car port structure. Whilst adding additional built form to the site, this has been kept a lightweight feature which attaches to the bin storage facility. Further details of the precise detail used in the car port have also been secured by condition 03.

As a result, the design and location of the building within the site results in a discrete contemporary dwelling that will successfully integrate into the street scene. In addition, and as supported by the SPD, high quality materials would be expected for such a development and details of the conditions used have been secured by condition 03.

Impact on neighbouring properties

11 Pinehurst Place is to the north of the site. The dwelling would be 12m from the garage of the property at its closest distance. No upper floor windows face the direction of number 11, removing overlooking concerns. Sufficient distance remains between the property and car port and the prime amenity space of number 11 which aids in avoiding an adverse overbearing and overshadowing impact.

15 Silwood Close sits to the north-west of the site. The proposal would result in a white render wall of ~4.2m height. This runs parallel to the side elevation of number 15. The proposed side elevation contains no fenestration and an adverse overlooking impact cannot be demonstrated. No principal windows face the direction of the property and the proposal extends 0.6m from the rear elevation. As a result, it is not considered that the proposed development would have adverse impact through overshadowing and overbearing on the amenities of 15 Silwood Close.

Landscape/Trees

A mature copper beech tree is located within the front garden of 11 Pinehurst Place to the north-east of the proposal.

The dwelling would be 15m from the trunk of the tree at its closest distance, with a car port structure being 8.3m from the trunk of the tree. The area immediately beneath the canopy of the tree would form the hard surfacing area and turning circle.

The tree contributes significantly to the character of the area and is protected by a Tree Preservation Order. Arboricultural reports have been submitted with the application and concluded that following appropriate assessments, construction of the dwelling can take place without adverse harm to the tree. A methodology and tree protection plan has been proposed and condition 11 has been included to ensure this is carried out.

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Given the application's site proximity to the tree a further consideration, beyond the construction phase, is whether future pressures (such as leaf litter, bird fouling and shading) would result in the need to prune or fell the tree and therefore put it at risk.

Compared to the previously refused application, the dwelling has been moved further away from the tree (following a reduction in size and relocation within the site given the sites increased size). This goes some way to lessening the risk of future impacts as the dwelling and its prime amenity spaces are further from the tree. The Council tree officer originally raised concern regarding shading and future pressures as a result of leaf litter and bird fouling. Following discussions with the agent of the application, a lightweight car port structure has been extended from the bin store to cover the closest parking space to the tree. In addition, it has been confirmed that the 'courtyard garden area' would use hard surfacing, allowing future occupants to clear the area of tree litter. Following the receipt of amended plans, the Tree Officer removed his objection to the proposal and noted that the car port and hard surfacing would reduce pressures on the adjacent tree, with the new dwelling being far enough away not to be affected by the tree.

Based upon the above assessments and following amendments it is considered that the proposed development does not adversely harm the protected tree and thus complies with policy DM24 of the Local Plan.

Highways/Parking

The proposal would involve the creation of a new access onto Berewecke Road. From this point, the site contains 2 parking spaces and a turning space. The Highways Officer has confirmed that adequate visibility is available to serve the access. Two parking spaces are proposed which meets adopted Residential Parking Standards.

Following concern raised by third party comments, a tracking diagram was requested which confirmed that sufficient space remains within the site for a vehicle to turn, allowing them to leave and enter Berewecke Road in forward gear.

Therefore no highways objection is raised and conditions 05 to 07 have been included at the request of the Highways Officer.

Other Matters

The beech tree contains a bat roost and comments have been raised regarding the impact on this roost. Condition 10 has been included to obtain details of the lighting used on the dwelling to avoid potential light spill toward the roost.

Comments have also been raised regarding the size of the dwelling being too small to meet policy standards. Policy DM2 (Dwelling Sizes) of the Local Plan Part 2 ensures all new dwellings exceed a gross internal floor area of 39sqm. With a floor area of 102sqm, the proposal exceeds the minimum area and complies with policy DM2.

The comment from Southern Water lists the required distances between infrastructure and built form. In response to these comments, a further drainage plan was submitted which shows that the corner of the dwelling would sit within 3m of a sewage pipe.

Condition 09 therefore requests details of actions taken to protect the pipe during

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construction and foundation details (to ensure a cantilever foundation is used). Condition 04 also requests specific details of the hard surfacing in this area for this purpose. This approach was communicated with Southern Water who confirmed they do not raise an objection to the position of the dwelling within the site; Southern Water would be consulted at the condition stage upon receipt of further technical details.

Recommendation – Application Permitted subject to the following condition(s):

Conditions

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

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

2 The development hereby approved shall be constructed in accordance with the following plans:

- Location Plan received 20.08.2018,
- First Floor Plan [drawing 1611A_201_A] received 12.12.2018,
- Ground Floor Plan [drawing 1611A_200_A] received 12.12.2018,
- Roof Plan [drawing 1611A_202_A] received 12.12.2018,
- Site Plan [drawing 1611A_101_A] received 12.12.2018,
- South East Elevation [drawing 1611A_301_A] received 12.12.2018,
- Street Scene Elevation [drawing 1611A_304_A] received 12.12.2018,
- South West Elevation [drawing 1611A_300] received 20.08.2018,
- North East Elevation [drawing 1611A_302] received 20.08.2018,
- North West Elevation [drawing 1611A_303] received 20.08.2018,
- Tree Survey [Revision B] received 20.08.2018,
- Tree Survey Schedule, Method Statement [by Alex Monk, dated August 2018] received 12.12.2018.

2 Reason: In the interests of proper planning and for the avoidance of doubt.

3 No development above foundation level shall take place until details and samples of the materials to be used in the construction of the external surfaces of the dwelling, car port and bin store 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.

3 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.

Hard landscaping details must include:

- material to be used to form the parking area;
- materials to be used to form the courtyard garden area.

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- construction details of the courtyard garden including the walkway and stairs to the garden in the south-west corner of the site. Details must include the location of excavation and depth.

Hard Landscaping details must then be carried out in accordance with the approved details and completed prior to the occupation of the dwellings.

Soft landscaping details must include:

- means of enclosure on all boundaries of the site, including height and boundary treatment used.
- Planting plans for the entire site.
- An individual planting plan for area between the south-west elevation of the dwelling and Silwood Close. This plan must show the density and species of planting alongside height at planting.
- an implementation programme for the landscaping scheme.

Soft landscaping must then be carried out in accordance with the approved plans. The soft landscaping shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner.

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

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

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 to 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 cleaned sufficiently to prevent mud being carried onto the highway.

5 Reason: In the interests of highway safety.

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

6 Reason: In the interests of highway safety.

7 The parking area including the garage shall be provided in accordance with the approved plans before the dwelling is 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 house as a residence.

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7 Reason: To ensure the permanent availability of parking for the property.

8 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 can commence.

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

9 Prior to the commencement of development, details of the measures taken to protect the public sewers must be submitted to and approved in writing by the Local Planning Authority.

The details must include technical details of the foundation specifications used in areas in close proximity to the public sewer.

Development must then continue in accordance with the approved details.

9 Reason: The development lies within close proximity to a public sewer and specific details of its protection are required in consultation with Southern Water.

10 Prior to the commencement of development, details of measures taken to prevent harm to the neighbouring bat roost during the construction phase must be submitted to and approved in writing by the Local Planning Authority.

The plan must also include a lighting plan which shows the location and orientation of the lighting would not disrupt the bat roost. The approved details must then be adhered to in perpetuity.

10 Reason: The proposal is in close proximity to a bat roost and additional measures are required to prevent harm.

11 Protective measures, including fencing and ground protection, in accordance with the Method Statement [by Alex Monk, dated August 2018] received 12.12.2018 and Tree Survey [Revision B] received 20.08.2018 and submitted to the Local Planning Authority shall be installed prior to any demolition, construction or groundwork commencing on the 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 Method Statement [by Alex Monk, dated August 2018] received 12.12.2018 and Tree Survey [Revision B] received 20.08.2018. Telephone 01962 848210.

No arboricultural works shall be carried out to trees other than those specified and in accordance with the Method Statement [by Alex Monk, dated August 2018] received 12.12.2018 and Tree Survey [Revision B] received 20.08.2018.

Any deviation from works prescribed or methods agreed in accordance with the Method Statement [by Alex Monk, dated August 2018] received 12.12.2018 and Tree Survey [Revision B] received 20.08.2018 shall be agreed in writing to 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

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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.

Site supervision shall be undertaken by the appointed arboriculturalist in agreement with the site manager at appropriate intervals throughout the construction process. Updating verbal or written reports shall be communicated with the LPA where appropriate.
Telephone 01962 848210

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

12 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 shall meet 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.

12 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.

13 Prior to the occupation of the dwellings 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.

13 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.

14 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 development permitted by Classes A, B, D and E of Part 1; of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

14 Reason: To ensure that the development is proportionate to the site in order to protect the amenities of the locality and to maintain a good quality environment.

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Informatives:

1.

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:-

Local Plan Part 1 - Joint Core Strategy: MTRA1, CP2, CP11, CP13, CP16 and CP20

Local Plan Part 2 - Development Management and Site Allocations: DM1, DM2, DM15, DM16, DM17, DM18 and DM24

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 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.

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 Practise

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

7.

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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 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.

9.

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. The applicant has been reminded by Southern Water to read the New Connections Services Charging Arrangements documents which has now been published and is available to read on the Southern Water website by the following link - <https://beta.southernwater.co.uk/infrastructure-charges>.

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Agenda Item 8

Case No: 18/02549/HOU
Proposal Description: Approved summer house revised site location in extended rear garden
Address: 63 St Cross Road Winchester SO23 9RE
Parish, or Ward if within Winchester City: St Michael
Applicants Name: Ms Jane Kennerley
Case Officer: Marge Ballinger
Date Valid: 1 November 2018
Recommendation: Application Permitted



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General Comments

This application is reported to Committee as eleven contributors provided letters in objection of the application and this is contrary to the officer's recommendation.

Site Description

63 St Cross Road is a Grade II listed dwelling. The dwelling is mid-terraced, three stories and was built in the early 19th century approximately. The original site measured approximately 315 s.m. and consisted of a long narrow rear garden. The site has a high fence boundary along the side (north) and rear (east) boundaries and a wall on the side (south) elevation. There are small outbuildings sited midway and along the rear of the garden (sheds, greenhouses). The trees and hedges along the rear boundary were cleared.

Additional land to the rear of the site and on a lower ground level was purchased and measures up to 158 s.m. approximately. The site has been cleared of trees, hedges and shrubs. This parcel sits approximately 2m below the existing rear garden to no.63.

Proposal

The proposal is to site a summer house in the rear parcel of land for ancillary purposes. The siting is 1m from the hedge boundary to the adjacent garden of the dwelling to the rear. There will be steps created for access from 63 St Cross original rear garden into the rear parcel, and the parcel's intended use would be a vegetable garden.

Relevant Planning History

18/01484/HOU - Proposed summer house in the rear garden – permitted 09.08.2018

18/02136/TPC - G1 - Removal of group of Spruce and Sycamore to make way for a new vegetable garden. Trees to be dismantled to ground level. 1x Silver Birch which shall give dappled shade shall be kept along with all trees outside of plot to keep with the ongoing theme and aesthetics of the woodland garden. Also approx. 4 Hazel stools to re-coppice at 18-24" high from ground level – permitted 18.09.2018.

Consultations

Head of Historic Environment – no objection, as the re-siting of the summer house is to be in rear gardens relatively obscured from the public realm, the impact to the listed building and the conservation area would be considered low.

Head of Landscape: Tree Officer – no objection but recommended a condition to ensure construction methods for the summer house included pile-and-beam foundation as the summer house is sited near the mature Silver Birch to be retained.

Head of Historic Environment: Archaeology – no objection.

Head of Landscape – no objection.

Representations:

City of Winchester Trust – no comment, neither in objection or support of the proposal.

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

- Loss of privacy to adjacent neighbouring bungalow and garden.
- Overbearing with its size and scale; visual intrusion with its design.
- Details with the application are misleading as it refers to the site as 'woodland' that has since been removed.
- Difficult for the previous wildlife (hedgehogs, squirrels, birds, bats) to be reintroduced with the proposed summer house and its land use / Reinstating privacy planting would be more difficult with the loss of light and impact to soil.
- Concern over retention of the Silver Birch remaining.
- Potential use of summer house for future Airbnb or leading to a future new dwelling.

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

- Details of water and power to the summer house not provided.
- Construction of the steps and disturbance may impede stability of retention wall shared with no.16 Back Street.

No additional comments or letters of support had been received.

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy:
DS1

Winchester Local Plan Part 2:
DM2, DM16, DM17, DM27

National Planning Policy Guidance/Statements:
National Planning Policy Framework, Section 12

Planning Considerations

Principle of development

The proposal site is located within the Winchester Settlement Boundary where the principle of constructing domestic extensions and outbuildings is considered acceptable providing it complies with the relevant policies set out below. Structures built for ancillary purposes, such as the proposal, are considered appropriate within domestic curtilages as their use remains associated with the host dwelling. The ancillary nature of the summer house can be controlled through a condition to prevent the formation of a separate dwelling house which may not be appropriate for the area.

Design/layout

The summer house is designed as a taupe painted timber structure with a cedar-shingled roof. The roof is dual-pitched, 2.08m high at eaves and 2.72m high at ridge.

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The proposed width is 4.2m and depth is 3.6m of internal space with an additional 1.20m decking/porch under the roof. Two windows are proposed on each side, along with 2 windows and a double door upon the front elevation. There is intention to supply the parcel with water for an outside tap for gardening irrigation/garden tool cleaning, etc. Power would be supplied to the summer house for background heating and lighting for year-round use.

The summer house is proposed to be ancillary use to the main dwelling (no.63). There is no intention to use the proposed building to create an independent dwelling and it is recommended that a condition is applied ensuring that the domestic use of the building remains ancillary in its function to be used in association with the main dwelling. It is noted that the minimum nationally described space standard for new dwellings is 39 s.m and policy DM2 of the LPP2 requires this minimum standard to be met. The proposed building will be 20 s.m. thereby limiting the scope for the building to be used as an independent dwelling.

Impact on character of area and neighbouring property

Policies DS1, DM16 and DM17 refer to site design principles requiring all development to respond favourably to the character, appearance and variety of the local environment in terms of design, scale and layout; and not to have an adverse impact on adjacent sites by reason of overlooking, overshadowing or overbearing. In this case, the proposed summer house is suitable for such a garden outbuilding as it will be a timber structure of 4.2m x 4.8m in footprint of up to 2.72m at ridge. The use of painted timber in its construction helps ensure the proposed summer house's minimal impact to the main dwellinghouse and also to the character of the area – as most of the primary dwellings are constructed of brick, and painted timber is what is commonly used for ancillary garden buildings.

Policy DM27 states that any new buildings must respond sympathetically to the historic settlement pattern, are of appropriate height and massing, proportionate and of good quality building materials, respects and will not erode the existing character of an area. Properties along St Cross Road and adjacent dwellings have existing outbuildings sited to the rear gardens of various sizes and materials. There are no views from the public realm to consider with this proposal. In this case, the size, scale and materials proposed would conserve the character of the conservation area by using good design and materials of what would be expected as a rear garden building.

In terms of neighbouring residential amenity the summer house is sited along the east end of the parcel of land approximately 1m from a hedgerow that runs along the boundary to the adjacent property no.17 Back Street. The rear garden of no.17 has an existing depth of 13.5m approximately from no.17's rear elevation to its boundary with the application site. The summer house does not have any rear windows proposed that would look onto the rear garden of no.17, and its entrance and doors will face away from the boundary. Although the summer house will result in a change in outlook from no.17 from the previous situation (removal of trees permitted under application 18/02136/TPC), the proposed summer house is considered of modest size of up to 2.72 at ridge along a 4.8m width and not considered an intrusive structure. Furthermore a landscape plan has been submitted with this proposal to assist with softening the appearance of the summer house when viewed from no.17. This includes the planting of additional Yew hedges and other native trees to frame the summer house and the opened garden area. Based upon the above assessment it is considered that the summer house would not have a

significant overbearing or overlooking impact on neighbouring properties.

Landscape/Trees

The majority of the parcel has been cleared of trees and shrubs within application 18/02136/TPC to make use of the land for a vegetable patch and allow room for the summer house. There is a mature Silver Birch near where the summer house is proposed. The Tree Officer has no objection but recommended a condition to ensure construction methods for the summer house included pile-and-beam foundation, rather than a concrete foundation.

The landscape plan, including the planting of a Yew hedge, evergreens and native trees, has been approved by the WCC Landscape Team and will assist with reinstating some of the original tree/hedge removal to create a softer appearance around the parcel and the summer house.

Conclusion

It has been assessed that the proposal represents an appropriate building of size, scale and design to be used for ancillary use, and that its design and layout will not detract from the visual amenities or character of the main dwelling house, neighbours, or the Conservation Area. Its use as an ancillary building associated with the host dwelling is considered an acceptable purpose for the building maintaining the secondary relationship with the host dwelling. A condition is recommended to ensure that the use of the building remains ancillary. On this basis the proposed development is recommended for permission in accordance with the adopted policies of the Local Plan, subject to conditions.

Recommendation

Permission, subject to the following condition(s):

Conditions

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. Foundation ground preparation and construction for the building hereby approved shall be pile-and-beam foundation only.

Reason: To ensure the protection of the Silver Birch tree along the eastern boundary as it is to be retained.

3. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the existing dwelling.

Reason: To accord with the terms of the application since the site lies within an area where additional residential properties would not normally be permitted and to prevent the creation, by conversion, of inappropriate units of accommodation, possibly leading to over intensive use of the site.

4. The development hereby approved shall be constructed in accordance with the following plans: -
 - Site Location Plan, drawing 5949/PL01 dated October 2018
 - Proposed Block Plan, drawing 5949/PL03 dated October 2018
 - Proposed Plans, Elevations and Materials, Pages 1-6 of drawings from Crane Garden Buildings titled 'Plan View' dated June 2018
 - Landscape Plan, drawing 5949/PL04 dated January 2019
5. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those as detailed in section 6 (materials) of the associated application forms.

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

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 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:-

The Local Plan Part 1 (2013) - DS1

The Local Plan Part 2 – DM2, DM16, DM17, DM27

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

5. 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

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

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.

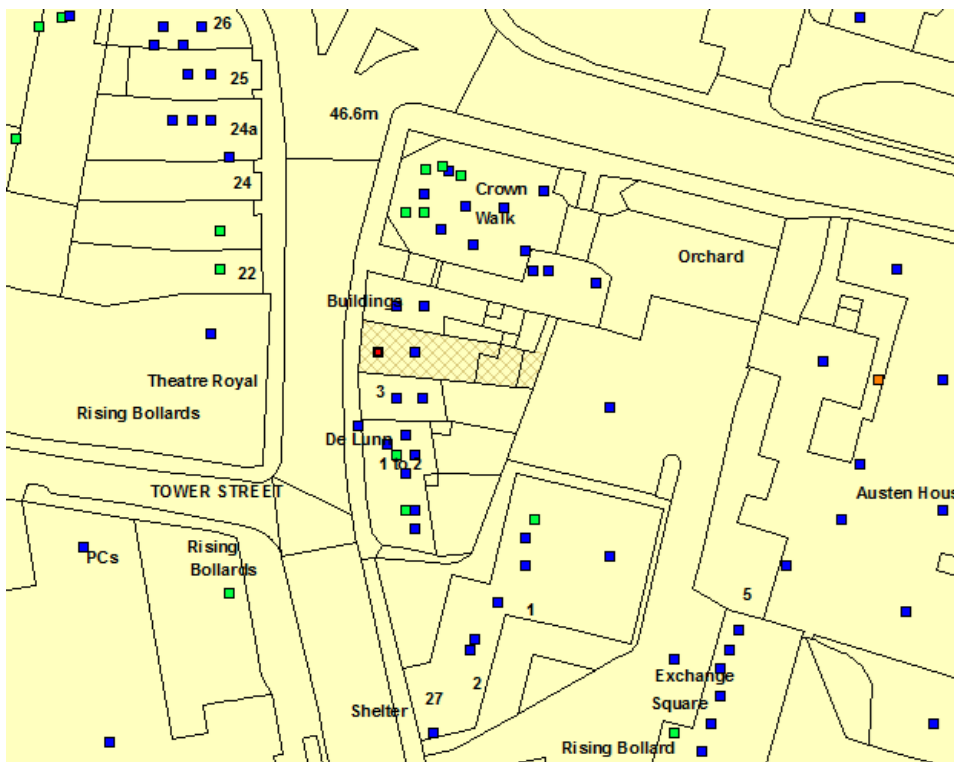
7. The applicant should note that this permission does not give any property rights to building on or encroach over or under the adjoining property. The applicant may be required to serve notice under the Party Wall etc Act 1996.

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Agenda Item 9

WINCHESTER CITY COUNCIL PLANNING COMMITTEE

Case No: 18/02661/FUL
Proposal Description: Variation of condition 6 (08/02712/FUL) extension of opening hours
Address: 4 De Lunn Buildings Jewry Street Winchester Hampshire SO23 8SA
Parish, or Ward if within Winchester City: St Michael
Applicants Name: Mr Luke Bishop
Case Officer: Rose Lister
Date Valid: 12 November 2018
Recommendation: Application Permitted



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WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

General Comments

Application is reported to Committee due to the number of objections received which is contrary to the officer's recommendation.

Site Description

The application site is situated within De Lunn Buildings situated to the north of Jewry Street. There are a number of restaurants and takeaway outlets along this part of Jewry Street with the area being noted as the 'Cultural Quarter' of Winchester. De Lunn buildings are a Grade II listed Building built in the 1880's, with shops and restaurants on the ground floors and flats and offices above.

Proposal

The proposal is to vary condition 6 of application 08/02712/FUL to extend the opening hours of the property until 3am.

Relevant Planning History

08/02712/FUL - Conversion of A1 shop to A5 Hot Food take away including internal alterations and extraction ducting to rear elevation – permitted 20.04.2009

Consultations

Head of Environmental Protection:

The Environmental Health Officer raised no objection provided a licence was acquired for the late night opening. It was noted that the adjacent hot food takeaway has no restrictions on opening hours through planning and permission for late night opening has been granted in the vicinity.

Head of Historic Environment:

The Conservation officer raised no objection as the proposal would not change the historic fabric of the building or the external appearance of the site.

Representations:

City of Winchester Trust: 'The proposal to stay open until 3am was met with some dismay; it does not seem to be in character for Winchester.'

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

- Noise
- Traffic disruption
- Refuse

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

- Security
- Pest control
- Decrease in property value
- Anti social behaviour of the public

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Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy

DS1 – Development Strategy and Principles
WT1 – Development Strategy for Winchester Town
CP6 – Local Services and Facilities
CP8 – Economic Growth and Diversification

Winchester Local Plan Part 2 – Development Management and Site allocations

DM1 – Location of New Development
DM15 – Local Distinctiveness
DM17 – Site Development Principles

National Planning Policy Guidance/Statements:

National Planning Policy Framework 2018

Planning Considerations

Principle of development

The development is situated in the settlement boundary of Winchester, where the principle of development is acceptable, provided that the development is in accordance with the policies of the Development Plan and unless material planning reasons indicate otherwise.

Impact on character of area and neighbouring property

The proposal would see the variation of condition 6 of permission 08/02712/FUL. Policies CP6 and CP8 seek to support economic development and diversification across Winchester. It is considered that the proposal would contribute to the vitality of Winchester's night time economy. There is an existing business with a late night opening permitted for the adjacent property and therefore it is considered that there is an existing degree of disturbance experienced by neighbouring residents in this City Centre location. Despite the existing situation it is considered absolutely necessary to consider the impact of a further food outlet increasing its opening times at a sensitive time of night. As a result the application has been scrutinised by the Environmental Protection team and their advice is set out below.

The proposal would extend the opening hours of the site to 3am. Concerns have been raised regarding the noise impact of the surrounding residences. It is considered that there is an existing business with a late night opening permit in the property adjacent therefore it is considered that there is an existing level of disturbance is already experienced by neighbouring residents. The proposal would result in noise later into the night, however the Environmental Protection Officer is satisfied that there would be no adverse harm caused by the proposal.

The site is currently used as a hot food takeaway between the hours of 11am and 11pm. It is not considered that the proposed extended operation hours would lead to additional

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odour to the area that would have an adverse impact on the public or neighbouring residents.

There are adequate existing refuse measures in place including recycling and multiple public waste bins within 30 metres of the site.

Based upon the above assessment it is considered that the proposal would not be detrimental to the local area, the Conservation Area or the nearby residential amenities by way of noise or litter.

Highways/Parking

Concerns have been raised regarding the impact on traffic and the highway. The application site is within the centre of Winchester in an area of high accessibility for pedestrian use. While there is no parking available on the site, due to the location and high accessibility it is considered that the proposal would not detrimentally impact on highway safety.

Historic Environment

The application site is a Grade II listed building within the Winchester Conservation Area. The proposal would not impact on the historic fabric of the building, nor would the proposal change the external appearance of the property. It is therefore considered that there would be no harmful impact to the historic nature of the listed building or the Conservation Area.

Conclusion

The proposal would allow an existing business to grow and contribute to the night time economy of the town centre. The proposed development would result in noise later into the night however it is considered to be acceptable by the Environmental Health Officer. There would be no detrimental impact on the safety of highway users nor on the historic building. It is therefore considered that the proposal accords with the Development Plan and the following policies DS1, WT1, CP6, CP8, DM1, DM15, and DM17.

Recommendation PERMIT

Subject to the following condition(s):

Conditions

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 extraction flue to the rear of the building which is to be inserted as part of this permission, shall be painted matt black in its entirety including the terminating cowl, and shall be maintained in this colour at all times.

Reason: To ensure that the visual intrusion of the flue is minimised and the special interest of the listed building is protected.

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3 If at any time a cooking process, other than the preparation of hot beverages or the heating of foods in a microwave oven, is undertaken on the premises, an adequate extraction system shall be installed, including suitable and sufficient grease filters and odour neutralising plant to the satisfaction of the Local Planning Authority in writing.

Reason: To protect the amenities of occupiers in adjoining properties from undue smell and fumes.

4 The use hereby permitted shall not be commenced until the equipment detailed in Condition 3 above to discharge odours and fumes from the cooking process shall have been installed in full working order. Such equipment shall be regularly maintained to ensure its continued operation and the cooking process shall cease to operate if, at any time, the extraction equipment ceases to function properly.

Reason: To ensure that unsatisfactory cooking odours outside the premises are minimized in the interests of the amenity of occupiers of nearby properties.

5 Details of the provision to be made for the storage and disposal of refuse from the premises shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced. This provision shall be fully implemented in accordance with the approved details before the premises are occupied.

Reason: In the interests of the amenities of the locality.

6 The use hereby permitted shall not be open to customers outside the following times 11:00 hours to 03:00 hours.

Reason: To protect the amenities of the occupiers of nearby properties.

Informatives:

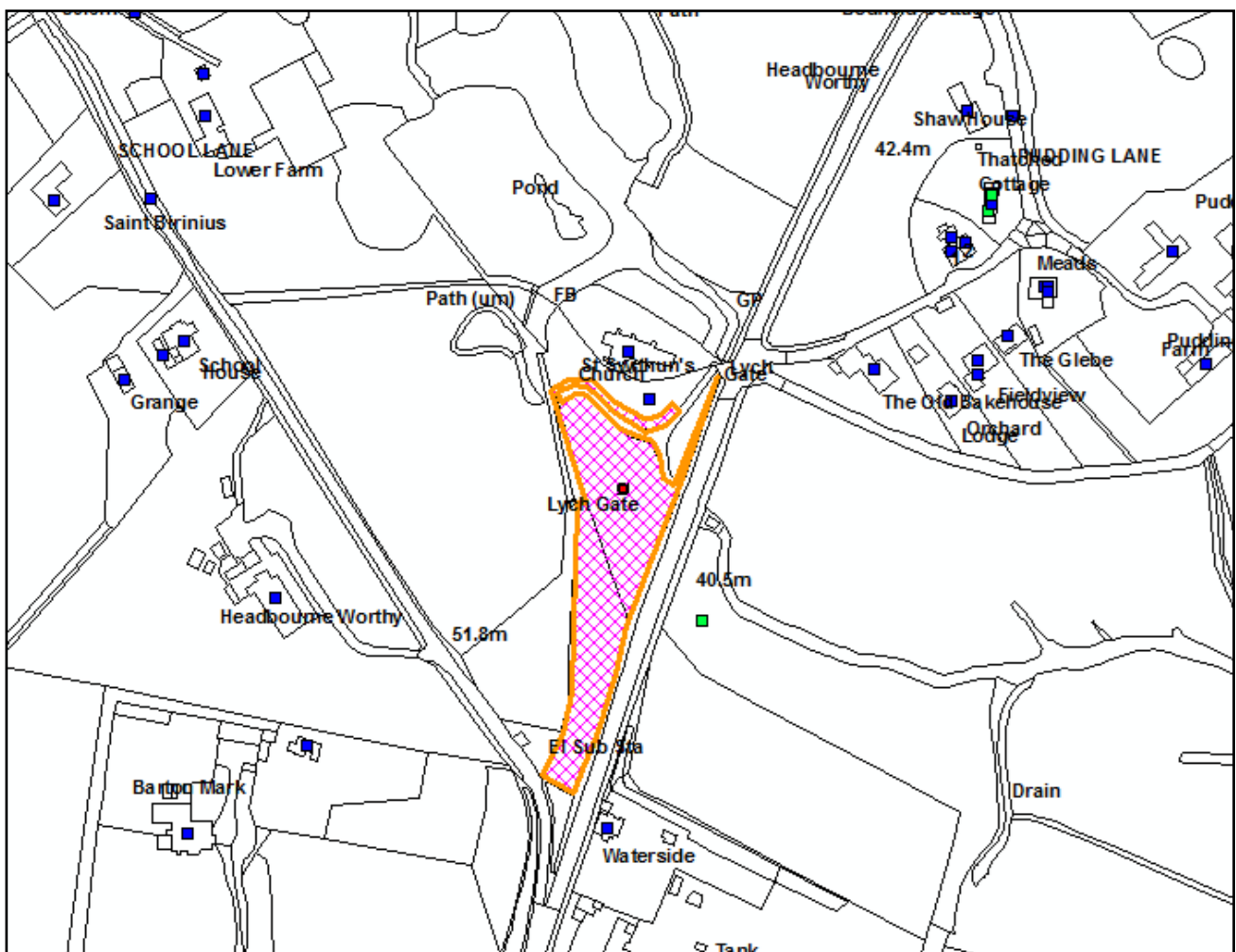
1. This permission is granted for the following reasons:
The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of 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:-
Local Plan Part 1 Joint Core Strategy: DS1, WT1, CP6, CP8,
Local Plan Part 2: DM1, DM15, and DM17
3. In accordance with paragraph 38 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.

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Case No: 18/01978/FUL
Proposal Description: Car Park with landscaping and new access from Worthy Road.
Address: Land At St Swithuns Church, London Road, Headbourne Worthy, Hampshire.
Parish, or Ward if within Winchester City: Headbourne Worthy
Applicants Name: PCC of Headbourne Worthy and & Incumbent of the Benefice of Headbourne Worthy and Kings Worthy.
Case Officer: Catherine Watson
Date Valid: 20 August 2018
Recommendation: Application Permitted



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General Comments

Application is reported to Committee due to the number of objections received, contrary to the officer's recommendation to permit.

Site Description

The site is within the curtilage of St Swithun's Church, Headbourne Worthy, which measures a little under 2 hectares in area. The proposed car park site is situated to the south-west of St Swithun's Church, a Grade I listed building. The semi-rural setting of the church comprises of primarily mown grassland and a mix of ruderal vegetation and woodland areas, bordered by chalk streams, which create an island site for the church. There is an extended graveyard beyond the lych gate and on the hillside leading up to School Lane.

Proposal

There is currently no on-site parking and therefore the proposal seeks to create an on-site car park comprising 25 spaces, to be situated to the south of the church and with an access onto London Road (B3047).

Relevant Planning History

None relevant.

Consultations

Engineers: Drainage:

Earlier correspondence with the EA shows that they have confirmed the acceptability of draining through the permeable surfacing material.

Engineers: Highways:

The proposal will allow a safe onsite car park to be provided and avoid the necessity of visitors having to park in afield across the road.

Head of Historic Environment:

Although it is considered that the introduction of a car park so close to the church would be harmful to its verdant and island setting, the Historic Environment teams advice has been taken with steps to mitigate the harm. Proposed increased and replacement planting should help to mitigate some of the harm and although there will be glimpsed views of parked cars, it is considered that the 'less than significant harm' is outweighed by the public benefit of cars being able to park in a safe and permanent space for church visitors and community activities. Alternative sites have been explored and are not viable.

Should consent be granted, a condition requiring appropriate planting and its retention in perpetuity should be imposed.

Further correspondence with the applicant has confirmed that there is no intention to install lighting or gated access within the site however, a condition to restrict lighting and security barriers is considered to be expedient, as is a condition for securing the details

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and colour of the car park surfacing materials.

Head of Landscape:

The proposals have taken on board previous advice and represent a thoughtful and considered approach to the car park design. Although there is potential for harm to landscape character, ecology, trees and the setting of the listed building, the proposed landscape scheme will ensure the impact is minimised and as the landscape framework grows, the car park will settle in well. A landscape condition requiring full details of hard landscape, soft landscape and boundary treatments will be required.

Head of Landscape: Tree Officer:

This is a much better revised layout and specification and can be supported, subject to the inclusion of relevant conditions to ensure the trees are protected and retained.

Historic Environment: Archaeology:

The site lies within an area of high archaeological potential however, the proposal is not considered to affect any buried archaeological remains. It is therefore not considered that the impact of the limited groundworks would warrant conditions securing archaeological mitigation work.

Environment Agency:

No objection however, the development and associated works on site will require a permit under the Environmental Permitting (England and Wales) Regulations 2010 for any structures in, under, over or within 8m of the top of the bank of the River Itchen, designated as a main river. Proposed fencing should allow for the free flowing of water due to the nature of flood maps within the site and it is also recommended that no ground raising occurs within the proposed site. Although digging will occur within the 8m buffer zone of the River Itchen, it is recommended that no machinery encroaches within the 8m buffer zone around the river.

Natural England:

As submitted, the application could have significant potential impacts on the River Itchen Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). It could also have impacts upon the St Swithun's Site of importance for Nature Conservation (SINC). Further information is required in order to determine the significance of these impacts and the scope for mitigation. These include:

- A Construction Environment Management Plan (CEMP), which should be submitted to and approved in writing by the Local Planning Authority, in liaison with Natural England. The CEMP shall identify the steps and procedures to be implemented to avoid or mitigate impacts on species and habitats.
- A comprehensive compensation package that addresses impacts upon the SINC and outlines how net gain for biodiversity will be achieved.

The LPA has not submitted a Habitats Regulations Assessment (HRA) with the consultation request. The advice of Natural England is that the proposal is not necessary for the management of the European site. The LPA should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Habitat Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment stage where significant effects cannot be ruled out. An HRA Screening Matrix and

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Appropriate Assessment Statement has been completed by the LPA.

Provided the car park is constructed from permeable materials, Natural England has no concerns regarding water quality impacts on the SAC and SSSI during the operational phase. There is the concern that the construction phase of the proposals may adversely impact the protected sites via poor water quality.

To manage the potential harm, a CEMP should be submitted to and approved in writing by the district ecologist. This should address: storage of construction materials/chemicals and equipment; dust suppression; chemical and/or fuel run-off from construction into nearby watercourse(s); waste disposal; noise/visual/vibrational impacts. The CEMP shall be adhered to at all times (secured by an appropriately worded condition).

If the LPA is minded to grant permission, the applicant is required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, the authority has taken account of Natural England's advice. A further period of 21 working days must be allowed before the operation can commence.

With regards to the St Swithun's Site of Importance for Nature Conservation (SINC) and Biodiversity Net Gain, it is recommended that a comprehensive compensation package should be agreed if the requirements for biodiversity net gain as set out in the NPPF paras. 8, 118, 170, 174 and 175d are to be met. The comprehensive compensation package should expand in more detail measures already proposed in the Protected Species & SINC Survey & Mitigation Report. Such a compensation package should be agreed by the Council's ecologist officer and provided they are satisfied with this, no further consultation with Natural England on this aspect is required.

Concerning Protected Landscapes, the site is close to a nationally designated landscape (the SDNP). Relevant national and local policies should be utilised to take this into consideration.

A public right of way lies within the proposal site and consideration should be given to any potential impact on this.

It is recommended to use Natural England's standing advice with regards to Protected Species.

Historic England:

The Grade I listed church of St Swithun dates from the 11th century and was added to and altered in the following centuries. There are many significant features, notably on the west end of the nave where there is the relief of a rood, of international importance. The church was restored in the Victorian period. The setting of the church is very rural and enclosed and the proposed site contains saplings and shrubs, surrounded by mature trees and bounded by a stream to the north, the road to the east and a path to the churchyard extension to the west.

The proposal would have no direct physical impact on the listed church building and the key consideration is the impact upon the setting of the church. The character of the setting is enclosed, intimate and rural with the trees largely screening the nearby road from view. The introduction of a car park and parked cars is likely to have a harmful

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impact on the rural and undeveloped setting of the church, primarily from the intrusion of parked cars into the views to and from the church. The proposal shows that the applicant has sought to avoid or mitigate this harm as far as is practical by retaining and introducing screening in the form of planting.

The low level of harm that would remain would be outweighed by the broader heritage benefit of supporting the sustainable use of the church as a place of worship and other community activities. This would help fund the ongoing repair and maintenance of the Grade I building.

South Downs National Park Authority:

The proximity of the application site to the River Itchen SSSI/SAC (a large portion of which is located within the National Park) is of particular significance. Further information should be sought from the applicant in order to determine the potential impact upon the SSSI/SAC.

External lighting of the site should be minimised and carefully designed to ensure there is no harm to wildlife or the dark night skies of the National Park.

Hampshire County Council Countryside Services:

The rights of way in the vicinity are Headbourne Worthy Footpaths 7 and 8. It is likely that vehicles using the car park will have limited impact upon the users of the right of way.

The car park may have an impact upon the amenity value of Footpath 8 and therefore, it is requested that the car park is set back several metres from the footpath, appropriate planting and/or fencing could also be used to ensure that a pleasant aesthetic is maintained for the enjoyment of users.

Representations:

Headbourne Worthy Parish Council

- The PC supports this application, recognising ongoing traffic concerns and the safety of pedestrians visiting the church. The PC looks forward to the continued use of this building by the community.

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

- It is not clear how the cars will be screened;
- It will destroy the rural setting of the church;
- It is overdevelopment in a protected rural area;
- 25 spaces is excessive for a very small congregation;
- The addition of car parking in this area will make the current traffic problems on Worthy Road more difficult;
- Harmful impact upon the wider landscape character;
- Harm to biodiversity and ecology, which is particularly sensitive given the SAC and SSSI designations of the River Itchen.

8 letters of support received.

- The current parking arrangement involves crossing a dangerous, busy road;
- Care has been taken to ensure there is no adverse impact upon the church and its

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setting;

- It will encourage people to visit the church;
- The current parking situation is permissive and permission to use the land could be withdrawn at any time.

2 letters of general comment received:

- It is not clear what the impact will be on ecology, landscape and visual amenity;
- Concerns for the impact on the SAC and SSSI and further information is required before the proposal could be accepted.

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy

DS1, MTRA1, MTRA3, CP6, CP13, CP16, CP17, CP18, CP19, CP20.

Winchester Local Plan Part 1 – Development Management and Site Allocations.

DM1, DM15, DM16, DM17, DM18, DM23, DM26, DM29

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Other Planning guidance

Winchester District Landscape Character Assessment

High Quality Places SPD

Planning Considerations

Principle of development

The principle of the provision of a car park on land associated with St Swithun's Church is considered to be acceptable, subject to compliance with relevant planning policy, which is discussed below.

Policy DS1 states that "*The Local Planning Authority will support development in the Market Towns and Rural Area that "promotes the vitality and viability of communities, maintains their rural character and individual settlement identity".*

As well as maintaining the use of the church as a place of worship, the proposed car park has been designed to accommodate other visitors, such as tourists and wedding parties, which would bring in additional income that could be utilised to repair and maintain the Grade I listed church and its environs, thereby helping to maintain the "rural character and individual settlement identity". The proposal is therefore considered to comply with this policy.

Policy MTRA1 advises that "*The spatial planning vision for the Market Towns and Rural Area will be achieved through:-*

- *The retention and improvement of ...community facilities, including expansion at an appropriate level in keeping with the location and the community they serve...*
- *Development proposals which maintain and enhance important local character and built or natural features and retain settlement identity".*

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The church and its curtilage are an important community facility. It is considered that the proposed car park will enhance the community aspect of the church and the proposals have been carefully considered to ensure that they fit into the landscape and ensure that the natural features of the site are protected and enhanced.

Policy MTRA4 states that “...*expansion or redevelopment of existing buildings... to meet an operational need, provided development is proportionate to the nature and scale of the site, location and the setting.*”

Although a church building does not always necessitate a countryside setting, St Swithuns has been on this site for 900 years and forms a crucial and important part of the countryside setting of this part of Headbourne Worthy. The church has a declining number of worshippers and the maintenance and repair costs for the building are significant. It can therefore be considered that an onsite car park is an “operational need” to keep the church viable, allowing it to diversify its activities and attract more visitors, whilst still maintaining the core rural character of the site. The proposed car park is considered to be proportionate to the size of the site and has been carefully designed to cause minimal visual intrusion and mitigate/reduce environmental impacts.

Policy CP6 advises “*The Local Planning Authority will support proposals for the development of new, extended or improved facilities and services in accordance with the development strategies set out in Policies WT1, SH1 and MTRA1.*”

The church is considered to be a local facility and the provision of an onsite car park will encourage visitors to the church and its environs, thereby helping to preserve the ongoing use of the church.

Policy CP13 states that “*New development...should demonstrate that:*

- *An analysis of the constraints and opportunities of the site and its surroundings have informed the principles of design and how the detailed design responds positively to its...local context;*
- *The accompanying landscape framework has been developed to enhance both the natural and built environment and maximise the potential to improve local biodiversity...*”

Investigations were undertaken by the applicant into the most appropriate location for the car park within the site and through this, the proposed site was identified. The site is situated at a lower level than the surrounding ground and the verdant nature of the boundaries ensure that the car park will be as unobtrusive as possible. No lighting is proposed and therefore, the car park would not be largely visible within the wider landscape and the South Downs National Park. Careful consideration has been given to addressing the ecological constraints, including international designations, of the site and ensuring that trees and habitats are protected and enhanced.

Policy CP18 states that *The Local Planning Authority will retain the generally open and undeveloped nature of the following defined settlement gap:*

- *Winchester - Kings Worthy/Headbourne Worthy.*

Within these areas, only development that does not physically or visually diminish the gap will be allowed”.

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The proposed car park will be heavily screened and it is not proposed to use any lighting in this area (to be controlled by condition). Therefore, the site will not be widely visible within the gap. A new access is proposed onto the B3047 however, given the topography of the site, adequate visibility splays can be provided with minimal need for cutting back existing undergrowth and no loss of trees. Therefore, the impact of the new access on the gap is not considered to be significantly harmful.

Policy DM1 states that *Outside defined and non-defined settlement boundaries "...countryside policies will apply and only development appropriate to a countryside location will be permitted..."*

As discussed above, the development is considered to be appropriate for the countryside location.

Design/layout

In order to keep the church in active use and avoid it falling into disrepair, the PCC considers that an on-site car park is necessary. Currently, there is permissive parking in a field on the opposite side of London Road. Permission for the use of this space could be withdrawn by the landowner at any time so this is not considered to be a sustainable solution. Further, the location of the current parking requires churchgoers to cross the busy London Road, which has a 40mph speed limit but frequently sees vehicles travelling in excess of this speed. The congregation is aging and there is a significant risk to safety in crossing the road. Other churchgoers park in nearby roads, including Pudding Lane and School Lane. These roads are relatively narrow and their use for church parking is not ideal.

The proposal is for a 25 space carpark to the south of the site, to include a Cellweb gravel reinforced surface. A detailed landscape scheme is proposed to enhance the existing tree and undergrowth cover. The layout takes into account important trees on site and is situated in a relatively sunken area, so as to appear as unobtrusive as possible.

Impact on character of area and neighbouring property

The church is situated in a relatively secluded location and therefore, it is not considered that there would be any significant impact upon neighbouring properties.

Whilst the addition of a car park in this location would be somewhat incongruous, it is considered that given the substantial level of screening within and along the boundaries of the site, including at the site of the new access and which is to be supplemented by further planting, significantly reduce the level of visual harm caused by the proposed development. The use of appropriate hardstanding will also mitigate the visual impact.

It is considered that the wider benefits of the addition of the car park, as discussed above, outweigh and limit the potential harm to the character of the area.

Policy DM15 states that *"Developments should respect the qualities, features and characteristics that contribute to the distinctiveness of the local area. Proposals which accord with the Development Plan will be permitted where they conserve or enhance:*

- *Open areas and green spaces that contribute to the special qualities of the setting of buildings, including heritage assets;*

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- *Trees, hedgerows, water features and corridors which contribute to local distinctiveness.”*

The proposal has taken full consideration of the characteristics and constraints of the site in relation to impact on landscape character, ecology, setting of the heritage asset and other key features within the site. Care has been taken to ensure that any impact is minimised however, where the proposal is considered to have the potential to cause harm to any of these characteristics, guidance has been sought from the appropriate bodies and mitigation measures will be implemented. These will be further controlled by appropriately worded conditions.

Policy CP20 states that *“The Local Planning Authority...will support new development which recognises, protects and enhances the District’s distinctive landscape and heritage assets and their settings. These may be designated or undesignated and include natural and manmade assets associated with existing landscape and townscape character (including listed buildings). Particular emphasis should be given to conserving:*

- *Recognised built form and designed or natural landscapes that include features and elements of natural beauty, cultural or historic importance;*
- *Local distinctiveness, especially in terms of characteristic materials, trees, built form and layout, tranquillity, sense of place and setting”.*

Consultees have detailed the special historic and natural/ecological characteristics of the site, encompassing the listed church, River Itchen tributary and its environs. Detailed information has been provided by the applicant with regards to impact upon the heritage and natural assets and how this impact will be overcome or mitigated. Certain details have been approved by the consultees upfront (e.g. the CEMP) and appropriately worded conditions will be used to ensure that all outstanding matters relating to the potential impact of the development upon the heritage and landscape character are covered (conditions 3, 8, 9 & 10).

Policy DM23 states that *“Outside defined settlement boundaries, development proposals which accord with the Development Plan will be permitted where they do not have an unacceptable effect on the rural character of the area, by means of visual intrusion, the introduction of incongruous features, the destruction of locally characteristic rural assets, or by impacts on the tranquillity of the environment.*

- *Visual – intrusion should be minimised, including the effect on...key features in the landscape, or heritage assets.*
- *Physical – developments...should avoid the loss of key features or the introduction of elements that detract from the special qualities of the place.*
- *Tranquillity – developments should not have an unacceptable effect on the rural tranquillity of the area, including the introduction of lighting or noise occurring as a result of the development, taking account of the relative remoteness and tranquillity of the location. New lighting will generally not be permitted in unlit areas...*

Developments should not detract from the enjoyment of the countryside from the public realm or public rights of way.

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The volume and type of traffic generated by the development will be assessed along with the ability of rural roads to accept increased levels of traffic without alterations that would harm their rural character.”

A Landscape and Visual Site Appraisal has been submitted by the applicant, which identifies the implications and a landscape strategy for the proposed new car park.

The recommendations made in this report include the reinforcement of the wet woodland character and understorey habitat to provide low level screening of the car park; enhancement of understorey vegetation with plug planted wildflowers; river restoration techniques; long term tree management to the eastern edge; a sensitive car parking surfacing material. The WCC Landscape Officer has confirmed that the proposed landscape scheme is acceptable, but a landscape condition providing full details of this will be required (condition 3).

Landscape / Trees

There are a number of mature trees on site which have the potential to be impacted by the development. Previous schemes have been objected to by the Council's Tree Officer and the applicant has revised the scheme to take his comments into consideration.

Policy DM16 states that *“Development which accords with the Development Plan will 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;*
- *Uses an appropriate ratio between hard and soft landscaping, having regard to the character of the area;*
- *Uses high quality materials that are attractive and durable and appropriate to the context and proposed design”.*

The surfacing of the proposed car park will be permeable, allowing surface water to slowly soak away and not overload the river system. The surfacing is appropriate with regards to reducing harmful impact to the many trees, which are an important characteristic of the site. The design of the car parking spaces has been amended, taking into account the Council's Tree Officer's earlier comments, to minimise harm to these same trees. The Tree Officer is now happy with the revised proposals and any works to and around trees on site will be carefully monitored by the use of conditions – nos 5, 6 and 7.

Highways/Parking

Both the applicant's transport consultant and the Council's Highways Engineer have identified that the scheme presents a significant improvement to the safety of those using the church and having to cross the busy London Road. The new access and visibility splays are considered to be inline with relevant technical guidance and it is not considered that the access represents a danger to the safety of other highway users.

Policy DM18 states that *Development will be permitted which accords with the Development plan and:*

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- *Provides parking in accordance with relevant standards and the needs of the development...;*
- *Makes provision for access to the site in accordance with any highways requirements on the grounds of safety, including the provision of gateways, visibility splays, access to adopted highways and accompanying signage that may be required;*
- *Incorporates parking provision and vehicular access as part of the overall design of the scheme, including hard and soft landscaping, signage and lighting that is both necessary and of a high quality design, taking account of the character of the surrounding area.”*

A Transport Statement was submitted with the application which details the implications of the development on highway safety. The Council's Highways Engineer has confirmed that the proposal is acceptable in this regard. An extensive landscaping scheme is proposed and there will be no lighting on site.

The Statement does not give details of expected traffic movements within, to and from the car park. The Council's Highways Engineer did not raise the lack of a traffic survey as something needed addressing. Although it is expected that there will be a small increase in traffic associated with the church, much of this will be associated with activities commensurate to the use of the church, namely weddings, christenings and funerals. These already take place at the church but given the lack of on site parking, vehicles are forced to park in side roads which is not desirable. Further, the small size of the church precludes very large gatherings from taking place and therefore it is not considered that any increase in traffic would be so significant as to cause substantial harm.

No lighting is proposed for the car park.

ROW and SDNP

The wider church site is bordered by two Public Rights of Way (PROW) – Nos 7 and 8. Hampshire County Council Countryside Services team were consulted and advised that the proposal would have a limited impact upon these footpaths however, they advised that the car park should be set away from the footpath by several metres. Given the constrained nature of the site, it is not possible to set it away by a significant distance however, only a relatively small section of footpath runs adjacent and appropriate landscaping will be included, along with the existing vegetation and trees, to further mitigate any potential harm to the amenity of these footpaths.

Policy CP19 states that *“Development within and adjoining the South Downs National Park which would have a significant detrimental impact to the rural character and setting of settlements and the landscape should not be permitted unless it can be demonstrated that the proposal is of overriding national importance, or its impact can be mitigated”*.

The SDNPA was consulted and advised that the designated land and watercourse, along with the impact on protected species in and around the site, need to be considered and protected.

External lighting should be minimised to ensure there is no harm to wildlife or the dark night skies of the National Park. It is not proposed to include any lighting in the scheme.

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Further afield, the South Downs National Park is situated approx. 0.5km to the east of the site. The National Park Authority was consulted as part of this application but did not raise any specific concerns with regards to views into the site from the SDNP. Along the boundary to the Park runs the St Swithun's Way – a long distance footpath. The site is heavily screened both from within and by tree cover along the opposite side of London Road. Whilst there may be views toward the site from this footpath, the sunken nature of the car park and screening are considered to limit these.

Policy 26 is concerned with the potential to uncover buried archaeological remains on site. The Council's Archaeologist has stated that although the site lies in an area of high archaeological potential, the nature of the proposed works is not considered to be likely to cause any significant harm to any archaeology and has therefore not recommended any conditions requiring surveying or recording on the site.

Ecology.

It is acknowledged that the site is of high ecological sensitivity and that stringent criteria will need to be met and adhered to in order for the proposal to be acceptable. This includes compliance with national and international regulations, monitored by Natural England and the Environment Agency. Part of the required information and mitigation strategy has been submitted prior to determination however, more information will be required at post-determination stage in order for works to commence. This will be controlled by condition and the measures implemented should be adhered to in perpetuity.

Policy CP16 states that "The Local Planning Authority will support development which maintains, protects and enhances biodiversity across the District and has regard to:

- Protecting sites of international, European and national importance, and local nature conservation sites, from inappropriate development;
- Supporting habitats that are important to maintain the integrity of European sites;
- New development will be required to avoid adverse impacts, or if unavoidable ensure that impacts are appropriately mitigated, with compensation measures used only as a last resort. Development proposals will only be supported if the benefits of the development clearly outweigh the harm to the habitat and/or species".

The site includes the River Itchen Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), as well as the St Swithuns Site of Importance for Nature Conservation (SINC).

The national and international significance of these designations mean that stringent criteria are applied when assessing any development that may have an adverse impact. Accordingly, Natural England was consulted as the statutory body and subsequently, further information was requested, including a CEMP. This gives detailed information as to how potential harm from construction activities will be dealt with, including to the watercourse and wildlife. This CEMP has been accepted by Natural England.

The WCC Ecologist has also accepted the CEMP and advised that implementation of the recommendations within it, along with the ecological report and mitigation report, including lighting details, should be conditioned. As is required by law, a Habitats Regulation Assessment Screening Matrix and Appropriate Assessment Statement has been completed by the LPA.

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Heritage/Archaeological Issues.

It has already been identified above that there are no significant archaeological implications of the proposal.

Policy DM29 states that *“Works which would cause an unacceptable level of harm to the...setting of heritage assets...will only be permissible...in the case of higher grade heritage assets in wholly exceptional circumstances”*. Both the Council’s Historic Environment Officer and Historic England were consulted with regards to the proposal, which is within the wider curtilage of the Grade I listed church. They have confirmed that given the nature of development, relative distance of the car park from the church and the use of appropriate screening, the benefit of ensuring that the listed building is retained in good condition and for the purpose for which it was intended, as well as a wider community use for religious and community events, outweigh any potential harm to the setting of the listed building.

Drainage and Flooding

Policy CP17 states that “The Local Planning Authority will support development which...

- Does not cause unacceptable deterioration to water quality or have an unacceptable impact on water quality (including drinking water supplies) by:-
- Protecting surface water and groundwater through suitable pollution prevention measures;”

The Environment Agency was consulted and raised no objection, but as was noted on the surface flood water map of the area, they advised the applicant that proposed fencing should allow for the free flowing of water and that no ground raising should occur within the site proposed. Necessary permits are to be obtained from the EA before works commence.

Recommendation

Application Permitted subject to the following condition(s):

01. 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).

02. The development hereby approved shall be constructed in accordance with the following plans:

Location Plan Dwg No DD189L03 received 20.08.2019

Block Plan Dwg No DD189L04 received 20.08.2018

SINC Location Map received 14.12.2018

Engineering Details Golpa Gravel Reinforcement Dwg No 502-01B received 20.08.2018

Engineering Details Proposed Car Park Dwg No 502-01C received 20.08.2018

Engineering Details Standards Details Dwg No 502-02A received 20.08.2018

Illustrative Landscape Sections Dwg No DD189L02 received 20.08.2018

Tree Constraints Plan Dwg No GH1752.1B received 20.08.2018

Landscape Proposal Plan Dwg No DD189L01 received 20.08.2018

Reason: In the interests of proper planning and for the avoidance of doubt.

Pre commencement conditions

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03. No development shall take place until full details of both hard and soft landscape works, based on strategic level plan DD189L01 by Deacon Design, 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:

- All boundary treatment (any fencing should allow for the free flowing of water, as per the recommendation of the Environment Agency);
- Hard surfacing materials for the car park (including a sample). All hard surfacing materials shall be permeable;
- existing and proposed finished levels or contours;
- means of enclosure, including any retaining structures;
- other vehicle and pedestrian access;

Soft landscaping works shall include:

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

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

04. Detailed proposals for the disposal of 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 commencement of the development hereby permitted.

Reason: To ensure satisfactory provision of surface water drainage.

05. Protective measures, including fencing and ground protection, in accordance with the Arboricultural Impact Appraisal and Method Statement reference Gh1752.1 written by Gwydion's tree consultancy and submitted to the Local Planning Authority shall be installed prior to any demolition, construction or groundwork commencing on the site.

Reason: To prevent inappropriate work being undertaken to protected trees.

06. Inspection of fencing

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 Gh1752.1. Telephone 01962 848403

Reason: To prevent inappropriate work being undertaken to protected trees.

07. Construction of special engineering under tree canopies

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

Reason: To prevent inappropriate work being undertaken to protected trees.

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08. The development shall be carried out in accordance with the measures, conclusions and recommendations set out within St Swithun's Church Car Park Protected Species & SINC Survey & Mitigation Report prepared by EPR and dated 10 August 2018 and Construction and Environmental Management Plan prepared by Ecological Planning & Research Ltd and Escher Silverman and dated 16 November 2018. The measures shall be implemented in full in accordance with the approved details and shall be monitored on an ongoing basis. If there is any variation to the CEMP during the construction process, the LPA shall be notified immediately and any variation shall be submitted to and agreed in writing by the LPA before being implemented. Thereafter, the compensation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To ensure that the ecological value of the site is not adversely impacted upon by the development.

09. No lighting of any kind shall be installed at any time within the car park hereby permitted within the redline area outlined in the location plan, without the prior approval in writing of the Local Planning Authority.

Reason: To protect the amenities of the wildlife and protected species on site and maintain the dark skies character of the area.

10. No security barriers of any kind shall be installed at any time within the car park hereby permitted within the redline area outlined in the location plan, without the approval in writing of the Local Planning Authority.

Reason: To protect the rural visual amenity of the wider area, in relation to the setting of the Grade I listed church building and associated curtilage.

11. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before the use hereby permitted is commenced and prior to the completion of the development or in accordance with the programme agreed with the Local Planning Authority. If within a period of five years after planting 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 that originally approved shall be planted at the same place, within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

12. 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 Authority. The development shall not be completed other than in accordance with the approved details.

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Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants.

Informatives:

1.

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:-

Local Plan Part 1 - Joint Core Strategy: DS1, MTRA1, MTRA3, CP6, CP13, CP16, CP17, CP18, CP19, CP20.

Local Plan Part 2 – Development Management and Site Allocations: DM1, DM15, DM16, DM17, DM18, DM23, DM26, DM29

High Quality Places SPD

Winchester District Landscape Character Assessment

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

5.

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 Practise

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

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6.

Flood Risk Activity Permit

Please note that this development and the associated works on the site will require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Itchen, designated as a main river (as identified in the applicant's drawing numbered 502-01). This type of permit is called a 'Flood Risk Activity Permit', and was formerly known as a 'Flood Defence Consent'.

Further information can be found here:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

The Applicant should email psohiow@environment-agency.gov.uk with the proposal to commence the process for obtaining a permit.

7.

The development subject to this notice falls within a highlighted proximity of a mains gas pipe which is considered a major hazard.

The applicant/ agent/ developer is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken pursuant to the permission granted/ confirmed by this notice.

Address is: Southern Gas Networks Plc, SGN Plant Location Team, 95 Kilbirnie Street, Glasgow, G5 8JD

Tel: 01414 184093 OR 0845 0703497

Search online at:

www.linesearchbeforeyoudig.co.uk

SGN personnel will contact you accordingly.

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WINCHESTER CITY COUNCIL
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General Comments

Headbourne Worthy Parish Council have requested for application to be determined by Planning Committee, see Appendix 1.

Site Description

The application site is located off School Lane. There is an existing access that serves the main farm house that is located down an unmade track. School Lane is a narrow road with mature trees and hedges to either side. There are a small number of dwellings along the Lane though the majority of the entrances are served by Wellhouse Lane to the north. These dwellings are typically large, set in large grounds. There is a mix of architectural styles in the area.

The main farm house is a Grade II listed building with a Grade II listed granary located on the site of Lower Farm. The application site relates to a 1970s outbuilding constructed from reclaimed stone, wood and slate, and the adjoining paddock to the north of the main farm house. The site is bounded by a post and rail fence on two sides, a deciduous hedge to the north and the southern boundary of the site is mostly open with a smattering of mature trees to the south west corner along the existing access track to the main farm house. There is a wooded area to the east of the site along a stream that serves a number of ponds adjacent to the site.

There is a level change on site with the gradient rolling from west to east.

Proposal

The proposal is for the conversion of an existing barn/outbuilding into 1no. one bed dwelling.

Relevant Planning History

15/02482/PNACOU - Change of use from agricultural barn to dwelling house (C3) – refused 07.01.2016

17/01577/PNACOU - Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to a Dwelling house (Class C3) – refused 01.08.2017

Consultations

WCC Engineers: Drainage:

The Drainage Engineer raised no objection subject to conditions relating to the details of disposal of foul and surface water.

WCC Engineers: Highways:

The Highways Officer raised no objection.

Head of Historic Environment:

The Conservation Officer confirmed that the outbuilding was not a non-designated heritage asset due to its age. The site is adjacent to two listed buildings however it is considered that the conversion of the out building would make a positive contribution to the setting of the listed buildings. No objections were raised.

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Head of Landscape:

The application site is situated in the countryside with a new access track to connect with the existing entrance onto School Lane. A minimal amount of hard surfacing is proposed with a dirt track access proposed and gravel over the proposed parking area. The proposed species are considered acceptable. No objection subject to conditions requiring the landscape plan is complied with.

Head of Landscape - Ecology:

There are trees, hedges and grass land on the site and trees and ponds adjacent to the site that could potentially be home to birds and bats. The River Itchen Special Area of Conservation lies to the south east. The Ecologist raised no objection subject to conditions requiring the measures set out in the Ecological Assessment.

Head of Landscape - Tree Officer:

The proposal would excavate approximately 1.1 metres down of the northern end of the outbuilding to create a W/C. There is a notable chestnut approximately 2.5 metres to the north of the outbuilding. The submitted Arboricultural Impact Assessment has not taken the excavation and the impact on the chestnut in to consideration. An objection is raised regarding the impact on the mature chestnut to the north of the outbuilding.

Representations:

Headbourne Worthy Parish Council

- The Parish are in support of the proposal

6 letters received from 8 addresses objecting to the application for the following reasons:

- Impact on the Listed Buildings
- Ecology
- Against policy
- Character of the area
- Highways

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

- Breaking up of the historic farm
- Applicant lives close by
- Proposal is unnecessary
- Outbuilding used for stabling horses
- Family tensions
- Security of Main Farm House occupants
- Future intentions of the applicant
- Set a precedent

5 letters of support received.

- Design
- Sympathetic to the Historic Buildings
- Sympathetic landscaping proposed
- Need for more housing in the area

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Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy

MTRA3 – Other Settlements in the Market Towns and Rural Area

MTRA4 – Development in the Countryside

CP2 – Housing Provision and Mix

CP13 – High Quality Design

CP16 – Biodiversity

CP20 – Heritage and Landscape Character

Winchester Local Plan Part 2: Development Management and Site Allocations

DM2 – Dwelling Sizes

DM15 – Local Distinctiveness

DM16 – Site Design Criteria

DM17 – Site Development Principles

DM18 – Access and Parking

DM23 – Rural Character

DM32 – Undesignated Rural and Industrial Heritage Assets

National Planning Policy Guidance/Statements:

National Planning Policy Framework 2018

Supplementary Planning Guidance

High Quality Places SPD

Planning Considerations

Principle of development

The development is situated outside any settlement boundary and is therefore considered to be within the countryside, where there is a presumption against new dwellings.

Policy MTRA3 allows for limited development along a continuous frontage stating:

'Settlements, which have no clearly defined settlement boundary, development and redevelopment that consists of infilling of a small site within a continuously developed road frontage may be supported, where this would be a form compatible with the character of the village and not involve the loss of important gaps between development areas...'

Headbourne Worthy is considered to be a settlement without a clearly defined boundary and therefore the site can be considered under policy MTRA3. The application site is located away from the road down an unmade track that leads to the main dwelling on the site. It is noted that a new track similar to the existing is proposed however it is considered that this would not result in a continuous road frontage development. It is therefore considered that the proposal does not satisfy the criteria of MTRA3

Policy MTRA4 also addresses development in the countryside stating that new dwellings would only be considered acceptable if there is a justifiable need relating to forestry or agriculture. No evidence has been submitted in support of this.

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Policy DM32 addresses non-designated Heritage assets in the countryside with the supporting text considers that conversion to dwellings will be considered as a last resort should other uses be discounted as unviable. The outbuilding in question is not considered to be a non-designated heritage asset therefore this policy has not been triggered.

Therefore it is considered that the principle of converting the existing building to a new dwelling in this location is unacceptable and contrary to the adopted policies of the Local Plan.

Historic Environment

The application site is considered to be within the setting of two listed buildings, Lower Farm House and the Granary at lower farm. The applicant has indicated that they considered the existing barn to be a non designated heritage asset under policy DM32. The Council's Historic Environment Officer does not consider that the existing barn, which was constructed in the 1970s, has historic or architectural value. Therefore, it is considered that in this case policy DM32 has not been triggered and the principle of residential conversion has not been established.

Impact on character of area and neighbouring property

The proposal would see the conversion of the existing outbuilding within the grounds of Lower Farm to create a new dwelling. No additional floor area is proposed but it is proposed that the western end of the barn would be excavated to approximately 1.1 metres below the existing ground level to allow head room for the proposed bathroom. The new dwelling would comprise approximately 87sqm, which is compliant with DM2. The proposed dwelling would comprise one bed room, one bathroom, and an open plan living, dining and kitchen area. No extra openings are proposed, the existing openings would be enclosed with glass. The wooden doors to the northern elevation would be replaced on a sliding rail with glass doors replacing the existing. The open portal area of the lower barn would be enclosed with timber posts and glass doors. It is considered that the materials and design would present an acceptable modern contrast to the historic buildings adjacent to the site.

Landscape/Trees

The proposal would subdivide an old farm estate and convert an existing barn. The proposal would not result in any additional footprint. The proposed access track would be hard packed gravel with a turf central strip similar to the existing that serves the existing farm house. It is not considered that the proposal would result in a harmful impact on the countryside. The landscaping plan proposes additional planting to the southern boundary of evergreen native plants that would be in keeping with the area. The Landscape Architect raised no objection.

The landscape plan shows the removal of a number of smaller trees by the access, track and parking area. The loss of these smaller trees is considered to be acceptable. There is a significant Chestnut to the west of the outbuilding noted as T3 Horse Chestnut in the Arboricultural Impact Assessment (AIA). The proposed excavation of the western end of the outbuilding would damage the root protection area of this tree to

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a degree that irreparable harm would be made to the tree. The level changes have not been considered in the AIA. Therefore the Trees Officer has raised an objection to the proposal. However, it is considered that this tree does not have a TPO served on it and is not readily visible in the street scene. While the loss of the tree would be lamentable it is not considered to have a high amenity value in the street scene for its loss to warrant a refusal reason.

Highways/Parking

The proposal would share the existing entrance before creating a new access track with ample parking for the dwelling. The proposed access track would be in keeping with the area and the countryside setting. It is therefore considered that the proposed access and parking would be acceptable. The proposal would create a single, one bed dwelling accessed from School Lane. Concerns have been raised regarding the additional traffic on the single track road. It is not considered that the additional dwelling would incur significant additional vehicle movements to the area. The highways engineer raised no objection to the application.

Ecology

The application site is located adjacent to mature woodland, a maintained meadow, streams and a SINC. An ecological assessment has been submitted with mitigation measures recommended. Should the proposal have been acceptable in principal a condition for compliance with the mitigation measures within the document 'North Barn, Lower Farm, School Lane, Winchester, SO23 7JX: Ecological Assessment' by Peach ecology and Environmental Services with Informatives regarding the handling of bats would be recommended. The Council's Ecologist raised no objection.

Drainage

The application site lies above a stream with ponds nearby. Due to the sloping nature of the site it is considered to be Flood Zone 1 and therefore at low risk. A soak away and package treatment plant are proposed. The Drainage Engineer raised no objection subject to a condition requiring details of the disposal for foul and surface water.

Conclusion

The proposal does not accord with the Development Plan policies MTRA3 or MTRA4 in that it proposes a new dwelling in the countryside with no justification.

Recommendation REFUSE

Reason:

1. The proposal is contrary to policy MTRA3 and MTRA4 of the Local Plan Part 2 in that it would result in a new dwelling in the countryside for which there is no justification.

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Appendix 1

RE: 18/02679/FUL - Lower Farm

Headbourne Worthy <clerk@headbourneworthy.org.uk>

i Follow up. Completed on 08 January 2019.
You replied to this message on 08/01/2019 14:57.

Sent: Tue 08/01/2019 13:59

To: Rose Lister

Dear Rose

Please see below

- Converting the building for residential purposes will optimize the use of an outhouse.
- This in turn will provide a small domestic residence in an area where there is short supply of such houses. Additionally it could release another small dwelling onto the housing market.
-
- Since the current building is considered agricultural, conversion is permitted under Class Q development rights. This alone suggests that the application should be approved.
- If the existing building is not considered to be agricultural, the site should be treated as 'previously developed land' and approval of the application should be granted.
- The high level of local support - please see nine attached letters in Appendix E of the Planning Statement (Revision) of the application - underline the widespread support of the local community.
- Mr Robert Chisnell and his daughter and son-in-law, Mr and Mrs Huntley, are much valued members of the Headbourne Worthy village community and contribute greatly to its physical well-being, most recently through their hard work on a footpath and recreation space in the centre of the village.

The Parish Council most strongly recommend that the planning application should be called to Committee.

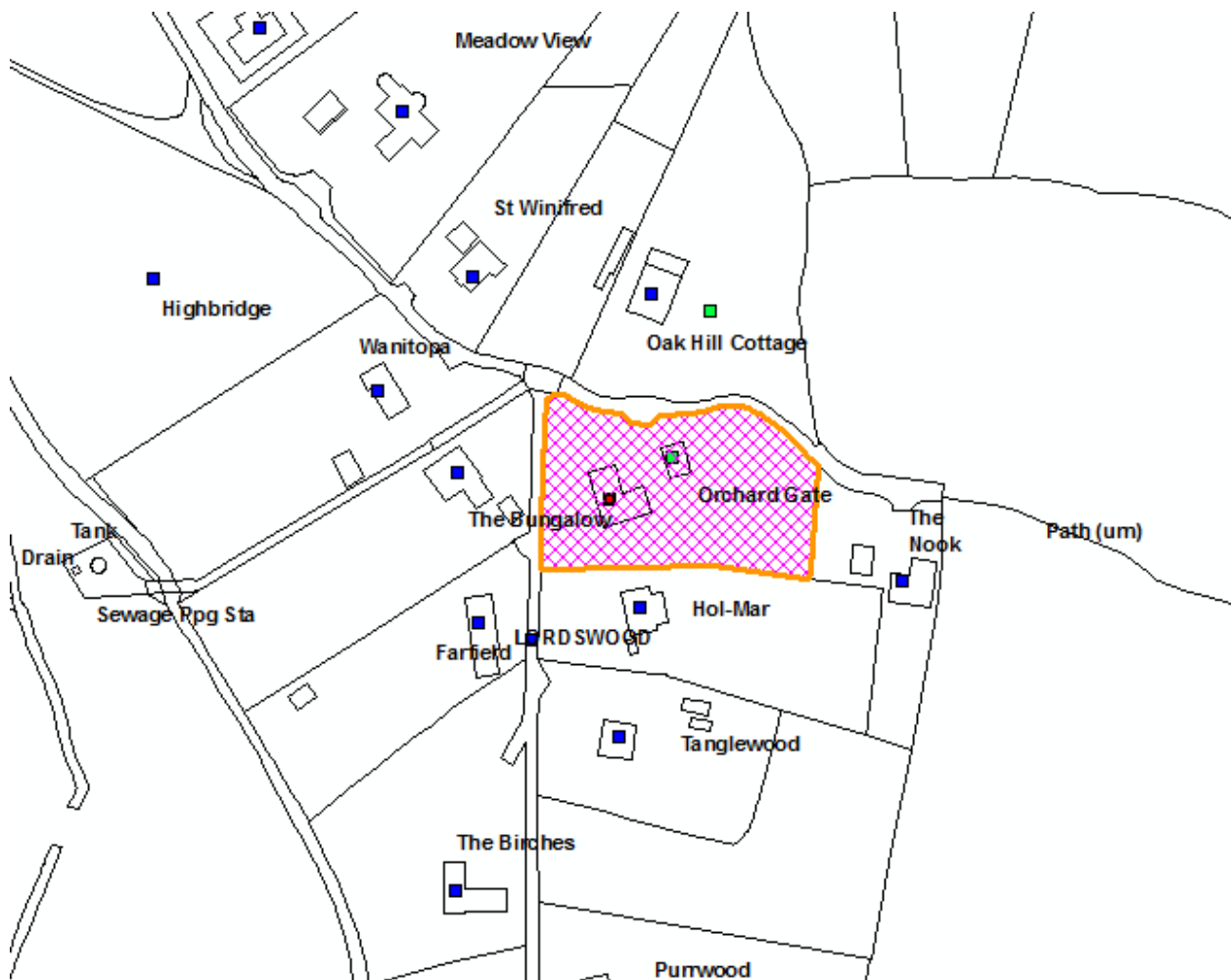
With best wishes

Jill

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WINCHESTER CITY COUNCIL PLANNING COMMITTEE

Case No: 18/02332/HOU
Proposal Description: (Retrospective) Use of existing detached outbuilding as 'granny' annexe for family accommodation ancillary to the main dwelling
Address: Orchard Gate Lordswood Highbridge Hampshire SO50 6HR
Parish, or Ward if within Winchester City: Colden Common
Applicants Name: Mr & Mrs Williams
Case Officer: Curtis Badley
Date Valid: 8 October 2018
Recommendation: Application Permitted



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WINCHESTER CITY COUNCIL
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General Comments

This application is reported to committee as a result of the Colden Common Parish Council's request for application to be determined by Planning Committee, see Appendix 1

Site Description

Orchard Gate is a detached bungalow, set within a spacious site which is located down the private lane, Lordswood. The property is located on land which gently slopes to the South East and is enclosed from the North, West and East with boundaries comprised of indigenous mixed hedgerow. The existing property has a floor area of approximately 165m² and has four bedrooms.

The property shares an access and shingle driveway with a single storey outbuilding. The outbuilding is built of brickwork materials and natural timber cladding which matches the existing dwelling house. This building is located 7 metres from the existing dwelling house, Orchard Gate and in excess of 30 metres from nearby neighbouring properties.

The surrounding area is rural in nature and is characterised within an area of low density and low rise development. Within this rural setting there are a number of substantial properties, largely modern, which have been built off the track within a rural setting. The wider area is well landscaped with mature hedgerow and tree planting along road frontages and around the boundaries of plots.

Proposal

The existing outbuilding located alongside the existing property currently benefits from a grant of planning permission for use as an arts studio, games room and workshop. The proposal seeks consent for the retrospective use of this outbuilding as habitable accommodation ancillary to the main dwelling house, Orchard Gate. As a result of the proposed development, external alterations to the existing building are limited to the replacement of a set of French double doors with a window within the front elevation which do not constitute as 'development'.

Relevant Planning History

16/02030/FUL (PER - 17.10.2016) - Alteration and extension of existing detached garage to form workshops and games room

Consultations

None

Representations:

Colden Common Parish Council

- Comments of objection received on the grounds that the application is a separate self-contained building which is development in the countryside.

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1 letter received objecting to the application for the following reasons:

- Incompatible and unacceptable use within the countryside

Relevant Planning Policy:

Winchester District Local Plan Part 1- Joint Core Strategy (2013)

DS1: Development Strategy and Principles;
CP13: High Quality Design;
CP20: Heritage and Landscape Character;
MTRA 4: Development in the Countryside

Winchester District Local Plan Part 2 - Development Management and Site Allocations
Development Plan Document (2017)

DM1: Location of New Development;
DM15: Local Distinctiveness;
DM16: Site Design Criteria;
DM17: Site Development Principles;
DM18: Access and Parking
DM23: Rural Character

Supplementary Planning Documents

Winchester District High Quality Places (2015);
Soberton Village Design Statement

National Planning Policy Guidance/Statements:

National Planning Policy Framework 2018

Planning Considerations:

Principle of development

The application is retrospective to the extent that the building has already been constructed and internal modifications have been undertaken to convert the previously approved games room, art studio and workshop into a 'granny' annexe ancillary to the main dwelling house. Whilst the outbuilding has been constructed in compliance with a previous grant of planning permission, it is necessary within this application to consider the outbuildings use.

The outbuilding is located adjacent to the North East of the existing dwelling house, Orchard Gate. The provision of this outbuilding within the curtilage of Orchard Gate has been established through the grant of planning permission with reference: 16/02030/FUL for the alteration and extension of existing detached garage to form workshops and a games room. A condition was applied to the grant of permission which restricted the outbuildings use and stated that the permitted proposal "shall not be occupied at any time other than for purposes ancillary to the residential use of the existing dwelling (Orchard Gate)".

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Gate) and shall not be used as an independent unit of living accommodation.”

In this case, an application has been submitted to the Local Planning Authority in order to establish the continued ancillary use of the outbuilding in association with the main dwelling house and in accordance with the condition set out above. In consideration of the property history, the provision of primary living accommodation in the building means that the building requires consent.

Design/layout

The outbuilding has been built in accordance with planning permission reference: 16/02030/FUL and within this application it was concluded that the proposal was not considered to impact the character and appearance of the property through the use of a design and materials which match the current dwelling. The works undertaken through the conversion of the outbuilding are mainly internal in nature and this building and the resulting external works are limited to the replacement of a set of French double doors with a window within the front elevation. The built form, as constructed, has been built in accordance with this grant of planning permission, therefore it is not considered that a reason for refusal could be sustained on a design basis.

Internal alterations have been undertaken which do not increase the size, height or floor space provided by the existing building. The existing ground floor plan of the single storey building has been altered from a workshop, studio and art studio. The proposed (retrospective) ground floor plan includes a living room/kitchen, art studio, snug, WC, utility room, bedroom and en-suite. No living space is provided at first floor level.

The outbuilding has a gross external floorspace of approximately 115 sq. metres and is located in close proximity to the main dwelling house, sharing an access and front driveway.

The ancillary residential floor space is less than the main dwelling and the personal circumstances of this application set out that the occupant of the outbuilding forms an ‘integral part of the family unit and performs vital elements of the family’s practical functionality’. The applicant’s have provided the following statement in relation to the intended use of the building:

Mr & Dr Williams are full time professional key workers (Education & Healthcare) and Dr Williams’ mother forms an integral part of the family unit at Orchard Gate. The annexe building continues to function as an ancillary building to the main house for the family, where Mrs Rayner spends time with the grandchildren, using the purpose built Studio to paint, sew and develop their artistic talents amongst other things. She is an integral part of the family unit and performs vital elements of the family’s practical functionality, which includes getting her three grandchildren to and from school, their clubs and other activities when Mr & Dr Williams are working - with the variable nature of ‘on call’ and ‘out of hours’ working for Dr Williams (consultant at a local hospital), this is particularly essential (they moved to be closer to the hospital for out of hours emergencies). At this point the facilities offered by the annexe provide the ability for the family to be together, but retain some independent privacy. In due course, this will also provide the ability for Dr Williams’ mother to continue to live with the family, when they can provide her future care and support as necessary.

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There is no desire for this building to be separated from the host property and we would anticipate that conditions may be imposed, to prevent it becoming a completely separated dwelling, along with a condition that the accommodation may only be occupied by a family member of the occupiers of the host dwelling.

The proposed building has all the facilities sufficient to make it a self-contained dwelling, but for the reasons given above this is not likely and it is considered that through the use of condition that the continued ancillary use of this residential annexe can be ensured.

It is acknowledged that within this countryside area the principle of additional residential accommodation is not acceptable. The provision of appropriate annexe buildings are however acceptable and in this circumstance, for the reasons set out above, the proposal is considered to comply with policy MTRA4 of the WD Local Plan Part 1 (2013).

Impact on Character of Surrounding Area

The buildings location nearby the existing dwelling allows the use of shared facilities in the form of pedestrian and vehicular access, car parking and utility services, making future severance of the site difficult to complete in reality. Notwithstanding the concerns above, a condition has been agreed which ensures that the building be used as ancillary accommodation to the main dwelling house to prevent the creation, by conversion, of inappropriate units of accommodation, possibly leading to over intensive use of the site. This condition ensures that the outbuilding shall not be occupied as an independent planning unit of residential accommodation, business, commercial or industrial purpose separate to the occupation and enjoyment of the existing dwelling house Orchard Gate.

The outbuilding is not overtly visible from the public realm by virtue of its discreet location down a private road. As the proposals consist of internal alterations only, minimal visual intrusion or harm caused to the surrounding countryside is expected, complying with policy CP20 of the WD Local Plan Part 1 (2013) and policy DM23 of the WD Local Plan Part 2 (2017).

As the existing outbuilding has been altered to facilitate the annexe accommodation appropriately and proportionately, the proposals are considered to comply with policy DM16 of the WD Local Plan Part 2 (2017).

Impact on Neighbouring Amenity

The outbuilding has been constructed in accordance with a previous grant of planning permission. As a result, no additional impact by means of overlooking, overshadowing or by overbearing is expected as a result of the increased use of this building.

The current proposal seeks to use the outbuilding for continued use ancillary to the habitation of the existing dwelling house. As a result of this use, there may be occasions of disturbance caused, as with any outbuilding in any other domestic curtilage, this is not a planning reason for refusal and other legislative requirements protect residents from anti-social behaviour.

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Highways/Parking

The considered application is for the use of the ancillary outbuilding as habitable accommodation. The main dwelling house maintains four bedrooms and shares access and parking facilities with the outbuilding which proposes an additional bedroom for ancillary use to the main house. Sufficient parking availability is considered to be suitably accommodated within the existing parking and turning area provided.

Light Pollution

The outbuilding is located in an area where there are a number of properties present and is located in excess of 30 metres from neighbouring properties. A number of small domestic lights have been affixed along the front elevation adjacent to the access. Whilst large sections of glazing are present within the existing building; the use of domestic internal lighting is common within the surrounding rural area. As a result of the domestic use of the building; the scale and positioning of external lighting and the distance maintained from neighbouring properties, it is not considered that the level of illumination or glazing would create significant light pollution that would harm neighbour amenity or the rural character of the area.

Conclusion

The application seeks to continue to use this outbuilding for ancillary purposes to the main dwelling which has been constructed within its residential curtilage in accordance with a previous grant of planning permission. It is possible to ensure, through the use of conditions, that a separate unit of residential accommodation is not created thereby restricting the ancillary function of the building in association with the main dwelling.

Recommendation

Application Permitted subject to the following condition(s):

Conditions

01 The development hereby approved shall be constructed in accordance with the following plans:

Location and Site Plan, Existing and Proposed Floor Plans and Elevations (Drawing Number: 02_ Rev B) Received: 08.10.2018

Changes to Elevations (Drawing Number: 201801/002) Received: 08.10.2018

01 Reason: In the interests of proper planning and for the avoidance of doubt.

02 The annexe hereby permitted shall be used solely for purposes incidental to the occupation and enjoyment of the existing property as a dwelling (known as: Orchard Gate, Lordswood, Highbridge, Hampshire, SO50 6HR) and shall not be occupied as an independent planning unit of residential accommodation, business, commercial or industrial purpose.

02 Reason: To accord with the terms of the application since the site lies within an area where additional residential properties would not normally be permitted and to

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WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

prevent the creation, by conversion, of inappropriate units of accommodation, possibly leading to over intensive use of the site.

Informatives:

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 a site meeting was carried out with both the agent and the applicant.

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

Winchester District Local Plan Part 1- Joint Core Strategy (2013): DS1, CP13, CP20 and MTRA4

Winchester District Local Plan Part 2 - Development Management and Site Allocations Development Plan Document (2017): DM1, DM15, DM16, DM17, DM18 and DM23

Supplementary Planning Documents:
Winchester District High Quality Places (2015);
Soberton Village Design Statement

National Planning Policy Guidance/Statements:
National Planning Policy Framework

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.

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


WINCHESTER CITY COUNCIL PLANNING COMMITTEE

Appendix 1

From: clerk@coldencommon-pc.gov.uk Sent: Tue 27/11/2018 09:34
To: Curtis Badley
Cc:
Subject: 18/02332/HOU | (Retrospective) Use of existing detached outbuilding as 'granny' annexe for family accommodation ancillary to the main dwelling | Orchard Gate Lordswood Highbridge Hampshire SO50 6HR

Dear Curtis

The Parish Council object to the above application as it separate self-contained building which is development in the countryside.
Furthermore, if you are minded to approve the application, we ask that it be determined by WCC, Planning, Development and Control Committee.

 The Parish Office, Community Centre,
St Vigor Way, Colden Common,
Winchester, Hampshire, SO21 1UU
Telephone: 01962 713700 or 07775 627131
Email: clerk@coldencommon-pc.gov.uk
www.coldencommon-pc.gov.uk
Clerk to the Council: Debbie Harding

REPORT TITLE: CONFIRMATION OF TREE PRESERVATION ORDER 2235 –
WATER LANE, BISHOPS SUTTON, ALRESFORD

14 FEBRUARY 2019

REPORT OF PORTFOLIO HOLDER: Councillor Caroline Brook, Portfolio Holder for
Built Environment

Contact Officer: Ivan Gurdler Tel No: 01962 848403 Email
igurdler@winchester.gov.uk

WARD(S): ALRESFORD AND ITCHEN VALLEY

PURPOSE

To consider confirmation of Tree Preservation Order 2235 to which one letter of objection has been received.

RECOMMENDATIONS:

1. That having taken into consideration the representations received, Tree Preservation Order 2235 is 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 At the time that TPO 2235 was served, there were four letters of objection and one letter of support from the owners of the tree and neighbours. Three letters of objection have now been withdrawn leaving one letter of objection from a neighbouring property to the TPO which is summarised in this report.

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 both the countryside and in every town and village throughout the District. Trees support the natural beauty of our countryside and the diversity of our natural wildlife.
- 7.2 Trees represent an important environmental, economic and amenity resource within the built and natural environment.

8. EQUALITY IMPACT ASSESSEMENT

- 8.1 None

9. DATA PROTECTION IMPACT ASSESSMENT

9.1 None required

10. RISK MANAGEMENT

Risk	Mitigation	Opportunities
<i>Property N/A</i>		
<i>Community Support N/A</i>		
<i>Timescales N/A</i>		
<i>Project capacity</i>		
<i>Financial / VfM N/A</i>		
<i>Legal N/A</i>		
<i>Innovation N/A</i>		
<i>Reputation N/A</i>		
<i>Other</i>		

11. SUPPORTING INFORMATION:

- 11.1 This matter comes to Planning Committee because one objection to the making of TPO2235 has been received and has not been withdrawn.
- 11.2 TPO2235 was issued on 14 September 2018 to protect a large mature cedar tree located on the eastern boundary of the property. The Council received notification that the tree owners intended to fell it. If TPO 2235 is not confirmed, the TPO will expire on 13 March 2019.
- 11.3 The cedar tree is in full public view from the main road (B3047) running through Bishops Sutton from the east and from Water Lane and Hobbs Close to the north, giving the tree high visual public amenity value. The tree is of good health vitality and is a good example of its species.
- 11.4 The protection of this tree 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.” If this tree is removed it would have a detrimental impact on the visual public amenity value that the tree currently provides.
- 11.5 There are no arboricultural reasons or justification provided for the felling of the tree, there is no history of tree failure and no reports of structural damage being caused to the adjacent drive of dwelling of the property.
- 11.6 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.

11.7 The confirmation of TPO 2235 will not prevent future maintenance to the tree.

12. OTHER OPTIONS CONSIDERED AND REJECTED

12.1 At the time that TPO 2235 was served, the Council received 4 letters of objection and one letter of support.

12.2 Following a site meeting on 15 November 2018 at the property between the Principal Tree Officer and the owners of the tree, it was agreed that tree surgery could be carried out to alleviate the tree owner's concerns and their reasons for wishing to fell the tree. Following this agreement three of the four objectors have withdrawn their objection to the TPO.

12.3 The remaining objector disagrees that the tree has amenity value and has also made two comments:

- *From every window of my house I can see that awful tree”.*
- *“The tree is a constant source of irritation to me as I am constantly having to collect its branches and cones from my garden”*

13. BACKGROUND DOCUMENTS:-

13.1 TEMPO

13.2 Planning Practice Guidance – Tree Preservation Orders and trees in conservation areas.

13.3 The Following Tree Evaluation Method For Preservation Orders (TEMPO) assessment has been carried out to evaluate the amenity value of the Cedar tree.

Condition & suitability for TPO	Fair	suitable	3 points
Retention span (in years)	40 – 100	Very suitable	4 points
Relative public visibility & suitability	Large trees, or medium trees clearly visible to the public	suitable	4 points

Other factors	Principal components of formal arboricultural features, or veteran trees	N/A	1 point
Expediency assessment	Immediate threat to tree	Immediate	5 Points
Total			17 points awarded- TPO defensible.

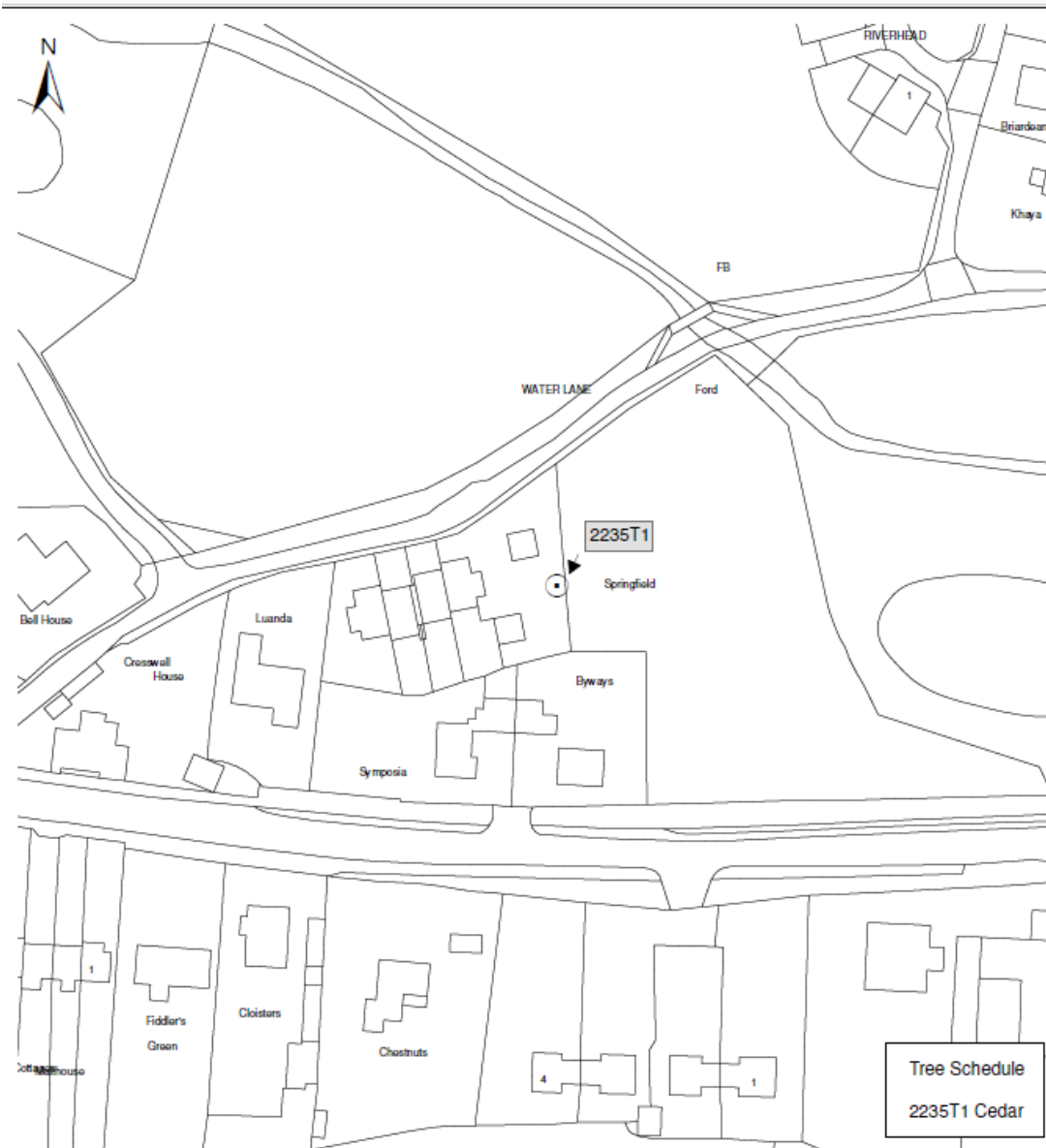
- 13.4 The cedar tree scores a total of 17 points which establishes that the placing of a TPO on the cedar tree is defensible and confirms that the tree is of sufficient public visual amenity value to be protected by a TPO.





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. 2235

Location: 1 Water Lane
Bishops Sutton
SO24 0AL



Director of Operations
Winchester City Council
POBox 497, City Offices
Colebrook Street
Winchester
Hampshire
SO23 9DD

Telephone 01962 840 222
Fax 01962 841 365

OS Grid: 4629

Scale: 1:1000 @ A4

Date : 12 September 2018

Appendix 1

PDC1127
PLANNING COMMITTEE

REPORT TITLE: CONFIRMATION OF TREE PRESERVATION ORDER 2233 –
LAND AT PITT MANOR COTTAGE, KILHAM LANE, WINCHESTER, SO22 5PR

14 FEBRUARY 2019

REPORT OF PORTFOLIO HOLDER: Councillor Caroline Brook, Portfolio Holder for
Built Environment

Contact Officer: Stefan Kowalczyk Tel No: 01962 848210

Email skowalczyk@winchester.gov.uk

WARD: ST LUKE

PURPOSE

To consider confirmation of Tree Preservation Order 2233 to which one letter of objection has been received.

RECOMMENDATION:

That having taken into consideration the representation received, Tree Preservation Order 2233 is 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, immediate neighbours were notified and were allowed 21 days to object.

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 both the countryside and in every town and village throughout the District. Trees support the natural beauty of our countryside and the diversity of our natural wildlife.

8 EQUALITY IMPACT ASSESSEMENT

None

9 DATA PROTECTION IMPACT ASSESSMENT

- 9.1 None

10 RISK MANAGEMENT

- 10.1 None

Risk	Mitigation	Opportunities
<i>Property</i>		
<i>Community Support</i>		
<i>Timescales</i>		
<i>Project capacity</i>		
<i>Financial / VfM</i>		
<i>Legal</i>		
<i>Innovation</i>		
<i>Reputation</i>		
<i>Other</i>		

11 SUPPORTING INFORMATION:

Summary of Objection Letter

- 11.1 One letter of objection to TPO 2233 was submitted on 14 September 2018 and directly objects to all trees included in TPO 2233.
- 11.2 The objector raises two reasons for objection.
- a) Quality and suitability of Trees;
 - b) Expediency
- 11.3 The trees are multi stemmed, self sown Sycamore. They have unbalanced crowns due to past pruning or past competition from neighbouring trees that have now been removed. The crowns are growing into utility distribution cables. "Furthermore, some of the specimens are located less than 0.5m from the property's old brick retaining wall meaning that damage to the wall is highly likely in future years."
- 11.4 The Objector considers the tree to be category C trees under the system used to assess the quality of trees in relation to their suitability for retention on building sites – British Standard 5837:2012 Trees in relation to design, demolition and construction, section 4.5 tree categorisation methods.
- 11.5 The Objector also considers the suitability of the trees using the Tree Evaluation Method for Preservation Orders (TEMPO) which is widely used to when deciding whether to TPO or not.
- 11.6 The Objector's assessment of the tree in regard to TEMPO comes to a result of 0 which "negates any possibility of TPO as these are trees that should not be placed under TPO due to exemptions within the primary legislation."
- 11.7 The Objector also goes on to say that "the trees score some points that points towards a TPO being defensible, common sense dictates that the tree protected are outgrown self-set multi stem sycamores".

- 11.8 That the trees do not have a retention span of more than 10 years due to the “proximity of T1 and T2 are such that damage to the wall is inevitable”.
- 11.9 Concerns expressed about “retaining a tree which displays a clearly observable hazard beam.”
- 11.10 “The serving of a TPO is unjustified given the observable defects and close proximity to the wall of some specimens”.

Expediency

- 11.11 The fact that the trees do have a public visual amenity does not alone make the TPO expedient.
- 11.12 The objector raises concern that the TPO was served on no other grounds than public visual amenity.
- 11.13 The Objector states that the trees serve “no-one and serve only to distribute public resources to administering TPOs”.

Conclusion

- 11.14 The trees are poor quality.
- 11.15 The trees have multiple defects.
- 11.16 The trees are likely to cause damage to a wall.
- 11.17 The trees may be unsympathetically pruned by the utility provider.
- 11.18 The trees are hidden by a wall and therefore no access from the public domain exists.

Summary of letters of support

- 11.19 The presence of trees in Kilham Lane is one of the defining characteristics.
- 11.20 The presence of trees in Kilham Lane makes living in the urban environment feel much more rural.
- 11.21 Disappointment towards the fact “that a significant number of trees offering varied habitat to wildlife have already been felled within the grounds of Pitt Manor Cottage.”

Officer’s response to letter of objection

- 11.22 This matter comes to Planning Committee because one objection to the TPO has been received. Two letters of support have also been received.
- 11.23 The Council received a notification of works being carried out to trees at Pitt Manor Cottage in February 2018.

- 11.24 A site visit was undertaken by a Tree Officer to assess the possibility of serving a TPO on remaining trees on the land at Pitt Manor Cottage. Although the majority of trees had been removed, one small group of trees remained and the Tree Officer considered this to be suitable for a TPO.
- 11.25 The tree removal works that had been undertaken had a significant impact on the public visual amenity of the area. The remaining trees were obviously under threat, and as they also had a high public visual amenity, as viewed from Kilham Lane, it was considered necessary to serve a TPO on the remaining trees.
- 11.26 The protection of these trees by Tree Preservation Order is in accordance with Government Guidance which state 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.”
- 11.27 Therefore, TPO 2222 was made on 22 February 2018 to which one letter of objection and two letters of support were received.
- 11.28 Because TPO 2222 was not brought to the Committee for confirmation within the necessary 6 months, it lapsed. Therefore the current TPO, 2233, was made on 23 August 2018.
- 11.29 If TPO 2233 is not confirmed it will expire on 22 February 2019
- 11.30 The assessment used for the categorisation of trees on building sites is not relevant. This method of assessment is used when supplying information to the Local Planning Authority (LPA) in support of a planning application for development. No such planning application has been received and therefore this categorisation method does not apply.
- 11.31 The TEMPO assessment undertaken by the Tree Officer results in a score of 16 for the Sycamores now subject to provisional TPO. This establishes that the placing of a TPO on the cedar tree is defensible and confirms that the trees are of sufficient public visual amenity value to be protected by a TPO.

Condition & suitability for TPO	Fair	Suitable	3 points
Retention span (in years)	20 – 40	Suitable	2 points

Relative public visibility & suitability	Large trees, or medium trees clearly visible to the public	Suitable	4 points
Other factors	Principle components of formal arboricultural features, or veteran trees	N/A	1 point
Expediency assessment	Immediate threat to tree	Immediate	5 Points
Total			15 points awarded- TPO defensible.

- 11.32 The Sycamore trees score a total of 15 points which suggests, as guidance, that the placing of a TPO on these trees is defensible and confirms that the trees have sufficient visual amenity value to be protected by a TPO.
- 11.33 The trees are Sycamores, are most likely self sown and are multi stemmed. This in itself does not mean that the trees cannot be preserved through the serving of a TPO.
- 11.34 As a collective, the trees serve as a significant landscape amenity to Kilham Lane and are the last remaining trees in a previous significant shelter belt of trees that had been removed prior to the making of the TPO.
- 11.35 The Tree Officer is of the opinion that the useful life expectancy of these trees is far more than 10 years, the more appropriate useful life expectancy is up to and over 20 years with the appropriate management.
- 11.36 If damage is imminently foreseeable or evident then on receipt of a formal TPO application form for the removal of the offending trees, it is highly likely that the Council would not refuse such an application. Any application to remove will however require the appropriate evidence to show that damage is imminently foreseeable and/or already obvious.
- 11.37 Similarly, if an obvious hazard exists and it is in risk of imminent failure and associated significant risk of harm, the hazard could be removed under the dead and dangerous exemptions to the TPO legislation. If however the risk of failure and associated harm is not imminent then a TPO application can be

submitted to the LPA. If such an application is supported by sufficient justification, in line with the Secretary of State's Guidance, it is unlikely that the LPA will refuse such an application.

Expediency

- 11.38 No tree is 'defect' free. They are natural structures that co-evolve and co-exist with their natural environment. The fact that trees have defects does not alone make the serving of a TPO non-expedient.
- 11.39 The fact that a tree does have a significant public visual amenity and does not pose a significant risk of harm to its existing surroundings does provide a strong reason for the preservation of such a tree – as the Tree Evaluation Method for Preservation Orders (TEMPO) result does suggest, as per the above table.
- 11.40 The trees, provide a significant landscape feature for the surrounding residents and anybody who may use Kilham Lane either by vehicle or by foot.
- 11.41 The protection of these 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." If the trees are removed it would have a detrimental impact on the public visual amenity value that the trees currently provide.

Previous Committee Reports:-

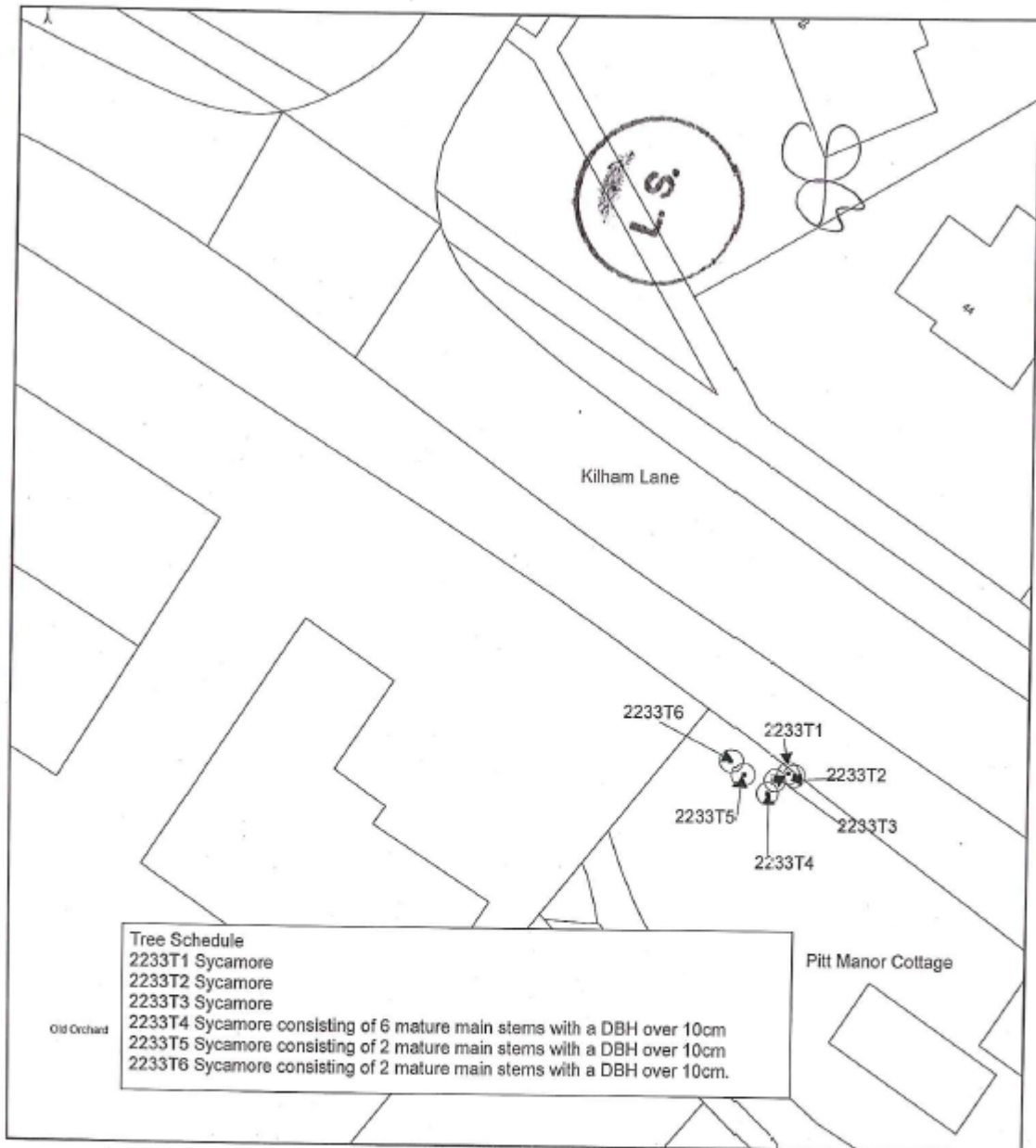
11.43 None

Other Background Documents:-

11.44 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. 2233

Location: Pitt Manor Cottage
Kilham Lane
Winchester

OS Grid: 4528

Scale: 1:300@A4

Date : 21/08/2018



Winchester
City Council

Director of Operations
Winchester City Council
POBox 497, City Offices
Colebrook Street
Winchester
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SO23 9DD

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