



Meeting	Planning Committee
Date and Time	Thursday, 11th April, 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 7 - 12)

Minutes of the previous meeting held on 14 March 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 9 April 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 - 9 and SDNP Item 10.	PDC1131	
7.	Land Off Solent Way, Whiteley (Case number: 18/02163/FUL) (Pages 13 - 30)		Whiteley & Shedfield
8.	Fulcrum 6 Solent Way, Whiteley (Case number: 18/02879/FUL) (Pages 31 - 56)		Whiteley & Shedfield
9.	99 - 103 Springvale Road , Kings Worthy (Case number: 18/01083/FUL) (Pages 57 - 76)		The Worthys
10.	Land at Butts Farm, Butts Farm Lane, Bishops Waltham (Case number: SDNP/19/00026/FUL) (Pages 77 - 86)		Bishops Waltham
11.	Confirmation of Tree Preservation Order TPO2238 - Abbots Lea Cottages, Worthy Road, Winchester (Pages 87 - 94)	PDC1129	St Bartholomew
12.	Member Briefing Paper - Lovedean Interconnector (PDC1132)		Denmead

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.



3 April 2019

Agenda Contact: Claire Buchanan, Senior Democratic Services Officer
Tel: 01962 848 438 Email: cbuchanan@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

Huxstep and Scott

Laming and Weir

Quorum = 4 members



Working in Partnership



THE HUMAN RIGHTS ACT 1998:

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

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

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

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

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

GENERAL GUIDANCE ON THE WORK OF THE COMMITTEE:

Background

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

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

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

At the meeting

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

Timing

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

The Officer's presentation

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

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

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.

Public Document Pack Agenda Item 4

PLANNING COMMITTEE

Thursday, 14 March 2019

Attendance:

Councillors
Ruffell (Chairman)

Clear
Cunningham
Evans

Izard
Rutter
Berry

Deputy Members:

Councillor Huxstep except for items 12 and 13

Others in attendance who addressed the meeting:

Councillors Horrill, Murphy, Laming and Porter

Others in attendance who did not address the meeting:

Councillor Bell

Apologies for Absence:

Councillors Read and McLean

1. **APPOINTMENT OF VICE CHAIRMAN FOR THE MEETING**

RESOLVED:

That Councillor Izard be appointed Vice-Chairman of the Committee for the meeting.

2. **DISCLOSURES OF INTERESTS**

Councillor Rutter declared that in respect of item 9 (land at St Swithuns Church, London Road, Headbourne Worthy) she was a member of Headbourne Worthy Parish Council. She had not discussed or voted on this item when it was considered by the Parish Council and as she had not predetermined the application, she would speak and vote on this item.

3. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee held on 14 February 2019 be approved and adopted.

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

The Committee agreed to receive the Update Sheet as an addendum to Report PDC1128.

5. **PLANNING APPLICATIONS – WCC AGENDA ITEMS 7 – 13 (PDC1128)**

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

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

6.

ITEM 7: REFURBISHMENT AND RE-DEVELOPMENT OF THE OLD PARSONAGE CARE HOME TO PROVIDE 16 NO. CLOSE CARE APARTMENTS WITH ASSOCIATED WELFARE AND STAFF FACILITIES. THE PROPOSALS INCLUDE THE DEMOLITION OF THE 1980'S ADDITIONS, THE ERECTION OF A NEW 2.5 STOREY BUILDING WITH SINGLE STOREY WING TO THE REAR OF THE SITE AND THE RE-ORDERING OF THE LISTED BUILDING. THE OLD PARSONAGE CARE HOME, MAIN ROAD, OTTERBOURNE CASE NUMBER: 18/02063/FUL

The Head of Development Management referred Members to the Update Sheet which set out that the section headed 'Recommendation' should read:

Application Permitted subject to the following provisions in a S106 Legal Agreement and condition(s):

Heads of Terms

- Retention of buildings for C2 use

The Employment and Skills Plan shall be secured by Condition 20 not via S106 Agreement.

There was also an update to Condition 8 (Construction Management Plan); and the addition of Condition 20 relating to the need for an Employment and Skills Plan and also the addition of Condition 21 (that accommodation hereby permitted shall not be used for any other purposes than a residence care home (Use Class C2). – Full details were set out in the Update Sheet.

During public participation, Helen Elleby and Otterbourne Parish Councillor Kevin Stafford spoke in objection to the application and answered Members' questions thereon.

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

In summary, Councillor Laming stated that:

- The proposed development was much larger than the present.
- The new development's windows and their height would result in a loss of privacy for neighbours.
- The new rooms facing neighbours were living rooms and for permanent occupation.
- The large scale of the development would change the character of the area.
- There was insufficient car parking, including provision for visitors
- There would be an adverse impact on the sewerage system and the ecologically sensitive stream
- There would be further car parking on the road and limited access for emergency vehicles
- A Planning (Viewing) Sub Committee was recommended.

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 as per the Update Sheet.

7. **ITEM 8: REFURBISHMENT AND RE-DEVELOPMENT OF THE OLD PARSONAGE CARE HOME TO PROVIDE 16NO. CLOSE CARE APARTMENTS WITH ASSOCIATED WELFARE AND STAFF FACILITIES. THE PROPOSALS INCLUDE THE DEMOLITION OF THE 1980'S ADDITIONS, THE ERECTION OF A NEW 2.5 STOREY BUILDING WITH SINGLE STOREY WING TO THE REAR OF THE SITE AND THE RE-ORDERING OF THE LISTED BUILDING. THE OLD PARSONAGE CARE HOME, MAIN ROAD, OTTERBOURNE CASE NUMBER: 18/02064/LIS**

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 subject to the deletion of the reference to: 'and for the provision of an Employment Skills Plan', which was included and approved under application 18/02063/FUL above.

8. **ITEM 9: CAR PARK WITH LANDSCAPING AND NEW ACCESS FROM WORTHY ROAD. LAND AT ST SWITHUNS CHURCH, LONDON ROAD, HEADBOURNE WORTHY. CASE NUMBER: 18/01978/FUL.**

During public participation, Gail Alexander (The Worthies Conservation Volunteers) spoke in objection to the application and Headbourne Worthy Parish Councillor Christine Clarkesmith and Gimma McPherson (Parochial Church Council for the Church) spoke in support and answered Members' questions thereon.

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

In summary, Councillor Porter stated that she wished to raise the following points:

- Concerns over the viability of the church
- Concerns over the impact on ecology
- Highway issues, including the dampness of the site of the existing informal car park and the safety of the entrance to the new car park on a busy 30 to 40mph road. She asked if sight lines were adequate with the introduction of electric vehicles and the use of cycles that could be less heard.
- Was car parking capacity met with 25 new spaces
- Was lighting required for the safety of visitors
- The erosion of the strategic gap with the development of the car park
- Possible use as an informal Park and Ride (following the introduction parking restrictions in Abbots Worthy)
- Effect on the setting of the listed church, which would not be enhanced
- The provision of a small number of disabled bays would have been more acceptable
- Speed limits on the road could have been addressed as part of the Planning Application.

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

9. **ITEM 10: CHANGE OF USE OF OPEN LAND TO A PET CEMETERY
CEMETERY HOE ROAD BISHOPS WALTHAM
CASE NUMBER: 18/02844/FUL**

The Head of Development Management clarified that the dimensions of the proposed area for the pet cemetery was approximately 40m on its longest length by 20m and not 25m x 13m as stated on page 62 of the Report under Site Description.

During public participation, Penny Clive (Committee Member of Cemetery) spoke in support of the application and answered Members' questions thereon.

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

10. **ITEM 12: ERECTION OF A 60 BED SPECIALIST DEMENTIA AND NURSING
RESIDENTIAL CARE HOME WITH ASSOCIATED LANDSCAPING AND CAR
PARK FOLLOWING DEMOLITION OF THE EXISTING VACANT FORMER
NURSING HOME BUILDING.
ABBEGATE, 42 QUARRY ROAD, WINCHESTER
CASE NUMBER: 18/02385/FUL**

The Head of Development Management referred Members to the Update Sheet which set out details of a further letter of objection received due to the size of the structure and its proximity to the junction of Northbrook Avenue and Quarry

Road; a revision to Condition 13: Substitute revised Landscape plan (M9335 APL005 rev. D) and site plan (M9335 APL004 rev. D), which showed the temporary storage area for bin collection, and also an additional condition relating to Employment Skills Plan – Full details were set out in the Update Sheet.

During public participation, David Hoggett spoke in objection to the application and Carole Sawyers (Chief Executive of Brendon Care) and James Wallace (Architect) spoke in support and answered Members' questions thereon.

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

In summary, Councillor Murphy stated that:

- The revised plans had reduced the development's height; however it was still four stories and would be dominant and close to neighbours.
- It was contrary to the St Giles Hill Conservation Area guidance and the Neighbourhood Design Statement, which should be respected.
- The development could be pushed further back into the site and its roof articulated.
- The provision of solar panels (35 square metres) to the roof area of 900 square metres was relatively small and the development's level of sustainability to meet Council's Planning Policy CP11 needed to be clarified.
- There was inadequate drainage and the development might increase the risk of flooding.
- There was inadequate capacity for foul sewage and this required improving.
- The application should be deferred to allow the above points to be dealt with.

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 as per the Update sheet, subject to the delegation to the Head of Development Management to issue the decision once the required ecology matters together with any appropriate conditions that may be required.

11. **ITEM 13: HOARDINGS AND WINDOW STICKERS/POSTERS SURROUNDING THE FRIARSGATE MEDICAL CENTRE BUILDING. FRIARSGATE MEDICAL CENTRE, FRIARSGATE, WINCHESTER CASE NUMBER: 19/00174/AVC**

The Head of Development Management referred Members to the Update Sheet which stated that Paragraph 3 of the 'Design/layout and Impact on Character of Area' section referred to the use of a map image. This had now been updated to include images taken from the Central Winchester Regeneration Supplementary Planning Document and amended drawings had been received to reflect this.

Therefore, condition 07 was updated to read:

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

- Location Plan received 28.01.2019
- Hoardings – Measurements with Design received 12.03.2019
- Hoardings – Panel Measurements received 28.01.2019
- Visual Image showing Hoarding and Windows received 28.01.2019
- Door Measurements and Graphics received 28.01.2019
- Archway Graphics received 28.01.2019
- Block Plan showing location of hoardings received 28.01.2019
- Single Window Graphic received 28.01.2019
- Window Vinyl Stickers received 28.01.2019
- Marked up windows and measurements received 30.01.2019

During public participation, Councillor Horrill spoke on this item as the Leader of the Council.

In summary, Councillor Horrill stated that:

- As Chairman of the Cabinet (Central Winchester Regeneration) Committee the redevelopment of the area was a key commitment and the Supplementary Planning Document (SPD) and its vision for the area had been adopted.
- The Woolstaplers Hall, the former antiques market and Coitbury House would remain in the redevelopment. The former Friarsgate building had been empty for almost 10 years and after being purchased by the City Council in 2018 it would now be demolished.
- The Council was seeking hoardings and window stickers/posters in the short term to secure the building, to prevent unauthorised access and provide public safety.
- The application would complement the street scene and would protect the site during demolition.
- The images to be used were consistent with the SPD.

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 as per the Update Sheet.

RESOLVED:

That the decisions taken on the Development Control Applications in relation to those applications outside the area of the South Downs National Park be agreed as set out in the decision relating to each item.

The meeting commenced at 9.30 am and adjourned between 12.15pm and 2.00pm and concluded at 3.00 pm

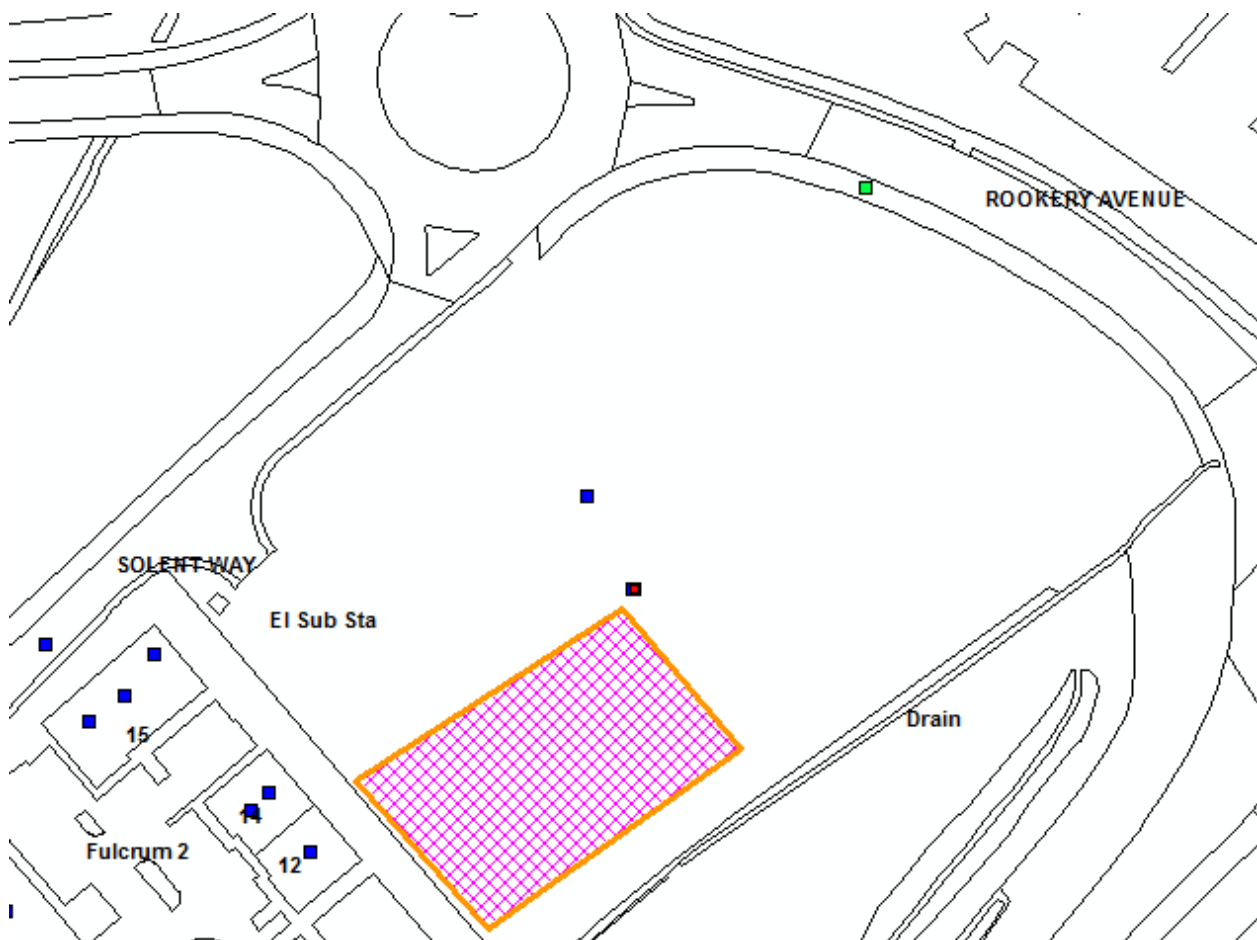
Chairman

Agenda Item 7

WINCHESTER CITY COUNCIL PLANNING COMMITTEE

Case No: 18/02163/FUL
Proposal Description: The erection of a drive-thru restaurant (Class A3/A5 - Sui Generis) with associated advertisements, car parking, access, servicing, landscaping, engineering works and ancillary works.
Address: Land Off Solent Way Whiteley Hampshire
Parish, or Ward if within Winchester City: Whiteley
Applicants Name:
Case Officer: Robert Green
Date Valid: 17 September 2018
Recommendation: Application Permitted

Link to Planning Documents : <https://planningapps.winchester.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PF1U2SBPIX000>



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General Comments

The application is reported to Committee due to the number of public objections received contrary to the Officer's recommendation.

Site Description

The application sits within a 0.2ha site which is currently undeveloped and contains unmanaged grassland.

To the north of the site, a Lidl supermarket has recently been completed which is accessed by an entrance point to the north-west of the application site. The proposal would also be accessed at this point.

To the south-west sit existing buildings which are in B2 use (as part of Fulcrum 2), whilst a dense area of trees sits to the south-east and divides the site from Whiteley Way, the main thoroughfare into the Whiteley settlement.

The surrounding area is characterised by commercial premises which have a central access point (Solent Way). There is clear evidence that the area has been developed in phases, with Fulcrum 2 to the south-west containing buildings of a similar appearance.

Opposite the application site, an area known as 'Fulcrum 6' is currently undeveloped. An application for three business park units is currently under assessment under application 18/02879/FUL.

Proposal

The proposal is to construct a drive-thru restaurant with associated advertisements, car parking, access, servicing, landscaping, engineering and ancillary works. The submitted details confirm that this is for a KFC restaurant.

The proposal would sit between the recently completed Lidl and the existing office buildings in Fulcrum 2, with an area of parking to the front and a drive-thru system which loops around the building.

A separate advertisement consent application (18/02164/AVC) has been submitted to apply for the advertisements which are shown in the submitted plans for this application.

Relevant Planning History

- 17/00164/FUL - Erection of foodstore (Use Class A1) with customer car park and associated landscaping – Approved 13.04.2018

Consultations

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WCC Engineers: Drainage:

- Site is within Flood Zone 1.
- Drainage condition requesting details for the processing of surface and foul water requested.
- Following confirmation from Southern Water that capacity exists and disposal can be provided, the Drainage Engineer raises no objection.

WCC Engineers: Highways:

- A highway objection on the number of spaces provided is not raised.
- The layout and servicing facilities are acceptable.

WCC Head of Environmental Protection:

- No adverse comments subject to the inclusion of conditions.

WCC Head of Strategic Planning:

- Original response confirmed that the proposal is contrary to policy SHUA3 and the submission of a sequential test was required to consider further material reasons which may outweigh the policy.
- Following further submissions, an addendum response was received which removed objections raised.

WCC Head of Landscape (Trees):

- Concern originally raised regarding omission of Arboricultural Impact Assessment
- Supporting information received and no objection raised.

WCC Head of Landscape (Ecology)

- No objection raised regarding submitted information subject to the inclusion of conditions and further information.

Hampshire County Council (Highways)

- Concern originally raised regarding information submitted which was discussed with applicant which was subsequently received.
- The Parkway South Roundabout improvement scheme can accommodate the proposed KFC and other identified traffic growth in the area.
- A contribution has been agreed for these works and no objection is raised.

Southern Water:

- Southern Water can provide foul and surface water sewage disposal to service the proposed development.
- Condition recommended for details to be submitted in consultation with Southern Water.

Fareham Borough Council

- Raise no objection to the proposed development.

Meon Valley Police

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- No Comment Received.

Representations:

Whiteley Town Council

- Application is contrary to policy CP9 as it involves the loss of an employment site and CP10 as it encourages car use.
- Contrary to policy SHUA3 as the proposal do not provide employment uses under B1, B2 and B8.
- Concern raised over compliance with policy DM17 as parking spaces may be used by staff.
- Roads surrounding the application site suffer congestion at peak times which will be exacerbated if restaurant is constructed ahead of planned infrastructure improvements.
- Concerns over litter issues; proposals to manage litter are welcomed but concerns remain.
- Opening hours appear excessive.
- As the site is a SINC, reassurance is required to ensure works are robustly overseen and monitored.

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

- No necessity for another fast food outlet.
- Enough restaurants in Whiteley
- Will encourage more litter, gathering of cars and general noise.
- Will further compound the traffic issue in the surrounding area.
- Inadequate parking in surrounding area.
- Significant odour pollution, antisocial behaviour and general disruption.
- Increase of potential anti social behaviour
- Application should be put on hold and resubmitted when local roads have been redeveloped.

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

- Location is too close to the school and could encourage poor eating habits.

4 letters of support received.

- Long overdue.
- More jobs to the area.
- Good for the local economy.
- Adds another service to Whiteley which can be walked to which prevents the need to drive to other KFCs.

Relevant Planning Policy:

Case No: 18/02163/FUL

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Winchester Local Plan Part 1 – Joint Core Strategy

- DS1 – Development Strategy and Principles
- SH1- Development Strategy for SHUAs
- CP8- Economic Growth and Diversification
- CP9 – Retention of Employment Land and Premises
- CP10 – Transport
- CP11 – Sustainable Low and Zero Carbon Built Development
- CP13 – High Quality Design
- CP15 – Green Infrastructure
- CP16 – Biodiversity
- CP17 – Flooding, Flood Risk and the Water Environment

Winchester Local Plan Part 2 – Development Management and Site Allocations

- SHUA3 - Solent 2 Employment Allocation
- DM7- Town District and Local Centres
- DM15- Local Distinctiveness
- DM16- Site Design Criteria
- DM17- Site Development Principles
- DM18- Access and Parking
- DM19- Development and Pollution
- DM20 – Development and Noise
- DM21 – Contaminated Land
- DM33 - Shopfronts
- DM34- Signage

National Planning Policy Guidance/Statements:
National Planning Policy Framework 2018

Planning Considerations

Principle of development

The application site is within the defined settlement boundary of Whiteley and is within an area allocated for employment uses under policy SHUA3 of the Local Plan Part 2 (Development Management and Site Allocations). The main requirement under policy SHUA3 is that development throughout the allocation provides a range of employment uses within Use Classes B1, B2 or B8. As the proposal offers a Class A3/A5 Sui Generis use the proposal does not strictly comply with this policy.

To establish the principle of development on this site, it is therefore required to assess whether this site is the most suitable location to fulfil a need (through a sequential test), alongside whether the proposal would undermine the long term planned viability and vitality of the existing town centre. It is also important to assess whether the loss of an

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allocated site for this use is acceptable.

As the proposal is for a town centre use on a site which is an out of centre location, a test is required to ensure that there are no sequentially preferable sites (i.e. other alternative sites in the vicinity which are within a town centre location). The Strategic Planning team originally raised concern regarding the development and requested an upgraded Sequential Test.

This approach is in response to the National Planning Policy Framework, where paragraph 86 reads that *main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.*

Following requests made by the Policy Officer, an upgraded and more detailed sequential test was submitted for consideration and an addendum was received.

This sequential test confirms that other available sites are not being marketed for alternative uses and there is no evidence that the sites could become available within the next 6 months.

A local land estate agent search has also been undertaken. This looked at town centre properties that are currently being marketed and concludes that they are not suitable for drive thru restaurants which require a bespoke site with vehicle access and circulation space. It is also considered unviable to demolish existing buildings and replace with the drive thru model.

A site in Whiteley opposite the application site is also currently being marketed but again this is a site allocated for Class B uses and is outside the town centre so no more preferential than the existing site.

The sequential test therefore fails to find an alternative suitable site and a drive-thru facility has specific requirements which mean that town centre sites are often not suitable.

In compliance with the NPPF, as a suitable town centre site is not available or considered to become available, the use of this site for the development is considered acceptable.

It is, however, acknowledged that the site has an allocation for employment uses (B1, B2 and B8) under policy SHUA3 which the proposed use does not strictly fall under (as an A3/A5 use).

This was also the case for the remainder of the site where a A1 use class Lidl food store has been constructed which equally did not strictly comply with policy SHUA3. The outcome of the assessment on that application was that the release of this employment allocated site was justified and as a result the principle of development was accepted and the development allowed. The food store is now operating.

The key policy for consideration is CP9 of the Local Plan Part 1. This seeks to retain a mix of existing and allocated employment land. Losses of employment land are therefore only permitted where retaining a business use on the site would not be reasonable.

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In the circumstances of this case, the application site is relatively small (at 0.21ha) and placed in the corner of a larger site, the remainder of which is now occupied by a retail food store because the marketing has established that there is no demand for Class B uses on this site. The drive-thru is in-line with the store building itself and surrounded to the front by its associated parking facilities. The result of this is that there is synergy between the food supermarket and a drive-thru restaurant, as these sites share an access and can only be accessed by passing through the grounds of the A1 food store. As a result, a drive-thru supermarket is considered an appropriate use for this small parcel of undeveloped land and its size, location and physical integration with an alternative use equally limits the opportunities the site could offer for an employment use.

In addition, the drive-thru itself is expected to generate 55 jobs and so does provide a level of employment to the site which is the overarching aim of this allocation and its policy.

Therefore, it has been demonstrated that this is a suitable location for this development. A sequential test has shown that alternative sites are not available and an out of centre site is justified. In addition, the loss of the remaining part of this allocated site has been justified by the recent surrounding development which relates to the proposed use alongside the generation of jobs as a result of this application.

Design/layout

The building maintains a single storey and contains two clear elements with shallow shed-sloped roofs. This rises to a maximum height of 5.1m at the glazed end of the building which faces toward the Fulcrum 2 business units. The most prominent view (from Solent Way and the Lidl car park) shows the side elevation of the building which uses wall cladding in a mixture of beige, grey and dark brown alongside the associated advertisements.

The store design and materials respond appropriately to the Lidl supermarket to the north and the design of the building is considered acceptable.

In terms of general layout, the building sits toward the rear of the site. Vehicles would enter in the western corner of the site with accesses to both the drive-thru route and parking facilities to the left upon entering. The drive-thru route then loops around the outer perimeter of the site on the Lidl store edge and along the rear boundary. It is at this location where food would be despatched from the drive-thru windows. This route then continues before connecting back into the Lidl car park.

The layout of the site is therefore as expected for a drive-thru restaurant, with the parking facilities viewed as a physical expansion to the Lidl facilities and a small building to the rear of the site. The layout of the site is therefore considered acceptable and responds to the layout of the surrounding Lidl supermarket.

In regards to advertisements, the use of advertisements on the building itself are not considered excessive, and this will equally be assessed under the associated Advertisement Consent application.

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There are a number of signs proposed throughout the application site. The majority of these are small scale and show the food menu or marketing information. The most substantial are signs 10 (which sits at the entrance to the site from the Lidl car park and is a pole sign with a height of 8m and is internally illuminated) and 3 (which forms the height restriction barrier for the drive-thru route). Whilst large in scale, these are placed in appropriate locations within the site and due to the set back from the main roadway as a result of the Lidl car park are not overly prominent from the Solent Way street scene.

Impact on character of area and neighbouring property

The area is characterised by the commercial and industrial uses which form the Solent Way area. On the eastern side of the road (which includes the application site) the majority of buildings are smaller office buildings. The Lidl supermarket is a large addition to the area and has altered the character of this gateway site. The proposal responds to the character of the area by offering a suitable building design with materials which complement those used on surrounding buildings. In addition, as the site is located in the far corner of an alternative use, views from prominent viewpoints are largely read in relation to the larger food supermarket and this equally results in the advertisements not being overly prominent from the public realm.

Therefore it is not considered that the development would result in an adverse impact on the character of the area.

The proposal site is surrounded by an A1 (retail) use to the north and B1 (office) buildings to the south. Concern has been raised regarding the potential noise and odour impact on the occupants of these properties, with particular emphasis on the surrounding office uses.

The submitted odour assessment concludes that the odour risk from the development is very high. As a consequence, the assessment continues to offer abatement options which are in line with DEFRA guidance for facilities with a very high risk of impact and concludes that with this mitigation in place, odour impact at nearby sensitive receptors would be reduced to an acceptable level.

This information has been assessed by the Council Environmental Health Officer (EHO) who raised no adverse comments to its contents. Condition 08 has therefore been included to request a scheme for the installation of equipment to control the omission of odour in line with the submitted assessment. As this must be submitted prior to the use of the development, this provides the opportunity for the Authority to ensure that the appropriate mitigation techniques are implemented and to confirm that the reports submitted at application stage continue to be the most appropriate method in the interests of surrounding occupants.

The noise assessment concludes that impact from the operation of the restaurant would not result in a significant adverse impact and this has been assessed by the Council's EHO who raises no adverse comments or objections. Condition 03 has also been included to obtain a full acoustic report to be submitted before the selected mechanical equipment used for the restaurant is installed. This provides the opportunity to ensure that an adverse noise impact does not occur and that the reports submitted at application are complied with.

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In addition, a number of other conditions have been included in the interests of surrounding amenity. These include an hours of use restriction and a plan showing details of lighting across the site.

Landscape/Trees

The entire Solent Way business site, including the application site, is covered by a Tree Preservation Order (TPO). Therefore any development in this area is required to be supported by full Arboricultural Impact Assessments. This report concludes that no trees are required to be removed to facilitate the development and a Construction Exclusion Zone has been proposed in order to protect surrounding trees. This report, and the methodology it contains, has been referred to and is enforced by condition 13. Therefore, an impact on the surrounding trees has not been demonstrated and no objection has been raised.

Highways/Parking

As a strategic application, the Highways department at Hampshire County Council (HCC) have been consulted throughout the application where the submitted Transport Assessment has been assessed.

The initial response from HCC raised concern and requested further details regarding tracking movements within the site, the background data which has formulated the conclusion of the applicant's transport assessment and a more detailed Travel Plan. The requested details were subsequently submitted.

The Highways Authority (HA) has confirmed that it is satisfied that the 'Keep Clear' markings proposed will assist in reducing the risk of KFC inbound vehicles queuing back onto the Solent Way road network should there be a queue of vehicles existing Lidl and blocking the proposed KFC access.

The HA has also reviewed comparable sites within Hampshire and concludes that the number of trips forecasted to use the restaurant are comparable to other KFC restaurants which have been permitted within Hampshire, where not all of the traffic associated with the restaurant will be 'new' to the network, but rather passing by or already using the surrounding road infrastructure in any case.

However, it is important to acknowledge that a significant concern raised by objectors to the development is the impact on the surrounding highway infrastructure and the concern that this proposal would worsen the existing situation.

Improvement works are to be undertaken under a joint initiative between Highways England and Hampshire County Council to improve Junction 9 of the M27 and Parkway South/Whiteley Way/Rookery Avenue Roundabout and these works are due to commence in Summer 2019; with the development site being related to the latter.

The additional information provides models which demonstrate that the HCC improvement scheme at the Parkway South Roundabout is capable of accommodating the proposed KFC traffic together with other identified traffic growth in the area as a

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result of other strategic development. The modelling has been undertaken in accordance with parameters first agreed by the HA.

As the development directly benefits from the infrastructure improvement scheme, a financial contribution has been sought and will be secured by a legal agreement. This provides a contribution of £38,000 toward the scheme and a further £9,750 for a Travel Plan which is discussed further in this section.

As a result of the additional information supplied during the course of the application and the contribution to be made toward infrastructure improvement in the area, no objection has been raised by the Highways Authority subject to the inclusion of a legal agreement and conditions which have been agreed.

Concern has been raised regarding the timing of the submission of this application, with comments quoting that the infrastructure should be completed prior to any further development. Whilst this point is acknowledged, the Planning Authority cannot prescribe the timing of the submission of an application or the precise commencement period (other than ensuring commencement starts within 3 years). Notwithstanding this, the Highways Authority response states that works are due to start on the highway improvement scheme in Summer 2019. If Members are minded to approve the application, the case remains subject to the formation of a legal agreement and a number of conditions which require approval prior to the commencement of any work taking place on the site. It is therefore likely that works may be taking place simultaneously alongside the highway improvement works. In addition the Construction Traffic Management Plan as requested by condition 07 will secure an appropriate arrangement for traffic management over the construction period.

Following the agreement of the principle of development from a strategic highways point of view, the WCC Highways Engineer notes that as WCC have no adopted parking standards for a development of this nature, as the traffic the development would generate has been agreed by the Highways Authority this results in the amount of parking spaces and the likely turnover of spaces being considered acceptable from a Highways point of view and a highways objection is not offered on these grounds. The layout of the parking and servicing facilities are acceptable.

Concern has been raised regarding the amount of parking spaces provided and the amount of staff the site would employ, concluding that the spaces will be used by staff members rather than users of the restaurant. On this point, draft Travel Plans have been submitted which sets out KFC's commitments to provide measures to encourage staff and customers to travel to the restaurant by alternative means of travel to the private car. The final plan will appoint a Travel Plan co-ordinator within the restaurant who will be responsible for making staff aware of the travel options available to them and to ensure the on-going monitoring of the aims of the Plan are completed in liaison with HCC. A contribution of £9,750 is to be paid to HCC to provide resource to ensure the Travel Plan is complied with, and this will be achieved by way of legal agreement.

Other Matters

Ecology

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The application site and Lidl supermarket sit within the Whiteley Meadow Site of Importance for Nature Conservation (SINC) and as a result Ecological reports have been submitted in support of the application. This report concludes that the small site contains semi-improved grassland which is a downgrade from the grassland type expected on the SINC at the time of classification.

Notwithstanding this, a financial contribution has been offered to support the management of remaining SINC's within the local area in terms of compensation for the loss of the degraded grassland on the site and this matter will be secured by a legal agreement.

The report continues to provide a number of suitable recommendations to lessen the impact on surrounding biodiversity. This report has been assessed by the Council Ecologist who raises no objection to the proposal subject to the recommendations made within the report being carried out.

A relocated reptile receptor is required and at time of writing (29.03.2019), a suitable site had not been found. The location of this receptor will be subject to conditions and the details of the legal agreement and this provides an opportunity for the Authority to assess the suitability of this receptor site.

Healthy Eating

A number of comments have raised an issue with un-healthy eating habits and raised concern regarding the proximity of the site to the local Primary school. Whilst these concerns have been acknowledged, the issue of who uses the facility falls outside of the scope of this planning application and is not therefore considered a factor that could influence the planning decision.

Planning Obligations/Agreements

In seeking the planning obligation(s) and financial contributions for Highway Infrastructure Improvements and Ecological Enhancements the Local Planning Authority has had regard to the tests laid down in para 204 of the NPPF which requires the obligations to be necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

Recommendation

Application Approved subject to:

(a) the successful completion of a legal agreement (unilateral undertaking or section 106) to obtain the following:

- The provision of the Travel Plan and associated approval and monitoring fees / bond of £9,750;
- The provision of KEEP CLEAR marking at the site access as shown in principle on Drawing 3042.01 and;
- A financial contribution of £38,000 towards the Parkway South Roundabout Improvement Scheme.

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- Ecological Enhancements and a financial contribution toward the management of other local SINC's to compensate for the loss of habitat.

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

and

(b) and the following condition(s):

Conditions

Time Limit

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

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

Approved Plans

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

Location Plan received 14.09.2018

Proposed Site Plan [drawing 0000/2018/G121] revision D received 14.09.2018

Proposed External Elevations [drawing 0000/2018/G211 Revision D] received 14.09.2018

Proposed Roof Plan [0000/2016/G128] received 14.09.2018

Proposed Shell Plan [0000/2017/G127] received 14.09.2018

Proposed Site Landscaping Plan [drawing 0000/2018/G124 Revision C] received 14.09.2018

Proposed Site Signage Plan [drawing 0000/2018/G123 Revision C] received 14.09.2018

Signage Details [drawing 0000/2018/G132] received 14.09.2018

Mechanical Layout [drawing E5118] received 14.09.2018

Noise Impact Assessment [project number 1818170 dated 16th August 2018]

Odour Impact Assessment [reference 2382r2 dated 31st August 2018]

Tree Survey and Arboricultural Impact Assessment Report [reference JSL3141_770A dated October 2018 and received 14.09.2018]

Tree Survey Report by RPS [reference JSL3141 dated August 2018]

Drainage Statement by Stuart Michael Associates [reference 6133.DS dated August 2018]

Preliminary Ecological Appraisal [reference ECO00373_871 dated September 2018] received 14.09.2018

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

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Pre-Commencement Conditions

03 Detailed proposals for the disposal of foul and surface water must be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water before the commencement of the development hereby permitted.

The development must then proceed in accordance with the approved details and be fully implemented prior to the use of the proposal hereby permitted.

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

04 Before externally mounted mechanical equipment is installed and operated on the premises, a full acoustic report (with a scheme of attenuation measures) shall be submitted and approved in writing by the Local Planning Authority. The equipment shall be installed and maintained in accordance with the approved scheme.

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

05 Prior to the commencement of development on the site, details of biodiversity enhancement measures must be submitted to and approved in writing by the Local Planning Authority.

05 Reason: In the interests of local biodiversity and ecology in compliance with policy CP16 of the Local Plan Part 1 (Joint Core Strategy)

06 Protective measures, including fencing and ground protection, in accordance with the Tree Survey and Arboricultural Impact Assessment Report [reference JSL3141_770A dated October 2018 and received 14.09.2018. 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) and ground protection can be inspected and deemed appropriate and in accordance with Tree Survey and Arboricultural Impact Assessment Report [reference JSL3141_770A dated October 2018 and received 14.09.2018. Telephone 01962 848403

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

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

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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.

06 Reason: To ensure protection of surrounding trees under policy DM24 of LPP2

07 No development shall take place until a Construction Method and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The statement must include details of:

- the parking of vehicles for site operatives and visitors
- construction traffic access
- the provision of a turning area for delivery traffic within the confines of the site
- designated areas for the loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- wheel washing facilities
- the hours when construction work shall be undertaken
- measures to control the emission of dust and dirt during construction

The approved statement shall be adhered to throughout the construction period.

07 Reason: To ensure that the impact of the construction works on the surrounding area is minimised.

08 Full details of the vehicle cleaning measures proposed to prevent mud and spoil from vehicles leaving the site must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

The approved measures must be implemented before the development commences and adhered to throughout the construction period.

No vehicle shall leave the site unless its wheels have been cleaned sufficiently to prevent mud and spoil being carried on to the public highway.

08 Reason: In the interests of highway safety.

Pre-Use Conditions

09 Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of odour from the premises shall be submitted to, and approved in writing by the Local Planning Authority, the scheme shall include odour abatement levels specified section 4.2 of the Odour Impact Assessment submitted by Redmore Environmental, dated 31 August 2018. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

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

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

10 Reason: To protect the appearance of the area, the environment and local residents from light pollution

11 A Waste Management Plan shall be submitted to and approved by the Local Planning Authority before the use commences. The Waste Management Plan shall include the following details:

- a) the location of any refuse storage
- b) a projection of food waste volumes and demonstration of a suitable and sufficient waste storage capacity
- c) the refuse collection details including times/days of waste collections

11 Reason: To protect the amenity of occupiers of nearby premises and in the interest of public health.

Other Conditions

12 The materials to be used in the external surfaces of the development hereby permitted must be in accordance with Proposed External Elevations [drawing 0000/2018/G211 Revision D] received 14.09.2018 unless otherwise agreed in writing by the Local Planning Authority.

12 Reason: To ensure a high quality appearance is achieved.

13 The soft and hard landscaping must be completed in accordance with drawing 0000/2018/G124 Revision C unless otherwise agreed in writing by the Local Planning Authority.

All hard and soft landscape works shall be carried out in accordance with the approved details.

Hard landscaping works shall be completed prior to the use of the proposal hereby permitted.

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.

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

14 The use hereby permitted shall only open to customers within the following times 0700-0000hrs.

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

15 The recommendations contained within Preliminary Ecological Appraisal [reference ECO00373_871 dated September 2018] received 14.09.2018 must be adhered to.

15 Reason: In the interests of local biodiversity and ecology in compliance with policy CP16 of the Local Plan Part 1 (Joint Core Strategy)

16 No arboricultural works shall be carried out to trees other than those specified and in accordance with the Tree Survey and Arboricultural Impact Assessment Report [reference JSL3141_770A dated October 2018 and received 14.09.2018.

Any deviation from works prescribed or methods agreed in accordance with the Tree Survey and Arboricultural Impact Assessment Report [reference JSL3141_770A dated October 2018 and received 14.09.2018 shall be agreed in writing to the Local Planning Authority.

16 Reason: To ensure protection of surrounding trees under policy DM24 of LPP2

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,

Local Plan Part 2 – Development Management and Site Allocations: DM15, DM16, DM17 (add policies as required)

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.

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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.

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 water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (03303030119 or www.southernwater.co.uk)

10.

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To avoid the drainage system becoming blocked and to prevent its contents overflowing within the kitchen, adjacent premises and land, it is recommended that all commercially operated kitchens are fitted with a grease interceptor.

11.

The applicant is advised that they should contact the WCC Environmental Health Department to discuss proposals in complying with food safety legislation. The applicant is reminded of the need to register the food business at least 28 days prior to opening. Food Hygiene (England) Regulations 2006; Regulation (EC) No 852 2004.

To register your food business go to www.winchester.gov.uk/apply and complete the form found under Food Business Registration.

12.

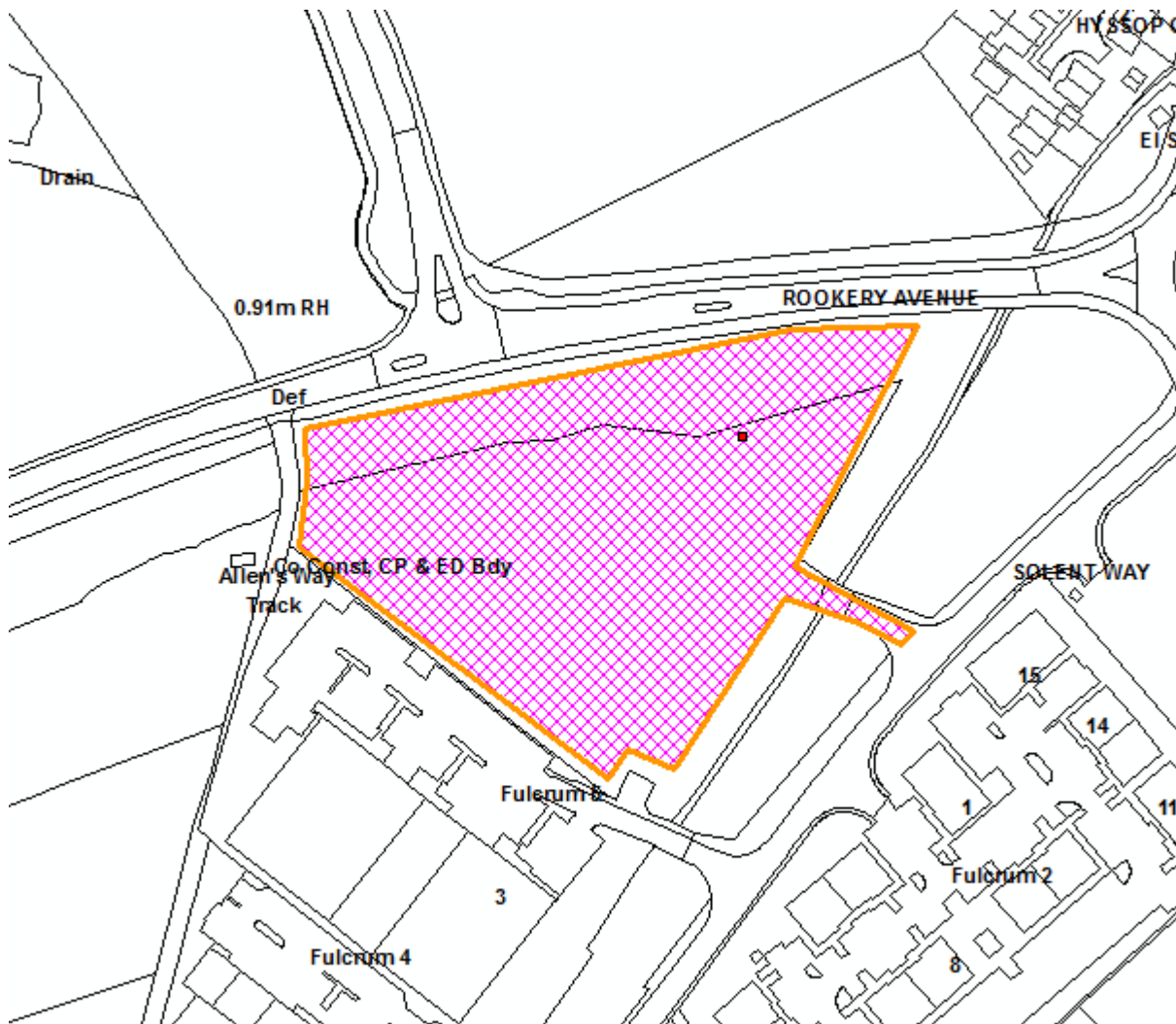
The applicant is advised that if the premises are to be used for the sale or supply of alcohol, the provision of regulated entertainment (live or recorded music, dancing, plays, films, sporting events etc.) or the provision of hot food between 2300 and 0500, they may be required to apply for a Premises Licence under the Licensing Act 2003. For further information contact the City Councils Licensing section on 01962 848 188.

Agenda Item 8

WINCHESTER CITY COUNCIL PLANNING COMMITTEE

Case No: 18/02879/FUL
Proposal Description: Development of business park units for B1(c) light industry, B2 general industry and/or B8 storage and distribution uses, together with associated landscape and infrastructure.
Address: Fulcrum 6 Solent Way Whiteley Hampshire
Parish, or Ward if within Winchester City: Whiteley
Applicants Name: Mr Nick Brooks
Case Officer: Robert Green
Date Valid: 19 December 2018
Recommendation: Application Permitted

Link to Planning Documents : <https://planningapps.winchester.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PJVSYFBP0UT00>



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General Comments

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

The application is also reported at the request of Whiteley Town Council and Councillor Achwal, whose comments are attached as an appendix to this report.

Site Description

The application site sits to the south of Rookery Avenue which is separated by a band of trees. To the south of the site, the industrial units which form Fulcrum 5 sit the other side of their associated parking facilities. To the east, the prepared existing access to the site cuts across an area of open space and leads to Solent Way, the main route which serves the other 5 Fulcrum business sites.

The site is currently undeveloped and contains grassland and mounds of soil. The trees which surround the site have been retained.

The immediate character of the area is supported by the open space between the roadway and the trees which surround the site. The wider area is characterised by business and industrial buildings which sit either side of the Solent Way roadway. Opposite the site, a Lidl supermarket has been recently constructed and an application for a KFC Drive-Thru Restaurant is also under consideration at the time of writing under application 18/02163/FUL.

Proposal

The proposal is to construct 3 business park units to supply premises for a class B1(c) (light industrial), B2 (General Industry) and B8 (Storage and Distribution) use, alongside the landscaping and infrastructure required to support the units.

Individual units have not yet been assigned a use so this application seeks consent for the potential use of the 3 use classes across the site and this has been assessed accordingly.

The proposal would use the existing access which serves the site from Solent Way. Upon entering, parking and HGV access points sit to the south in front of the two larger units. To the north, the smaller 3rd building is surrounded by associated parking facilities which largely border the landscape buffer on the northern edge of the site.

Relevant Planning History

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93/01133/OLD - Construction of a Business Park (B1 use) including development plots, distribution road, infrastructure, landscape and greenway in accordance with the approved Whiteley Area 12 Development Brief (Outline) – Approved 26.07.1993

16/03553/OUT - Residential development of the site by the erection of 44 dwellings with access and open space – Refused 24.03.2017

Consultations

WCC Engineers: Drainage:

- Site is within Flood Zone 1 and is at low risk of surface water flooding.
- An allowable discharge rate has been stated and the proposed flows do not exceed this.
- Surface water is to be attenuated to greenfield runoff rates with storage available.
- Condition to request further details recommended.

WCC Engineers: Highways:

- From a layout point of view there is a significant number of parking spaces.
- The layout is acceptable and there is provision for the parking and manoeuvring of HGVs within the site.

WCC Head of Environmental Protection (Contamination)

- Agree with conclusions of the submitted report and is satisfied that no additional investigation or remedial measures are required.
- Further details were submitted by the applicant regarding unexpected contamination.
- No objection raised subject to the inclusion of a condition.

WCC Head of Environmental Protection (Noise and Amenity etc.)

- Comment originally concerned regarding the B2 element of the proposals with a recommendation for refusal until sufficient information has been submitted.
- Further details were submitted and a condition has been recommended ensuring that noise assessment are submitted prior to the occupation of any of the units for a B2 use.
- No objection subject to the inclusion of conditions.

WCC Head of Landscape (Trees):

- No objection raised subject to the inclusion of conditions.

WCC Head of landscape (Ecology)

- The submitted Ecological reports contain suitable recommendations.
- No objection subject to the submission of further detail by condition.

WCC Head of Strategic Planning:

- Development is in accordance with policy SHUA3 and will complete the Solent 2 employment allocation which is supported.

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Hampshire County Council (Highways)

- Concerns raised during the course of the application which were discussed with the applicant. Additional Transport notes received.
- Safe access and exit from the site can be achieved.
- Concerns originally raised regarding the Parkway South roundabout with regards to queuing and delays.
- Improvements are being made to the roundabout and the highway authority and applicant has agreed a financial contribution of £60,000 toward the Parkway South scheme and this provides suitable mitigation of the development's impact.
- Junction assessments show that the new roundabout scheme which is due to commence Summer 2019 will be capable of accommodating the traffic generated by the development site.
- No objection raised and a unilateral undertaking secures the payment of the contribution.

Highways England

- No objection raised.

Southern Water:

- Advise regarding distances to infrastructure.
- SW can provide foul and water supply to the site.
- Conditions recommended.

Fareham Borough Council

- No objection.
- Comments raised regarding traffic generation and car parking and ecology.

HCC Flood and Water Management Team

- Further information requested during the course of the application.
- Submitted information addresses concerns raised and no further queries or comments made.

WCC Head of Economic Development

- The Economic Development team at WCC support the application as it is in line with Council's economic strategy's vision to maintain employment land for the purpose of providing space for business and other employers.
- An Employment and Skills Plan is required to obtain details of measures taken to provide local employment and apprenticeships.

Representations:

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Whiteley Town Council

- Objections to the timing of the scheme ahead of planned highways improvement works.
- Application likely to exacerbate parking situation on Solent Way.
- Repeats resident's concerns re ecology, trees, noise and air pollution.

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

- Increase in vehicular traffic
 - Lack of needed road improvements
 - Small road access to it and to Lidl
 - Not the infrastructure to accommodate
- Increase in pollution levels
 - Air pollution
 - Noise pollution
 - Pollution to wildlife
 - Light pollution
- Reduce quality of life and health of residents
 - Increase noise for residents
 - "Emergency vehicles not meeting response times"
 - Residential amenity
 - Loss of green space
 - A health issue
 - Local services struggling
- Lack of parking provision for nearby businesses
 - Not enough parking allocated
- Poor local public transport services to help mitigate
- Increased risk to pedestrians and cyclists
- Not knowing the usage of the units causes concern
- Loss of habitat

Letter received from Councillor Vivian Achwal objecting to the application for the following reasons:

- Lack of current road infrastructure.
- The road network is at capacity and further development at present is not acceptable
- Reported several car accidents on Whiteley Way which is near the site.
- No further development should take place until the completion of proposed road

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infrastructure is completed.

Letter received from George Hollingbery MP:

- Supports the concerns raised by residents

1 letter received neither objecting or supporting the application:

- Potential gridlock, filter lane is required at Junction 9 or widen Solent Way

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy

- DS1 – Development Strategy and Principles
- SH1 – Development Strategy for South Hampshire Urban Areas
- CP8 – Economic Growth and Diversification
- CP9 – Retention of Employment Land and Premises
- CP10 – Transport
- CP11 – Sustainable Low and Zero Carbon Built Development
- CP13 – High Quality Design
- CP14 – Effective Use of Land
- CP15 – Green Infrastructure
- CP16 – Biodiversity
- CP17 – Flooding, Flood Risk and the Water Environment
- CP20 – Heritage and Landscape Character
- CP21 – Infrastructure and Community Benefit

Winchester Local Plan Part 2 – Development Management and Site Allocations

- SHUA3 – Solent 2 Employment Allocation
- DM1 – Location of New Development
- DM15 – Local Distinctiveness
- DM16 – Site Design Criteria
- DM17 – Site Development Principles
- DM18 – Access and Parking
- DM19 – Development and Pollution
- DM20 – Development and Noise
- DM21 – Contaminated Land

National Planning Policy Guidance/Statements:
National Planning Policy Framework 2018

Planning Considerations
Principle of development

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The application site is within the settlement boundary of Whiteley and is within an area of land which is allocated for employment uses under policy SHUA3 of the Local Plan Part 2 where the principle of development for employment uses within Classes B1, B2 or B8 are acceptable.

The majority of the other allocated sites have been built out and the application site is the final remaining undeveloped plot of business land.

The proposed development of the site for employment uses is in accordance with policy CP8 of LPP1 which supports economic growth and diversification across the District.

The infrastructure for the business park has already been implemented and the access onto this site constructed in accordance with the plans and legal agreements which formed part of the original consent for the wider site.

Policy SHUA3 also requires the layout and design of the buildings to address this gateway site, a strong landscaping scheme which respects the biodiversity value of the adjoining SINC and a contribution to infrastructure needed to make the development acceptable in planning terms. As detailed further in this report, these requirements have been met and the principle of development is therefore acceptable.

Design/layout

A requirement of policy SHUA3 of LPP2 is that *the layout and design of the new buildings should address this important gateway site.*

Key to this objective is the retention of the strong landscape buffer which surrounds the site on the Rookery Avenue and Solent Way boundaries. This is achieved through the proposed layout and by the location of the buildings within the site, the two larger units run parallel to existing built form whilst the remainder of the site contains the smaller building and car parking. Prominent views into the site from the Rookery Avenue roundabout and Yew Tree Drive would therefore retain an open and vegetated nature.

The larger building on the site (forming 2 units) runs parallel to the southern boundary of the site. This responds to the common layout of larger buildings in this area which extend from the roadway toward the outer edge of the site at a right angle to Solent Way.

The smaller building which is located closer to the centre of the site turns at a right angle to the access route. The use of a smaller building in this location is an acceptable approach to take given the site's location on the outer edges of the wide Business Park.

Parking and HGV access has also been strategically located within the site to surround the buildings and sits between the structures and the retained landscape buffer. This also leaves further green spaces surrounding the site. The layout of the site therefore responds to the context of the area and the landscaped characteristics of the site.

All 3 units use a similar form of design and external appearance using metal cladding with windows surrounded by a green coloured metal cladding. The buildings exhibit a shallow roof and grey aluminium gutter fascias. This design reflects the existing

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buildings at Fulcrum 5 (to the south of the application site), albeit with larger windows.

The final layout, design and external appearance of the buildings reflects the commercial use and is in keeping with the surrounding uses providing sufficient landscaping to integrate the development into the area and accords with the objectives of policy SHUA3 of LPP2.

Impact on character of area and neighbouring property

The character of the area is characterised by the commercial and industrial buildings which form the Business Park. The south-eastern side of Solent Way contains a denser pattern of mostly office development which sits close to the roadway and use a similar design form. The character of the area has been altered recently by the construction of the Lidl supermarket opposite the site, which introduces a large single building into this area.

On the north-western side of the road (where the application site sits), larger buildings of an industrial design are common. These are set back from the roadway with an area of open space and a buffer of trees.

The design and layout of the building follows the established development pattern in this area and retains the open space between the roadway and the tree buffer. Therefore, the development is considered to reflect and respond to the existing character of the area and is considered acceptable.

The nearest residential properties are on the outer reaches of Hyssop Close. The distance between the closest properties and the smaller unit 3 of the proposed development is approximately 100m, and this is separated by the landscape buffer surrounding the site, Rookery Avenue and a band of trees between the roadway and Hyssop Close.

Whiteley Primary School sits to the west of the site within the jurisdiction of Fareham Borough Council. The distance between Unit 2 of the proposal and the centre of the School site is approximately 220 metres. This is divided by the landscape buffer surrounding the site, the Rookery Avenue roadway and a large area of trees which sit between the roadway and School site.

A Noise Impact Assessment has been submitted with the application and this has been assessed by the Council's Environmental Health Officer (EHO).

Originally, the EHO raised no objection to the B1(c) or B8 uses on the site, but did raise concern regarding the B2 element of the proposals as the accompanying noise impact assessment had not fully assessed the potential noise impact from a 24-hour industrial use, particularly on the nearest residential dwellings during the night-time and the daytime impacts on the nearby school and adjacent commercial uses.

This concern was addressed by the applicant and their noise consultant. To allow flexibility, it has been agreed that a condition would be placed on the consent which ensures a full acoustic assessment must be submitted to and approved by the Local
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Planning Authority prior to the occupation of any of the units for a B2 purpose. This allows the authority to obtain an assessment of the noise impacts and the mitigation measures proposed if a more intensive industrial use is proposed for the units in order to protect the amenities of the occupiers of surrounding buildings.

The physical construction of the buildings does not cause adverse overlooking, overshadowing or overbearing impacts on surrounding properties.

Therefore, through appropriate assessments and the use of planning conditions, the proposal does not create adverse harm or conflict with surrounding alternative uses.

Landscape/Trees

The site is surrounded by a band of trees which play an important role in the characteristics of the area. These trees, and the entire Solent Business Park site form part of a Tree Preservation Order (TPO) Area. Arboricultural information has been submitted with the application and this has been assessed by the Council's Tree Officer.

The Officer raises no objection to the proposal and agrees with the conclusions of the submitted information. Conditions 04 to 12 have therefore been included to ensure works are undertaken in accordance with the submitted details and a pre-commencement meeting is undertaken with the Council Tree Officer to inspect protection measures.

Highways/Parking

As a strategic application, the Highways department at Hampshire County Council (HCC) have been consulted throughout the application. Originally, concern was raised by HCC regarding the source of accident data, and aspects of the submitted Transport Assessment. These responses requested further information regarding the tracking movement of vehicles into the site and parts of the Travel Plan which had been submitted with the application.

The above concerns were discussed with the agent of the application and the client's transport consultant. A supplementary Transport Note and further tracking analysis were submitted and HCC consulted further.

A key concern raised is the impact on the wider highway network as a result of the development, particularly on the Parkway South roundabout, with criticisms that further development should not be allowed until the surrounding infrastructure is upgraded.

It is noted that this site has received outline consent for a business park use. However, it is also acknowledged and accepted that traffic conditions have changed significantly and will continue to change with the North Whiteley Major Development Area. Improvement works are to be undertaken under a joint initiative between Highways England and Hampshire County Council to improve Junction 9 of the M27 and Parkway South/Whiteley Way/Rookery Avenue Roundabout and these works are due to commence in Summer 2019.

Through discussions with the applicant, it has been agreed that the developer will make a contribution of £60,000 to Hampshire County Council which will be provided for the Parkway South improvement works. The final response from HCC concludes that this

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provides suitable mitigation of the development's impacts; this has been considered against the appropriate Community Infrastructure Levy guidelines for contributions and is in accordance with policies CP10 and CP21 of LPP1 and SHUA3 of LPP2 which seek contributions to infrastructure needed to make the development acceptable in planning terms.

It has been demonstrated (through junction assessments) that the upgraded HCC Improvement scheme will be capable of accommodating the traffic generated by the development site and a contribution to this scheme will be secured through a unilateral undertaking or section 106 agreement.

As a result, HCC Highways Authority raises no objection to the application.

Concern has been raised regarding the timing of the submission of this application, with comments quoting that the infrastructure should be completed prior to any further development. Whilst this point is acknowledged, the Planning Authority cannot prescribe the timing of the submission of an application or the precise commencement period (other than ensuring commencement starts within 3 years).

Notwithstanding this, the Highways Authority response states that works are due to start on the highway improvement scheme in Summer 2019. If Members are minded to approve the application, the case remains subject to the formation of a legal agreement and a number of conditions which require approval prior to the commencement of any work taking place on the site. It is therefore likely that works may be taking place simultaneously alongside the highway improvement works. In addition the Construction Traffic Management Plan as requested by condition 05 will secure an appropriate arrangement for traffic management over the construction period.

In addition, the WCC Highways Engineer has assessed the internal arrangements of the proposal. From a layout point of view, there are an adequate number of spaces provided and the layout is acceptable. There is also provision for the parking and manoeuvring of Heavy Goods Vehicles within the site. A Travel Plan (which seeks the submission of a Plan which details how occupants will encourage sustainable transport methods and discourage single car use) is also requested by condition 12. The internal arrangements are therefore acceptable and the Engineer raises no objections.

Other Matters

Ecology

Ecological Appraisals and Phase 2 surveys have been submitted in support of the application and these have been assessed by the Council's Ecology Officer.

A receptor site has been created on the edges of the site which forms part of the Whiteley Meadow SINC. The Ecology Officer recommends a section 106 agreement which will include details of the management plan for this area to ensure that the area is safeguarded in perpetuity as a suitable reptile habitat.

The Officer concludes that the submitted information contains suitable recommendations which shall be adhered to and conditions 07 to 09 have been

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included to ensure compliance with the submitted information and to obtain further details including a Construction Environmental Management Plan, a lighting strategy and Biodiversity Enhancement Measures. Therefore, no objection is raised from an Ecological perspective.

Contaminated Land

A Land Quality Assessment has been submitted with the application and the Contaminated Land Officer agrees with the conclusions. The standard condition which requires development to cease on site if unexpected ground contamination is identified was recommended. In response, the applicant submitted further details in the form of a 'Discovery Strategy' and the Officer was reconsulted. The proposed strategy is considered suitable and condition 13 has been included to ensure it is complied with throughout the course of the development.

Economic Development

The Economic Development team at WCC support the application as it is in line with Council's economic strategy's vision to maintain employment land for the purpose of providing space for business and other employers.

The Council has adopted the Construction Industry Training Board's approach for large scale planning applications and requires an Employment and Skills Plan to secure a range of local employment, volunteering, apprenticeship, training and development activities during the construction phase.

A draft Employment and Skills Plan has been submitted by the applicant and this has been assessed by the Economic Development team. Although the plan is well advanced, the plan does not yet include the name of the contractor for the site so condition 03 has been included to obtain the final version of the Plan which will be assessed by the Economic Development team at that stage.

Planning Obligations/Agreements

In seeking the planning obligation(s) and financial contributions for highway infrastructure improvements and ecological mitigation the Local Planning Authority has had regard to the tests laid down in para 204 of the NPPF which requires the obligations to be necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

Recommendation

Application Permitted subject to

(a) the completion of a unilateral undertaking or section 106 agreement to achieve:

- A financial contribution of £60,000 to Hampshire County Council
- An Ecological Management Plan.

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

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and

(b) subject to the following conditions:

Conditions

Time Limit

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).

Approved Plans

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

Location Plan received 05.12.2018

Cut and Fill Calculations [drawing 18-087/600] received 05.12.2018

Landscape Masterplan [drawing 825-MP-01 Rev A] received 05.12.2018

Site Plan [drawing KP-217-TP-01 Rev D] received 05.12.2018

Units 1 and 2 Ground and First Floor Plans [drawing KP-217-TP-02 Rev A] received 05.12.2018

Units 1 and 2 Roof Plan, Elevations and Section [drawing KP-217-TP-03 Rev A] received 05.12.2018

Unit 3 Floor Plans, Elevations and Section [drawing KP-217-TP-04 Rev A] received 05.12.2018

Air Quality Assessment

Noise Impact Assessment Report [reference 26100/NIA1] dated 15 November 2018 and received 05.12.2018

Supplementary Landscape Information dated November 2018 and received 05.12.2018

External Lighting Layout [drawing 9132/100] received 05.12.2018

External Lighting Installation dated 15.11.2018 and received 05.12.2018

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Incoming Electricity Services [drawing 9132/500] received 05.12.2018

Incoming Gas Services [drawing 9132/501] received 05.12.2018

Incoming Water Services [drawing 9132/502] received 05.12.2018

Tree Protection Plan [drawing 18248-BT1] received 05.12.2018

Drainage Strategy [drawing 18-087/300 Rev P5] received 05.12.2018

Further Tracking Diagram [drawing 4076-TR-02] received 06.03.2019

Arboricultural Assessment and Method Statement [reference 18248-AA-MW] received 05.12.2018

Drainage Strategy [drawing 18-087/300 Rev P2] received 05.12.2018

Drainage Statement [reference 18-087R_003] received 05.12.2018

Ecological Appraisal and Phase 2 Surveys updated November 2018 and received 05.12.2018

Energy Statement [reference CHBS-MH-18042-2-A] received 05.12.2018

Flood Risk Assessment [reference 18-087R_001] received 05.12.2018

Framework Travel Plan [reference ADL/LRJ/4076/30A] dated November 2018 and received 05.12.2018

Incoming British Telecom Services [drawing 9132/503] received 05.12.2018

Land Quality Assessment [reference 18-087R_002] received 05.12.2018

Reptile Mitigation Strategy dated November 2018 and received 05.12.2018

Manual for Managing Trees on Development Sites received 05.12.2018

Site Investigation Report [reference 10266/KOG/JRCB] dated 9th August 2018 and received 05.12.2018

Transport Assessment [reference ADL/LRJ/4076/30A] dated November 2018 and received 05.12.2018

Summary of Utility Company Assets [reference IJ/BM/9132] received 05.12.2018

Project Technical Memorandum dated 27th February 2019 and received 27th February 2019

Drainage Maintenance Schedule [reference 18-087R_005] received 06.03.2019

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

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Pre-Commencement Conditions

3. Detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water before the commencement of the development hereby permitted.

In regards to the use of Sustainable Urban Drainage Systems (SUDS), the details must:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development including arrangements for adoption by any public authority or statutory undertaker and other arrangements to secure the operation of the scheme throughout its lifetime.

The approved details shall be fully implemented before the development is occupied.

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

4. Prior to the commencement of development, a finalised Employment and Skills Plan must be submitted to and approved in writing by the Local Planning Authority. The Plan must include the contractor for the development and must be adhered to for the duration of the construction phase of the development

Reason: The Council has adopted the Construction Industry Training Board's approach for large scale planning applications and requires an Employment and Skills Plan to secure a range of local employment, volunteering, apprenticeship, training and development activities during the construction phase.

5. Protective measures, including fencing and ground protection, in accordance with the Arboricultural Impact Appraisal and Method Statement reference 18248-AA-MW written by Mark Wadey of Barrell tree consultancy 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 18248-AA-MW . Telephone 01962 848403

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

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

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

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

6. Prior to work commencing on the site, including demolition, a Construction Management and Traffic Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:

- Development contacts, roles and responsibilities
- Public communication strategy, including a complaints procedure.
- Dust suppression, mitigation and avoidance measures.
- Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
- Use of fences and barriers to protect adjacent land, footpaths and highways.
- Details of parking and traffic management measures.
- Avoidance of light spill and glare from any floodlighting and security lighting installed.
- Pest Control
- Provision to be made on site for contractor's parking,
- construction traffic access

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- the turning of delivery vehicles within the confines of the site
- lorry routing
- programme of works

The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

Note to applicant: Further information and guidance for developers on the bullet points above can be found on the Winchester City Council website:

<http://www.winchester.gov.uk/environment/pollution/construction-sites/>

Reason: To ensure that all demolition and construction work in relation to the application does not cause materially harmful effects on nearby land, properties and businesses.

7. Prior to the commencement of development hereby permitted, written documentary evidence demonstrating that the development will achieve at minimum 'Very Good' against the BREEAM Standard, in the form of a design stage assessment, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development contributes to sustainable construction in accordance with policy CP11 of the Local Plan Part 1 (Joint Core Strategy)

8. Prior to the commencement or preparatory works, the following must be submitted and approved in writing by the Local Planning Authority:

- An updated badger survey.
- A Construction Environment Management Plan which details measures taken to protect surrounding Ecologist during the Construction Period.

Reason: In the interests of local biodiversity and in compliance with policy CP16 of the Local Plan Part 1 (Joint Core Strategy).

9. Prior to the commencement beyond foundation level of the development hereby permitted, details of biodiversity enhancement measures, including bat/bird roosting/nesting provision, shall be submitted to the LPA for approval.

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Reason: In the interests of local biodiversity and in compliance with policy CP16 of the Local Plan Part 1 (Joint Core Strategy).

10 Prior to the commencement of development, a non-licensed method statement and mitigation strategy must be submitted to the LPA for approval. This statement must also include details for the protection of the buffer for the woodland habitat which supports the local dormouse population.

Reason: Due to the proximity of a local dormouse population combined with connectivity to the suitable habitat on site, a non-licensed method statement and mitigation strategy shall be submitted to the LPA for approval. This same woodland habitat needs to be sufficiently buffered and protected and details of this buffer shall be submitted to the LPA for approval. With Gull Coppice, Round Coppice Little Park Copse and Ashley ancient woodlands and SINC's surrounding the site, this makes the retention, protection and enhancement of Fulcrum 6's woodland most important.

Pre-Occupation Conditions

11. Prior to the occupation of each B2 use of each of the units hereby approved, and each following hereby approved B2 use, a full acoustic assessment shall be submitted to, and approved in writing by, the Local Planning Authority. Any mitigation measures shall be carried out and completed in full before the associated unit is occupied. The agreed scheme shall be retained at all times during the operation of the associated approved use.

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

12. Within 6 months of an individual unit being first brought into use, written documentary evidence proving that the development has achieved at minimum Very Good against the BREEAM Standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

Reason: To ensure the development contributes to sustainable construction in accordance with policy CP11 of the Local Plan Part 1 (Joint Core Strategy)

13. Prior to the occupation of each unit, a Travel Plan must be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority.

The Plan must include measures taken to reduce the number of people travelling to the site by car alone and plans to increase the number of people using active and sustainable travel modes including the nomination of persons within the organisation responsible for implementing the plan.

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The development must then continue in accordance with the Approved plan.

Reason: To encourage sustainable methods of transport in compliance with policy CP10 of the LPP1.

Other Conditions

14. No arboricultural works shall be carried out to trees other than those specified and in accordance with the Arboricultural Impact Appraisal and Method Statement 18248- AA-MW

Any deviation from works prescribed or methods agreed in accordance with the Arboricultural Impact Appraisal and Method Statement 18248-AA-MW shall be agreed in writing to the Local Planning Authority.

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

15. Development should proceed and be completed in accordance with the approved Discovery Strategy (Bradbrook Consulting Reference 18-087R_001, dated 28 January 2019) to address any unexpected contamination as may be encountered during the development. The site shall not be brought into use until an Environmental Close Out Report, for the purpose of certifying adherence to the agreed Discovery Strategy, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the additional information submitted is complied and to secure a satisfactory development and in the interests of the safety and amenity of future occupants.

16. The soft and hard landscaping must be completed in accordance with drawings 825-MP-01 Revision A and KP-217-TP-01 Revision D unless otherwise agreed in writing by the Local Planning Authority.

All hard and soft landscape works shall be carried out in accordance with the approved details.

Hard landscaping works shall be completed prior to the use of the proposal hereby permitted.

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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.

Reason: To ensure the submitted landscaping plans are implemented in the interests of the visual appearance of the site.

17. No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site except between the hours of 0800 and 1800 Monday to Saturdays and at no time on Sundays and recognized public holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

18. Before externally mounted equipment is installed and operated on the premises, a full acoustic report (with a scheme of attenuation measures) shall be submitted and approved in writing by the Local Planning Authority. The equipment shall be installed and maintained in accordance with the approved scheme.

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

19. No works shall take place outside the building unless otherwise agreed in writing by the Local Planning Authority

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

20. No paint spraying shall be carried out except in a properly constructed part of the building, to which filtration equipment has been fitted in accordance with details submitted to and approved in writing by the Local Planning Authority. Such equipment shall thereafter be maintained and operated in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent a nuisance to nearby occupiers

21. No materials shall be burnt on site, unless agreed in writing by the Local Planning Authority.

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Reason: To protect the amenity of occupiers of nearby premises and in the interest of public health.

22. The recommendations contained within the Ecological Appraisal and Phase 2 Surveys updated November 2018 and received 05.12.2018 must be adhered to

Reason: In the interests of local biodiversity and in compliance with policy CP16 of the Local Plan Part 1 (Joint Core Strategy).

23. Prior to the use of lighting on the site, a lighting strategy in compliance with ILP and BCT Guidance 08/18 must be submitted to and approved in writing by the Local Planning Authority. Lighting must then be carried out in accordance with the approved details.

Reason: In the interests of local biodiversity and in compliance with policy CP16 of the Local Plan Part 1 (Joint Core Strategy).

23.

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:-

Winchester Local Plan Part 1 – Joint Core Strategy

- DS1 – Development Strategy and Principles
- SH1 – Development Strategy for South Hampshire Urban Areas
- CP8 – Economic Growth and Diversification
- CP9 – Retention of Employment Land and Premises
- CP10 – Transport
- CP11 – Sustainable Low and Zero Carbon Built Development
- CP13 – High Quality Design
- CP14 – Effective Use of Land

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- CP15 – Green Infrastructure
- CP16 – Biodiversity
- CP17 – Flooding, Flood Risk and the Water Environment
- CP20 – Heritage and Landscape Character
- CP21 – Infrastructure and Community Benefit

Winchester Local Plan Part 2 – Development Management and Site Allocations

- SHUA3 – Solent 2 Employment Allocation
- DM1 – Location of New Development
- DM15 – Local Distinctiveness
- DM16 – Site Design Criteria
- DM17 – Site Development Principles
- DM18 – Access and Parking
- DM19 – Development and Pollution
- DM20 – Development and Noise
- DM21 – Contaminated Land

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 Practice

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

7.

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

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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 water supply 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

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Appendix 1 – Whiteley Town Council

Please return this form to the Case Officer: Robert Green

From:	Whiteley Town Council
Case No	18/02879/FUL
Location	Fulcrum 6 Solent Way Whiteley
Proposal	Development of business park units for B1(c) light industry, B2 general industry and/or B8 storage and distribution uses, together with associated landscape and infrastructure

Object:

The history of the site and its current allocation in Local Plan part 1 under Policy SHUA3 is acknowledged however there are objections to the timing of the scheme ahead of planned highways improvements works.

Hampshire County Council as the Highways authority acknowledges that the surrounding roads are operating beyond capacity. This is confirmed in a recent project appraisal for the M27 J9 and Parkway South Roundabout Scheme dated 15.1.19

Extract <http://democracy.hants.gov.uk/documents/s28395/Report.pdf>

2.2 The M27 is a critical, strategic corridor in southern Hampshire which helps to keep the economy moving but at peak times queues caused by congestion at Junction 9 can extend back several kilometres along the motorway. The Scheme is essential to improve traffic flow and journey times in the area. Both junctions currently experience severe congestion in the morning and evening peak periods and traffic queuing on the motorway off-slips at Junction 9 causes operational and safety issues on the M27 mainline. Furthermore, in the morning peak hour, congestion at Parkway South Roundabout can regularly block back to Junction 9, while in the evening peak hour congestion at Junction 9 frequently blocks back to Parkway South Roundabout.

2.3 The congestion is judged to be detrimentally impacting business attraction and retention in two large regionally significant adjacent Business Parks, Solent and Segensworth, located to the north and south of Junction 9 respectively.

Until the planned highways improvements have been completed no further development should be permitted. The historic nature of the planning allocations in Whiteley do not take account of the much higher intensity use of office space today compared to when the developments were planned in the 70s and 80s. This together with the redevelopment of Whiteley Shopping Centre has created a far higher demand on the highways network than originally envisaged. The parking provision is correspondingly inadequate.

The extreme congestion in and around peak times is unacceptable to our residents.

The proposed development is adjacent to a key pedestrian route for those accessing the two primary schools and the Yew Tree Drive local centre. Pedestrian use is likely to increase with the opening of Lidl. At present there are no safe crossing points on Solent Way or Rookery Avenue and this needs to be urgently addressed.

Solent Way suffers from dangerous on-street parking due to inadequate provision throughout the business park, this also results in parking in residential areas which is unacceptable to residents, this application is likely to exacerbate this problem.

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Residents' concerns about the impact on the ecology of the local area, trees, noise and air pollution, particularly for Whiteley Primary School, are noted and the views of the relevant consultees are awaited.

Request that the application is heard by the Planning Committee if the officer is minded to use delegated power to grant permission.

Signed: N Oliver, Town Clerk

Date 21.1.19

Appendix 2 – Cllr Achwal

Comment Details

Commenter Type: District Councillor

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Traffic or Highways

Comment: I wish to object to this planning application due to the lack of current road infrastructure.

The road network in Whiteley is currently at capacity and any further development at present is not acceptable.

There have been several recorded car accidents on Whiteley Way which is near this site and HGVs which will use this route will increase the prospect of more accidents.

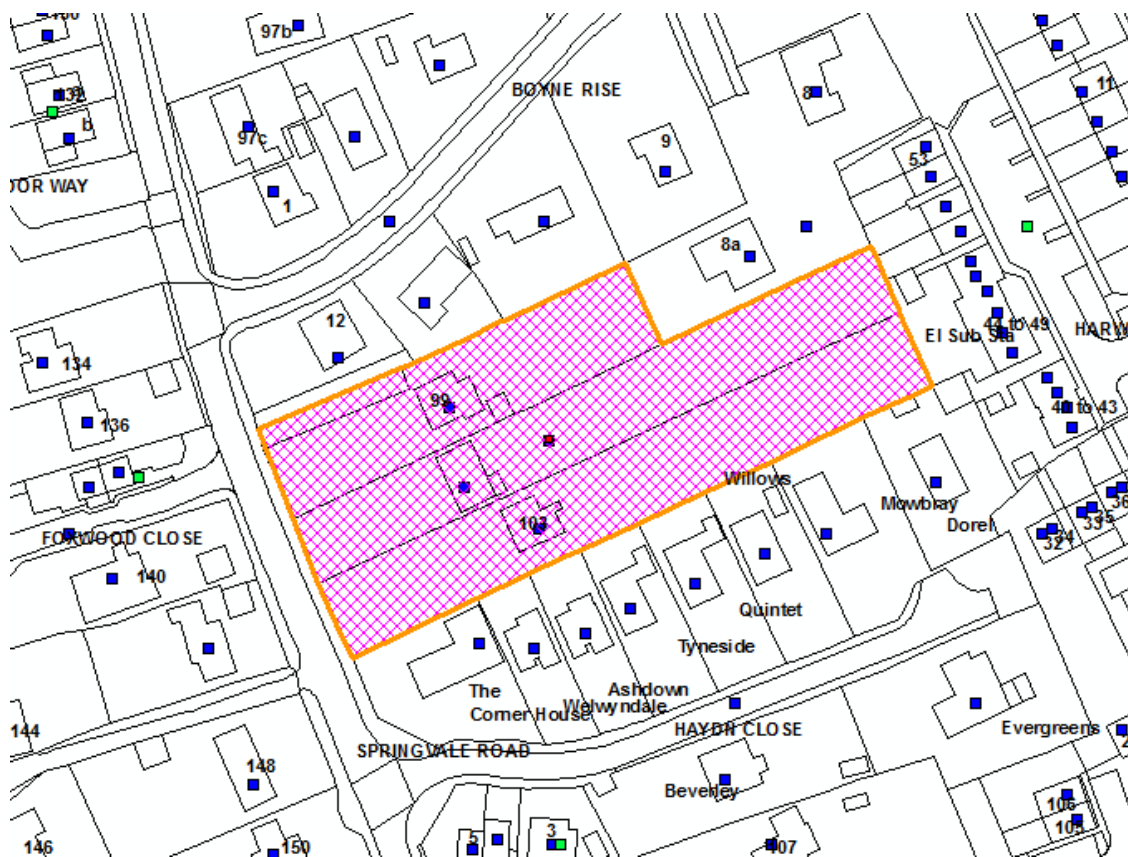
No further development should take place in Whiteley until the completion of the proposed future road infrastructure is completed.

I ask that this proposal to be heard at the planning committee and that meeting to be held in Whiteley.

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Case No: 18/01083/FUL
Proposal Description: Amended Plans - Redevelopment of the site following demolition of the existing dwelling houses at 99, 101 and 103 Springvale Road, and the erection of 13 no. dwellings (6 x 2-bedroom, 4 x 3-bedroom and 3 x 4-bedrom), with associated access, landscaping and parking
Address: 99 - 103 Springvale Road Kings Worthy Hampshire
Parish, or Ward if within Winchester City: Kings Worthy
Applicants Name: Mr Richard Wickins
Case Officer: Verity Osmond
Date Valid: 3 May 2018
Recommendation: Application Permitted



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General Comments

The application is reported to Committee due to the number of objections received. Following the submission of amended plans, Kings Worthy Parish Council have withdrawn their original request for the application to be heard at Committee.

Amended plans were received and accepted on 10th December 2018. The changes to the scheme include the reduction in units from 15 to 13, increase in depth of all residential gardens, additional landscaping within the centre of the site and to the front boundary with Springvale Road.

Site Description

The site lies to the eastern side of Springvale Road in Kings Worthy and is bounded by existing residential development to the north (Boyne Rise), the east (Harwood Place) and the south (Hayden Close). The site is currently occupied by three detached bungalows in large plots. The land rises from a middle point behind the existing bungalows to the rear boundary where a belt of tall trees (covered by tree preservation order) marks the end of the three plots. There are areas of hedgerow along the site boundaries to the front roadside (west) and to the rear (east). The side boundaries are a mix of panel fencing, block and brick walls, to the rear of abutting gardens from properties to the north off Boyne Rise, and south off Hayden Close.

Proposal

The initial application sought the erection of 15 dwellings in a mix of detached and semi-detached units. This proposal was considered to be an over-development of the site and negotiations were entered into to reduce the dwelling numbers. The current proposal is therefore of 13 dwellings on the site. All dwellings are two-storey and of a traditional design with brick walls, tiled roofs and tile hanging to some units.

There will be two access points serving the development from Springvale Road. Plots 1 and 2 will be accessed by one access point to the north west of the site, with the other access located within the south western corner of the site; providing means of access for all other units.

Relevant Planning History

103 Springvale Road - 95/00172/OLD– Four bedroom detached dwelling PERMITTED
07.09.95

Consultations

Engineers: Drainage:

The surface water element will have to go to Hampshire County Council Flood and Water Management Team as it is a major application. Southern Water would need to confirm that there is capacity within their system at this location (there is a mains foul immediately outside on the road) to take the foul flows from the proposed development. A condition should be added for drainage capacity check.

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Hampshire Flood Authority

A revised flood and drainage strategy has been submitted in response to previous objections from the Flood Authority. The information provided has demonstrated that attenuation could be included within the development to make provision for drainage during high groundwater conditions. This would be subject to a connection into the river which is subject to other approvals. The storage would provide benefit in holding water back if infiltration levels were reduced due to high groundwater levels even if the connection was not achievable.

Initial groundwater monitoring has shown that the water table is deep and for the most part, the site should be able to function through infiltration drainage. Further ground water modelling is due at the end of April 2019 and following this, discussions will be had to confirm the most appropriate drainage option.

It is considered that any further amendments to the drainage strategy can be covered by conditions to ensure that no development takes place until a suitable drainage design is approved by the LLFA. Condition 9 secures this.

Southern Water

Southern Water have no objections to the application; a formal application for connections to the public foul sewerage system is required to be made by the applicant or developer. Informative 06 will be attached to consent to reflect this.

Head of Landscape: No objection subject to detailed landscaping plan

A detailed landscaping plan is secured via condition 4.

Head of Ecology: No objection

An ecological assessment has been provided to support this application. This identified the site as consisting of mainly lawns and species-poor hedges (along with the existing buildings). It makes various recommendations for mitigation and enhancements which should be conditioned.

It also identifies the need for two further 'Phase 2' bat surveys on two of the three buildings. However, no information has been supplied to suggest that these surveys have been undertaken. In order to fully assess the impact of the development this information is required. A bat report (or updated ecological assessment report) should be submitted to support the application. This should contain the results of emergence/ re-entry ('Phase 2') bat surveys on the two buildings with moderate bat roost potential. Condition 11.

Head of Trees: No objection

No objections raised to this application based on the fact that the details within the tree report are adhered to by condition. Condition 12,13,14.

Head of Archaeology: No objection

Groundworks associated with the proposal may adversely affect buried remains of the
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Roman aqueduct (and potentially any other buried heritage assets which may be present within the proposal site).

Consideration has been given to the potential for the existing dwellings, associated services and other groundworks which may have been undertaken within the gardens may have impacted any buried heritage assets to some degree. As such, archaeology is not considered likely to form an overriding constraint and accordingly there is no objection in principle to the proposal on archaeological grounds.

However, it is recommended that an appropriate programme of archaeological investigation and recording is undertaken should you be minded to grant consent. Condition 16 and 24 will secure this.

Representations:

Kings Worthy Parish Council

- The Parish Council wish to support the application subject to a condition being placed on the height of the hedges , to be secured by condition, near the entrances to the site to improve safety.

13 letters received objecting (13 objections to original plans and 5 objections to amended plans) to the application for the following reasons:

- Height and proximity of new dwellings to neighbouring properties
- Daylight and overshadowing
- Design, density and layout out of keeping
- Poor highways access and highways safety hazards
- Contrary to planning policy
- Lack of amenities and services nearby to serve new development
- Increased flood risk
- Landscaping required for wildlife
- Overlooking impact on neighbouring development
- Increased traffic generation and parking
- Increased light pollution to the night sky
- Out of keeping with the countryside edge character of this part of the village

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

- Impact on children, safety of school children
- Comments stating development should be located at Abbots Barton
- Bus timetables and frequency of bus trips

1 letters of support received (1 letter of support received in support of original plans and 1 support comment to amended plans)

- Supportive of design
- Supportive of reduction from 15 to 13 dwellings.

Relevant Planning Policy:

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Winchester Local Plan Part 1 – Joint Core Strategy:

DS1 - Development Strategy and Principles
MTRA 2- Market Towns and Larger Villages
CP2- Housing Provision and Mix
CP3- Affordable Housing
CP11- Sustainable Low and Zero Carbon Built Development
CP13- High Quality Design
CP14- Effective Uses of Land
CP16- Biodiversity
CP17- Flooding, Flood Risk and the Water Environment

Winchester District 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
DM26- Archaeology

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Supplementary Planning Guidance

Kings Worthy Village Design Statement
The High Quality Places SPD

Planning Considerations

Principle of development

The application site is located within the settlement boundary of Kings Worthy, where the principle of residential development is accepted, provided the development is in accordance with the relevant policies of The Development Plan and unless material planning reasons indicate otherwise.

Policy CP2 of WDLPP1 seeks to ensure that new residential development should meet a range of community housing needs and deliver a wide choice of homes. The majority of homes should be in the form of 2 and 3 bedroom homes. This development is for 13 new dwellings in the form of 6 x 2 bedroom, 4 x 3 bedroom and 3 x 4 bedroom. The majority of the proposed development on site is therefore in the form of 2 and 3 bedroom dwellings which accords with the stipulations of Policy CP2.

The Government has announced (March 2015) updates to its policy on housing standards and zero carbon homes. These affect the Council's implementation of Policy CP11 of the adopted Local Plan Part 1. While policy CP11 remains part of the Development Plan and
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the Council still aspires to achieve its standards for residential development (Code for Sustainable Homes Level 5 for energy and Level 4 for water), Government advice now sets a maximum standard of 110litres/day for water efficiency and the equivalent of Code Level 4 for energy. Therefore, for applications determined after 26 March 2015, Local Plan policy CP11 will be applied in compliance with the maximum standards set out in Government advice. Conditions and 15 and 22 are proposed in order to secure these sustainability levels.

CP13 of the LPP1 states that new development is expected to meet the highest standards of design, taking into consideration the context of the site and the surrounding area, makes a positive contribution to the local environment, creating an individual place with a distinct character, well connected to its surroundings and maximise the potential to improve local biodiversity. In this instance the application is considered to accord with the stipulations within this policy, further details in regards to this are set out below.

Affordable Housing

Policy CP3 states that all development which increases the supply of housing will be expected to provide 40% of the gross number of dwellings as affordable housing, unless this would render the proposal economically unviable. An amended viability report has been submitted, to take into account the reduction of units from 15 to 13, and this has been assessed by an external valuer.

It was concluded that the residual land value (RLV) was significantly below the benchmark site value, meaning that, if the Council were to insist on an on site provision of affordable housing, the land value would be such that it would not come forward for development. Therefore an off-site Affordable Housing Contribution of £30,000 to be secured by S106 Agreement, is considered to be acceptable in this instance.

Design/layout

Plots 1-6 are located at the front of the site along the south western boundary of the site. These units are considered to improve the relationship of the development site and Springvale Road by providing an active frontage and it considered that these units will positively address the street scene.

Plots 7-11 are located towards the northern boundary of the site, occupying the central section of the application site. The layout of these units runs parallel to the residential properties situated with Haydn Close with the pattern of the development, including the gaps between the buildings, closely echoing the spatial characteristics of the surrounding properties.

Plots 12-13 are located at the rear of the site towards to the north eastern boundary of the site. Plots 12 and 13 are orientated with the principal elevations facing southwards looking out towards Springvale Road. The position of these units accords with the building line of neighbouring properties 8a Boyne Rise and Mowbray (Haydn Close).

The topography of the site results in the land rising to the north east of the site, the larger 4 bedroom properties are located towards the rear of the site; resulting in the larger properties punctuating the rear of the site. Plots 7-11 gradually increase in height to the north, reflecting the underlying topography of the site. By working with the changing levels

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on the site, the proposal makes an efficient use of the land, and the height and massing are both considered to be appropriate to the setting.

The design of the properties is traditional, with plot 1-6 constructed in flint and brick on the western elevation fronting onto Springvale Road. The principle elevations of these units are considered to result in a high quality and attractive finish, using materials distinctive to Winchester and reflecting the design of the surrounding new development along Springvale Road. Plots 7-11 will feature red brick and hanging tiles, with plots 12-13 at the rear of the site featuring a combination of these elements. The proposed design of the development is coherent and is reflected in each dwelling; with the use of different materials and detailing to the units adding visual interest to the scheme.

Impact on character of area and neighbouring property

The rear gardens to plots 1-6 have increased from 8 metres to 10 metres allowing a greater private amenity space for the occupiers of the new dwellings, whilst also reducing overlooking impact between plots 1-4 and plot 7. The bathroom windows within the rear elevations of plot 1-6 contain obscure glazing to their lower sections, further limiting overlooking to the new units to the east of these plots. There are no proposed windows on a first floor level on the side elevations of plots 1-6.

The first floor windows of plots 7-12 are located over 20 metres from the rear elevations of the buildings located within Boyne Rise, which is considered to be a sufficient distance to mitigate any significantly harmful overlooking this neighbouring amenity. The northern boundary already benefits from substantial vegetation which offers screening between the application site and the properties within Boyne Rise; this hedge will be retained and will be reinforced with new planting through a detailed landscaping condition.

Concerns have been expressed in relation to the impact of Plot 12 on number 8a Boyne Rise. Plots 12 and 13 will be constructed in a chalet style with hipped roofs, which will be lower in height than the other proposed units. Plot 12 features a hipped roof on its northern elevation which reduces the mass of the built form at a first floor and results in the building hipping away from 8a Boyne Rise.

A sunlight/daylight analysis has been submitted to further assess the impact on number 8a Boyne Rise. This report demonstrates and concludes that there is no adverse impact on this neighbour as there will be a less than 1% reduction in annual sunlight on this neighbouring property. The impact of the proposed development on 8a Boyne Rise will be minimal, and in full accordance with BRE guidance.

Plot 12 has since been relocated more centrally within the plot through revised plans, increasing the distance between the new dwelling and number 8a by a further metre. There are no proposed windows at a first floor level on the side elevations of Plots 12 and 13 limiting overlooking impact to neighbouring properties in Boyne Rise and Haydn Close.

The trees to the rear of the site are to be retained. These form significant screening across the rear boundary, and, given the levels rise up to the properties at Harwood Place, the development is not considered to have significantly harmful impact on neighbouring amenity to the rear (east) of the site.

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Plot 15 of the original plans has been removed, which reduces the impact of the development to the properties within Haydn Close. An area of landscaping is proposed with 5 car parking spaces towards the southern boundary of the site, softening the appearance of the access road from these properties.

The removal of plots 7 and 15 of the original plans has allowed for greater landscaping to the front of plots 7-11 and within the site. The space between these units allows for glimpsed views of gardens and planting between the properties and to their rear, reducing the perceived mass from the surrounding area. The impact of the proposed built form on existing properties has been assessed and the proposed relationships are considered to be acceptable.

The proposed design of the dwellings is considered to be of a high quality and reflective of the recent developments within the Kingsworthy area. The proposed dwellings have been designed to respond carefully and uniquely to their specific context and site constraints and care has been taken to reflect the character, scale and form of surrounding development and limit adverse impacts on residential amenity. The proposal is therefore considered to be acceptable in accordance with policy DM15, DM16, DM17 of Winchester District Local Plan Part 2 and The High Quality Places SPD.

Landscape/Trees

Development within the area is largely characterised by verdant boundary treatments of mature trees and hedgerows. The most notable landscaping feature on the site is the mature tree belt forming the eastern (rear) boundary to the site which is to be retained within the development. The boundaries of the site will be reinforced with new native species planting and new hedge and tree planting will create an improved front boundary with Springvale Road. A detailed landscaping will be secured via condition.

Two trees are proposed to be lost as a result of the development. The trees, which are protected through a group TPO, are of poor quality and their removal was discussed with the Winchester City Council (WCC) Arboricultural Officer prior to finalisation of the proposals. Replacement planting is proposed along Springvale Road to mitigate against the loss of these trees. The other group TPO at the rear of the site is proposed to be retained, and there will be no adverse impact on neighbouring trees located outside of the development site. Works to these trees and the replacement planting is secured via conditions 04 and 12,13,14.

Highways/Parking

The parking and access arrangements are considered to be satisfactory for the scheme as proposed. The development is arranged so that all dwellings are served off an internal road network with many areas of shared surface highway.

An improved shared vehicle access is proposed in the south west corner of the site, which will serve plot no's 3 to 13; with another smaller shared vehicle access to serve Plots 1 and 2. Each of these junctions are to be vehicle crossover style which means pedestrians walking along the footway will have priority and also there will be less visual impact than having a junction with radii, which will otherwise need to be designed and constructed to full Highway Standards requiring approval of Hampshire County Council.

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The proposed internal shared access is to remain private and will not be offered for adoption to Hampshire County Council as publicly maintainable highway. A turning head is to be provided at the end of this private driveway which is considered sufficient to allow the on site turning by a Refuse Freighter operated by Winchester City Council.

Springvale Road is subject to a 30 mph speed limit in the vicinity of the proposed development site and visibility splays of 2.4m by 43m in each direction will be provided at each access, which accords with the recommendations of Manual for Streets and is considered acceptable. Car and Cycle parking is to be provided in accordance with the requirements of Winchester City Council's Residential Parking Standards. The proposal will accord with Policy DM18 of WDLPP2.

Ecology

A Phase 1 Ecological Survey has been undertaken at the site which has recommended construction and mitigation strategies, although it was found that generally the site was unsuitable for species such as reptiles and dormice. Two of the existing bungalows have found to have 'moderate' potential for bats, therefore a Phase 2 survey will be undertaken prior to the development of the site. This is secured via condition 11.

Conclusion

The submitted application comprises development considered to accord with the design character of the immediate residential locality to the north, providing a traditional built form that settles in with the wider mixed character of dwellings in this area of the village. The proposal is also considered to accord with the relevant policies of the Winchester Local Plan Part 1 in relation to design, amenity, landscape, topography, ecology, parking & highways, sustainability and affordable housing. Overall it is considered that the proposed development provides an acceptable and complementary development to that on the surrounding allocated land.

Planning Obligations/Agreements

In seeking the planning obligation(s) for financial contributions for an off site affordable housing contribution of £30,000, the Local Planning Authority has had regard to the tests laid down in para 204 of the NPPF which requires the obligations to be necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

Recommendation

subject to the following condition(s):

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

That planning permission be granted subject to -

- A) the following conditions and;
- B) a Section 106 Agreement in order to secure the following planning obligations under Section 106 of the Town and Country Planning Act and any other relevant provisions as set out below:

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- payment of a financial contribution of £30,000 towards the provision of affordable housing

Conditions

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:

7468-D01 Rev A Proposed Site Plan
7468-D02 Rev A Plots 1 and 2 Floor Plans
7468-D03 Rev A Plots 1 and 2 Elevations
7468-D04 Rev A Plots 3 and 4 Floor Plans
7468-D05 Rev A Plots 3 and 4 Elevations
7468-D06 Rev A Plots 5 and 6 Floor Plans
7468-D07 Rev A Plots 5 and 6 Elevations
7468-D24 Rev A Site Sections
7468-D25 Cycle and Bin Stores
7468-D25 Proposed GF Site Plan
7468-D30 Rev A Plots 7 and 8 Floor Plans
7468-D31 Rev A Plots 7 and 8 Elevations
7468-D32 Rev A Plot 9 Floor Plans
7468-D33 Rev A Plot 9 Elevations
7468-D34 Rev A Plot 10 Floor Plans
7468-D35 Rev A Plot 10 Elevations
7468-D36 Rev A Plot 11 Floor Plans
7468-D37 Rev A Plot 11 Elevations
7468-D38 Rev A Plot 12 Floor Plans
7468-D39 Rev A Plot 12 Elevations
7468-D40 Rev A Plot 12 Garage
7468-D41 Rev A Plot 13 Floor Plans
7468-D42 Rev A Plot 13 Elevations

Reason: In the interests of proper planning and for the avoidance of doubt and to ensure the development is carried out in accordance with the relevant policies of The Development Plan.

PRE-COMMENCEMENT CONDITIONS

03. No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the new dwellings 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

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Reason: To ensure a satisfactory visual relationship between the new development, the existing and the surrounding area in accordance with Policy DM15, DM16 of Winchester District Local Plan Part 2 (2017) and The High Quality Places SPD (2015).

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

- planting plans and schedules of plants and replacement trees, noting species, planting sizes and proposed numbers/densities where appropriate.
- detailed plans showing the height of the proposed front hedge boundary treatment, the height of the hedge must be reduced around vehicle and egress points.
- details of areas of hard surfacing.
- details of any means of enclosure (fencing/walling) and all boundary treatments.

All hard and soft landscape works shall be carried out in accordance with the approved details.

The works shall be carried out within the first planting season following the commencement of development.. 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. All boundary treatments and hard surfacing shall be installed prior the occupation of the dwellings, hereby permitted.

Reason: In the interests of visual amenity of the area and to ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

05. No development, or works of site preparation or clearance, shall take place until details, including plans and cross sections of the existing and proposed ground levels of the development and the boundaries of the site including any earthworks to be undertaken have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details

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

06. No development or any works of site preparation shall take place until the applicant or their agents or successors in title have implemented of a programme of archaeological mitigation works, in accordance with a Written Scheme of Investigation that has been submitted to and approved by the local planning authority in writing. No development or site preparation shall take place other than in accordance with the Written Scheme of Investigation approved by the LPA. The Written Scheme of Investigation shall include:

- The programme and methodology of site investigation and recording
- Provision for post investigation assessment, reporting and dissemination

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- Provision to be made for deposition of the analysis and records of the site investigation (archive)
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

Reason: To mitigate the effect of the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations Policy DM26 Winchester District Local Plan Part 2; Policy CP20 of the Winchester District Joint Core Strategy

07. 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.

Reason: In the interests of highway safety

08 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.

Reason: In the interests of highway safety

09. No development is to take place until a suitable drainage design, based on the principles within the Flood Risk Assessment and Drainage Strategy, has been submitted to and approved by the Local Planning Authority in consultation with the LLFA. Detailed plans and calculations shall be submitted for approval.

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

10. Detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before development commences.

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

11. Prior to the commencement of works, details of biodiversity enhancements to be incorporated into the development, in accordance with the recommendations contained within the submitted Ecological Assessment prepared by Peachecology Report 0192, shall be submitted for approval to the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details.

Reason: To maintain, protect and enhance biodiversity in accordance with Policy CP16 of the Winchester District Local Plan Part 1 - Joint Core Strategy and the Natural Environment and Rural Communities Act 2006

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12. 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.

Reason: To protect the amenity afforded by trees in accordance with Policy DM15 and Policy DM24 of the Winchester District Local Plan Part 2 2017.

13. No development or site preparation has any effect on compacting, disturbing or altering the levels of the site, shall take place until a person suitably qualified in arboriculture, and approved as suitable by the Local Planning Authority, has been appointed to supervise construction activity occurring on the site. The Arboricultural supervisor will be responsible for the implementation of protective measures, special surfacing and all works deemed necessary by the approved Arboricultural method statement.

Where ground measures are deemed necessary to protect root protection areas, the Arboricultural supervisor shall ensure that these are installed prior to any vehicle movement, earth moving or construction activity occurring on the site and that all such measures to protect trees are inspected by the Local Planning Authority Arboricultural Officer prior to commencement of development work.

Reason: To protect the amenity afforded by trees in accordance with Policy DM15 and Policy DM24 of the Winchester District Local Plan Part 2 2017.

14. No Arboricultural works shall be carried out to trees other than those specified and in accordance with the Arboricultural Impact Appraisal and Method Statement and Tree Protection Plan prepared by Kevin Cloud of Technical Arboriculture. Report reference number: AIA/AMS-KC/SH/99-103SPRINGVALE/001 Revision A. Any deviation from works prescribed or methods agreed in accordance with the Arboricultural Impact Appraisal and Method Statement shall be agreed in writing to the Local Planning Authority.

Reason: To protect the amenity afforded by trees in accordance with Policy DM15 and Policy DM24 of the Winchester District Local Plan Part 2 2017.

15. 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 Code 4 or equivalent standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these findings.

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

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

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

Reason: To mitigate the effect of the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations, in compliance with policy HE.1 of the Winchester District Local Plan Review.

17. Details of the width, alignment, gradient and type of construction proposed for the roads and footways including all the relevant cross-section and longitudinal sections showing the existing and proposed levels together with the details of street lighting and the method of disposing of surface water, and details of a programme for the making up of the roads and footways shall be submitted to and approved in writing by the Local Planning Authority before development commences. The agreed details shall be fully implemented before the use hereby approved is commenced.

Reason: To ensure that the roads are constructed to a standard, which may allow them to be taken over as a publicly maintainable highway.

18. Prior to work commencing on the site a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details;

General:

- Phases of development.
- Code of Construction Practice for all works and operations on the site
- Use of fences and barriers to protect adjacent land
- Measures to be undertaken to minimise impacts on surrounding land
- Timetable and dates for stages of the development, including land restoration at the completion of construction works.

Environmental:

- Dust suppression, mitigation and avoidance measures
- Measures for minimising construction waste and provision for the re-use and recycling of materials which shall be used in the construction of the development.
- Noise reduction measures, including use and details of acoustic screens and enclosures, the type of equipment to be used and their hours of operation
- Floodlighting and security lighting. (note: this must be directed in such a way as not to cause nuisance to adjoining properties or adjacent highway)

Ecological:

- Timing restrictions for staged removal of any vegetation so as not to conflict with breeding seasons
- Measures to be taken to prevent contaminants from entering watercourses or the water environment

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Transportation:

- A traffic management plan for construction vehicles entering and leaving the site, including times of movement so as to avoid peak period traffic
- .

Subsurface Mineral:

- a suitable mechanism such as a Material Management Plan for the site to deliver the requirement for ensuring that minerals that can be viably recovered during development operations are recovered, with time scales, on-site and off-site storage facilities, minerals movement plans, etc.

The Construction Management Plan shall be adhered to throughout the duration of the construction period. For the avoidance of doubt, this condition covers all construction and demolition work (including the breaking up and removal of pavement) on the application site.

Reason: To ensure that all demolition and construction work in relation to the application is undertaken in a sustainable manner and does not cause materially harmful effects on nearby properties and businesses

PRE –OCCUPATION CONDITIONS

19. The roads and footways shall be laid out and made up in accordance with the specification, programme and details, required by Condition 15, to be approved by the Local Planning Authority. No dwelling erected on the land shall be occupied until there is a direct connection from it completed to the approved specification [less the final carriageway and footway surfacing] to an existing highway.

Reason: To ensure that the roads and footways are constructed to a satisfactory standard.

20. The parking areas including the garages shall be provided in accordance with the approved plans before the dwellings associated with their use are first occupied and thereafter permanently retained and used only for the purpose of accommodating private motor vehicles or other storage purposes incidental to the use of the dwelling house as a residence.

Reason: To ensure the permanent availability of parking for the properties

21. Before the development hereby approved is first brought into use, visibility splays of 2.4 metres by 43 metres (to a point measured 1 metre within the road from the edge of carriageway) shall be provided at the junction of the access and public highway. The splays shall be kept free of obstacles at all times.

Reason: In the interests of highway safety

22. Prior to the occupation of the dwelling hereby permitted detailed information (in the form of SAP "as built" stage data and a BRE water calculator) demonstrating that all homes meet the equivalent of Code 4 standard for energy and water (as defined by the **Case No: 18/01083/FUL**

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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 carried out in accordance with these findings.

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

OTHER CONDITIONS

23. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before a site assessment 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.

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

24. Following completion of archaeological fieldwork, within 9 months (unless otherwise agreed in writing) a report will be produced in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports and publication. The report shall be submitted to and approved by the local authority.

Reason: To ensure that evidence from the historic environment contributing to our knowledge and understanding of our past is captured and made publicly available.

Policy DM26 Winchester District Local Plan Part 2; Policy CP20 of the Winchester District Joint Core Strategy

Informatives:

- 01 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) and Section 39 of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted. In reaching its decision the Local Planning Authority has taken account of the following National Guidance and development plan policies:-

National Planning Policy Framework.

In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

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

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In this instance the applicant was provided detailed advice on addressing concerns of the inter-relationship with the character of the area, overlooking from the adjacent dwelling house, compressing and shunting the position of the dwellings to enable a landscaped layout to be presented.

Local Plan and Core Strategy considerations:

Winchester District Local Plan Part 1 (LPP1):

DS1 – Development Strategy and Principles
MTRA2 – Market Towns and Larger Villages
MTRA4 – Development in the countryside
CP2 – Housing Provision and Mix
CP10 – Transport
CP11 – Sustainable Low and Zero Carbon Built Development
CP13 – High Quality Design
CP14 – Effective Uses of Land
CP16 – Biodiversity
CP18 – Settlement Gaps
CP20 – Heritage and Landscape Character

Winchester District Local Plan Part 2 (LPP2):

SW1 – The Lakes Housing Allocation

Hampshire Minerals and Waste Plan (2013):

Policy 15: Safeguarding mineral resources

In considering the relevance of these policies and how the proposed development satisfies them the Council has identified the main issues to be whether the scheme is acceptable in terms of principle, amount, design, layout, scale, form, height, traffic generation, sustainability, impact on neighbouring land and affordable housing as part of a comprehensive design concept. These issues are in the Council's consideration satisfactorily addressed by the proposed development (subject to conditions) because it would:-

- (a) Make more efficient use of land.
- (b) comprise a design, layout, scale, form and height of development that will contribute to the local character that is appropriate and complementary to the character and context of the village and rural location
- (c) enable a sustainable form of building design and delivery to be provided

The decision to grant planning permission has been taken because the development is generally in accordance with the provisions of the recently adopted development plan LPP1 and saved policies of the Adopted Winchester District Local Plan Review 2006. The objectives of the development plan seek to improve the provision of housing for all sectors and the proposed development is considered to meet these objectives without materially harming matters of consideration set out within the listed policies.

- 02 All building works including demolition, construction and renovation operations; the operation of any machinery or plant, including hand power tools and deliveries taken or dispatched 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

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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.

- 03 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.
- 04 This planning permission does not purport or seek to purport the granting of consent for the removal of any trees or hedgerows, including trees within hedgerows other than as agreed as part of the landscape strategy forming part of this decision.
- 06 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development please contact Atkins Ltd., Anglo Street, James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688), or www.southernwater.co.uk.
- 06 Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

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

- 07 The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works can commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with. If works commence on site before all of the pre-commencement conditions are discharged then this would constitute commencement of development without the benefit of planning permission and could result in Enforcement action being taken by the Council.

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

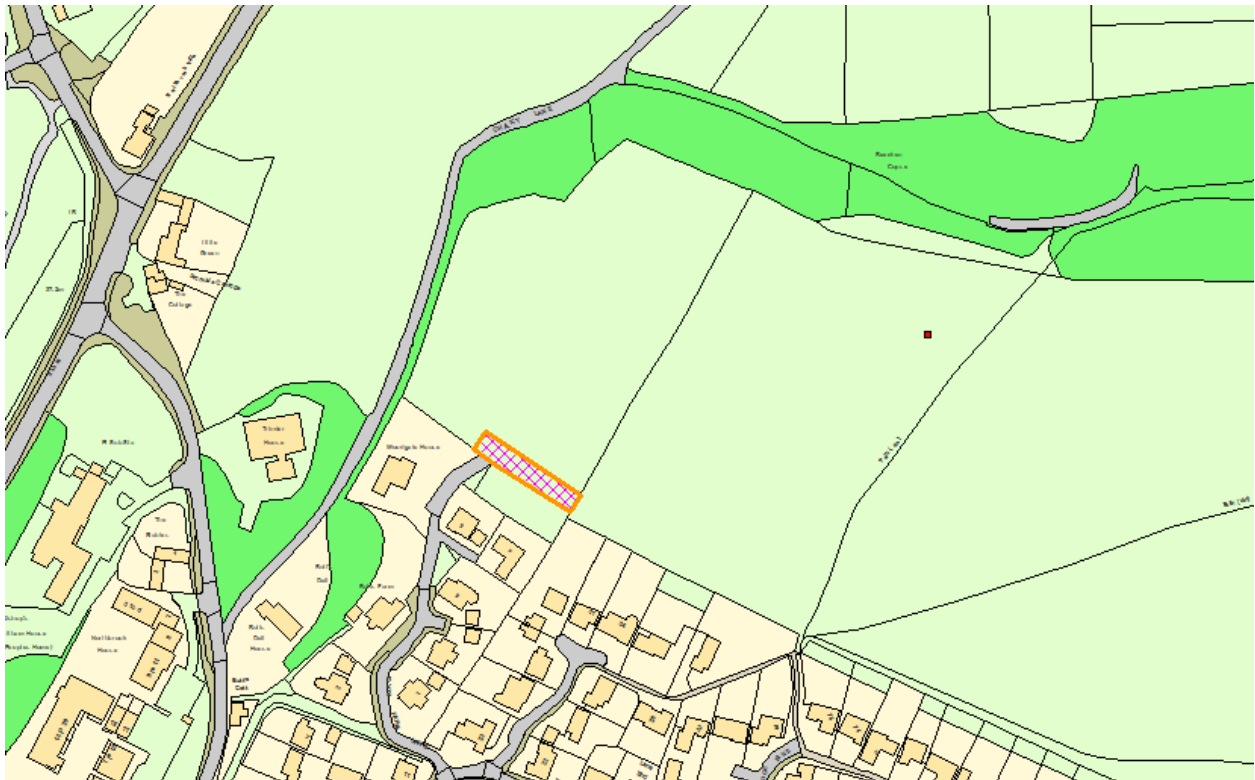
- The name of the planning officer who dealt with application
- The application case number
- Your contact details
- The appropriate fee.

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

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Case No: SDNP/19/00026/FUL
Proposal Description: Approximately 50m of stock proof fencing and gate on grassland off Butts Farm Lane
Address: Land at Butts Farm
Butts Farm Lane
Bishops Waltham
Hampshire
Parish, or Ward if within Winchester City: Bishops Waltham
Applicants Name: Messrs A,J & D Curtis
Case Officer: Ms Charlotte Fleming
Date Valid: 14 December 2018
Recommendation: Application Approved



General Comments

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

1 Site Description

The application site is within a rural location outside of the designated settlement boundary for Bishops Waltham, which has a rural character. The site is located just within the South Downs National Park, the boundary of which is located to the south of the site along the settlement edge for Bishops Waltham.

An Article 4 Direction was made on 18 April 2017, which took effect immediately, to remove permitted development rights for fences, gates, walls and other means of enclosure (as set out in Class A of Part 2 of the Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015 from land to the south of Dundridge Lane. This relates to a large parcel of land (14.8 hectares), which incorporates the application site. It was considered that an immediate Article 4 Direction was justified in this case to prevent any further subdivisions of the field by fences or other means of enclosure.

The site is currently accessed by an access track that adjoins the southern side of the site, connecting the application site to Butts Farm Lane. A number of locked metal gates have been installed along the access track.

The existing site boundaries comprise of post and rail fencing, field gates and hedgerow. To the east of the site is a public right of way (PRoW), which runs from Colville Drive in a north-easterly direction and adjoins the eastern boundary of the wider fields.

2 Proposal

Approximately 50m of stock proof fencing and gate on grassland off Butts Farm Lane.

3 Relevant Planning History

SDNP/17/00522/FUL - Proposal for the change of use of land to equestrian, erection of stable building, new access track and underground water pipe and electricity cable.

Part retrospective (underground water pipe and electricity cable have already been installed)

STATUS: REF 26th July 2017.

SDNP/18/00221/PRE - Proposal for the change of use of land to equestrian, erection of stable building.

STATUS: PRE 25th May 2018.

SDNP/18/05870/FUL - Change of use of land from agricultural to the keeping of horses (Equestrian) for non-commercial use; erection of wooden doors to enclose two existing field shelters; erection of one metre post and rail fence (pursuant to Article IV direction on the land).

STATUS: Pending

4 Consultations

WCC - Landscape Open Spaces

This proposal is considered to be in keeping with the context and setting of the SDNP and would not give rise to harmful landscape or visual impacts.

Parish Council Consultee

No comments to make

5 Representations

8 neighbour objections have been received and are summarised below:

- Will set a fence precedent and a way to undermine Article 4
- Livestock hasn't been in the field for the last twenty years
- Current land use is hay production and silage
- No objection at face value - Suspicious of motives
- Application continues to sub-divide the land into paddocks - impacting the scenery and could mean the sale of land in small lots
- The boundary fence was repaired last year so why section it now?
- Why not fence the other 95% of the boundary - This application does not include an area around the agriculture barn on the land
- If track was not there then field would essentially be stock proof
- Application is under a different name yet linked to sale of other land under enforcement at the moment, should be considered in nature of entire site
- Applicants no longer live in Hampshire therefore difficult to understand how they will keep animals
- Already 12 gates in the area, often left open, no requirement for another one
- The track does not have planning permission - Trackway was mentioned in SDNP/17/00522/FUL which was refused and not yet removed
- Previous advice was that equestrian use is not supported by landscape officers
- If going to approve should condition the use of the land as grazing
- No site notice

6 Planning Policy Context

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

- Winchester District Local Plan Part 1 Joint Core Strategy (2013)
- South Downs National Park Local Plan - Submission 2018

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

National Park Purposes

The two statutory purposes of the SDNP designation are:

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

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

7 Planning Policy

Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued on 24 July 2018. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

National Planning Policy Framework (NPPF)

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

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

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

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF. The following policies of the Winchester District Local Plan Review (2006) are relevant to this application:

- DP3 - General Design Criteria
- DP4 - Landscape and the Built Environment

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

- MTRA4 - Development in the countryside
- CP8 - Economic Growth and Diversification
- CP13 - High Quality Design
- CP19 - South Downs National Park
- CP20 - Heritage and Landscape Character

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

- Core Policy SD1 - Sustainable Development
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD6 - Safeguarding Views
- Development Management Policy SD39 - Agriculture and Forestry
- Strategic Policy SD42 - Infrastructure

Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

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

- General Policy 1
- Farming Policy 13

The Draft South Downs National Park Local Plan

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

8 Planning Assessment

Principle of development

The trackway was mentioned in SDNP/17/00522/FUL which was refused. The use of the land where the fences are proposed remains agricultural; this

application is also submitted by a different applicant to the 2017 application. Access tracks for agricultural uses are allowed without requiring planning permission. This application is only seeking the erection of a fence.

The South Downs Local Plan (SDLP) has been through the Examination in Public in December 2018, and the Main Modifications have been published for public consultation, therefore SDNP Local Plan policies can be given very nearly full weight in the determination of planning applications.

Policy SD39 Agriculture and Forestry states that development for agricultural buildings or structures will be permitted where there is an agricultural need, the proposal reflects the local character, and the proposal is designed to minimise the impact on the special qualities of the Park, it is considered that the proposal complies with this policy.

Policy MTRA4 allows development in the countryside which has an operational need for such location such as agriculture, as long as the development does not cause harm to the character and landscape of the area or neighbouring uses or create inappropriate noise/light and traffic generation. It is considered that the proposal complies with this policy.

Policy SD4 sets out that new development is acceptable provided that it is appropriate in scale, design and does not have an adverse impact on the character of the area or on surrounding uses. It is considered that the proposed fence meets the criteria of this policy as the fence is in keeping with the existing agricultural character of the land use, and no concerns have been raised by the landscape officer about impact on the character of the area.

Design, scale and impact on the character of the area

The proposed addition of 50m of stock fence (1.2m high) and a gate to the existing field and track are considered modest in scale and will be completed in materials suitable for the agricultural setting. The proposed alterations are considered to be acceptable for the character of the site.

The 1.2m high stock fence is set back from the road behind residential properties and on the edge of a large field. The site is right on the National Park's boundary with Bishops Waltham settlement and given the design, scale and materials proposed, the development is not considered to result in a detrimental impact to the character of the area and would not conflict with the purposes of the South Downs National Park.

Impact on Neighbours

The fence alone does not cause any overbearing or overshadowing impacts to the neighbouring properties, so not thought to have any detrimental impact on their amenities.

Other matters

The ownership of the land is a civil matter and it is assumed that ownership certificates that have been submitted are accurate.

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

The track is agricultural, there has been no mention of equestrian uses in the application, therefore planning permission for a track is not required. The wider use of the field is agricultural, and outside of the application boundary, therefore it cannot be conditioned that the land should be used for grazing only.

Adjoining neighbours were notified of the application (04/01/19); additionally a site notice was posted to the agent to be displayed.

9 Conclusion

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

10 Reason for Recommendation and Conditions

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

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

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

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

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those listed in section 9 of the submitted application form.

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

Informatives:

1. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

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

Winchester District Local Plan Review (2006): DP3, DP4

Winchester District Local Plan Part 1 - Joint Core Strategy (2013): MTRA4, CP8, CP13, CP19, CP20

South Downs Local Plan Submission (2018): Policies SD1, SD4, SD5, SD6, SD39, SD42

3. In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service and,
 - updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.
 - In this instance the application was considered acceptable as submitted so no further assistance was required.
4. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.
5. During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

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

6. 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.

11. Crime and Disorder Implications

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

12. Human Rights Implications

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

13. Equality Act 2010

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

14. Proactive Working

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

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Plans -	LOCATION PLAN		04.01.2019	Approved
Plans -	PROPOSED FENCING		08.01.2019	Approved
Reports -	Design and Access Statement		04.01.2019	Approved

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

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PDC1129
PLANNING COMMITTEE

REPORT TITLE: CONFIRMATION OF TREE PRESERVATION ORDER TPO2238 – ABBOTTS LEA COTTAGES, WORTHY ROAD, WINCHESTER

11 APRIL 2019

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

Contact Officer: Ivan Gurdler Tel No: 01962 848 403 Email: igurdler@winchester.gov.uk

WARD(S): ST BARTHOLOMEW WARD

PURPOSE

To consider confirmation of Tree Preservation Order 2238 to which one letter of objection has been received.

RECOMMENDATIONS:

1. That having taken into consideration the representations received, Tree Preservation Order 2238 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, the landowner and immediate neighbours were notified and allowed 28 days to object. Additional neighbours were then identified for notification and as such, the objection period was extended by 28 days.

- 6.2 At the time that TPO 2238 was served, there was one letter of objection and two letters of support from the owners of the tree and neighbours.

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 Trees have a significant impact on our surroundings, the quality of our lives and where we live. They form an important and integral part of the countryside and in every town and village throughout the District. Trees support the natural beauty of our countryside and diversity of our natural wildlife.

8 EQUALITY IMPACT ASSESSEMENT

- 8.1 None.

9 DATA PROTECTION IMPACT ASSESSMENT

- 9.1 None required.

10 RISK MANAGEMENT

10.1 None.

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

11 SUPPORTING INFORMATION:

- 11.1 This matter comes to Planning Committee because the City Council has received one objection to the making of TPO 2238 .
- 11.2 TPO 2238 was issued on 22 November 2018 to protect a large mature Conifer located on the eastern boundary of the Abbots Lea Cottages site. The Council received notification that the property, number 6 Abbots Lea Cottages, had been listed on the property market for sale and that the estate agent had stated that the tree could be removed by any new owners in the listing for the property. If TPO 2238 is not confirmed, the TPO will expire 21 May 2019.
- 11.3 The Conifer tree is in full public view from the main road (Worthy Road - B3047) running through central Winchester, giving the tree high visual public amenity value. The tree is of good health and 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 removal of the tree. There is no history of tree failure and no reports of structural damage being caused to the adjacent property or the walls surrounding the tree.
- 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 reason needed before consent is granted.

11.7 The confirmation of TPO 2238 will not prevent future maintenance to the tree.

12 OTHER OPTIONS CONSIDERED AND REJECTED

12.1 At the time that TPO 2238 was served, the Council received one letter of objection and two letters of support.

12.2 The objector states that the tree is located very close to the property of number 6 Abbots Lea Cottages and could be judged to contribute to a loss of light and to add to tree / leaf litter affecting the roof, gutters and downpipes of the property.

12.3 The objector expresses concern that in the future the size and root structure of the tree may become problematic with a risk of damage to the retaining walls and that the other properties within the Abbots Lea Cottages site are not directly impacted in the same way that number 6 might be.

12.4 The objector states that they have no intention to carry out works on the tree but there might be a future need to do so.

12.5 The objector states that Conifer trees are not regarded as being arboriculturally significant and could easily be replaced.

12.6 Officers response to letter of objection:

12.7 The complainant has cited light issues and shedding of needles as reasons why the TPO should not be confirmed. However, these are not material considerations when confirming a TPO. The issue of shedding leaves is something which can be alleviated by appropriate management of the property.

12.8 There are no current signs of damage to the retaining walls or the dwelling of number 6 Abbots Lea Cottages. No reports have been submitted to the Council as evidence of damage caused by the roots of the tree. In the scenario that damage has occurred or the first signs of damage are evident, an application to remove the tree would be considered by the Council.

12.9 The TPO does not prevent works being carried out to the tree. The TPO allows the Council to monitor any works being carried out to the tree to ensure they are appropriate and do not have a detrimental effect on the health and amenity of the tree.

12.10 No species of tree has been proven as being less arboriculturally significant than another. The conifer has been assessed using the TEMPO methodology which is commonly used for assessing the amenity value of a tree, regardless of species. It is important to maintain a diverse range of tree species and tree ages throughout the District, rather than creating a homogenised environment. The TPO will be able to ensure, by condition, that if in the event that the tree is removed, a replacement is planted. This becomes enforceable

by notice and therefore will help to maintain a green environment in the event that the tree has to come down.

12.11 BACKGROUND DOCUMENTS:-

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

TEMPO

The following Tree Evaluation Method for Preservation Orders (TEMPO) assessment has been carried out to evaluate the amenity value of the Conifer 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	Trees of particularly good form, especially if rare or unusual		2 points
Expediency assessment	Foreseeable threat to tree	Foreseeable	3 Points
Total			16 points awarded- Definitely merits TPO.

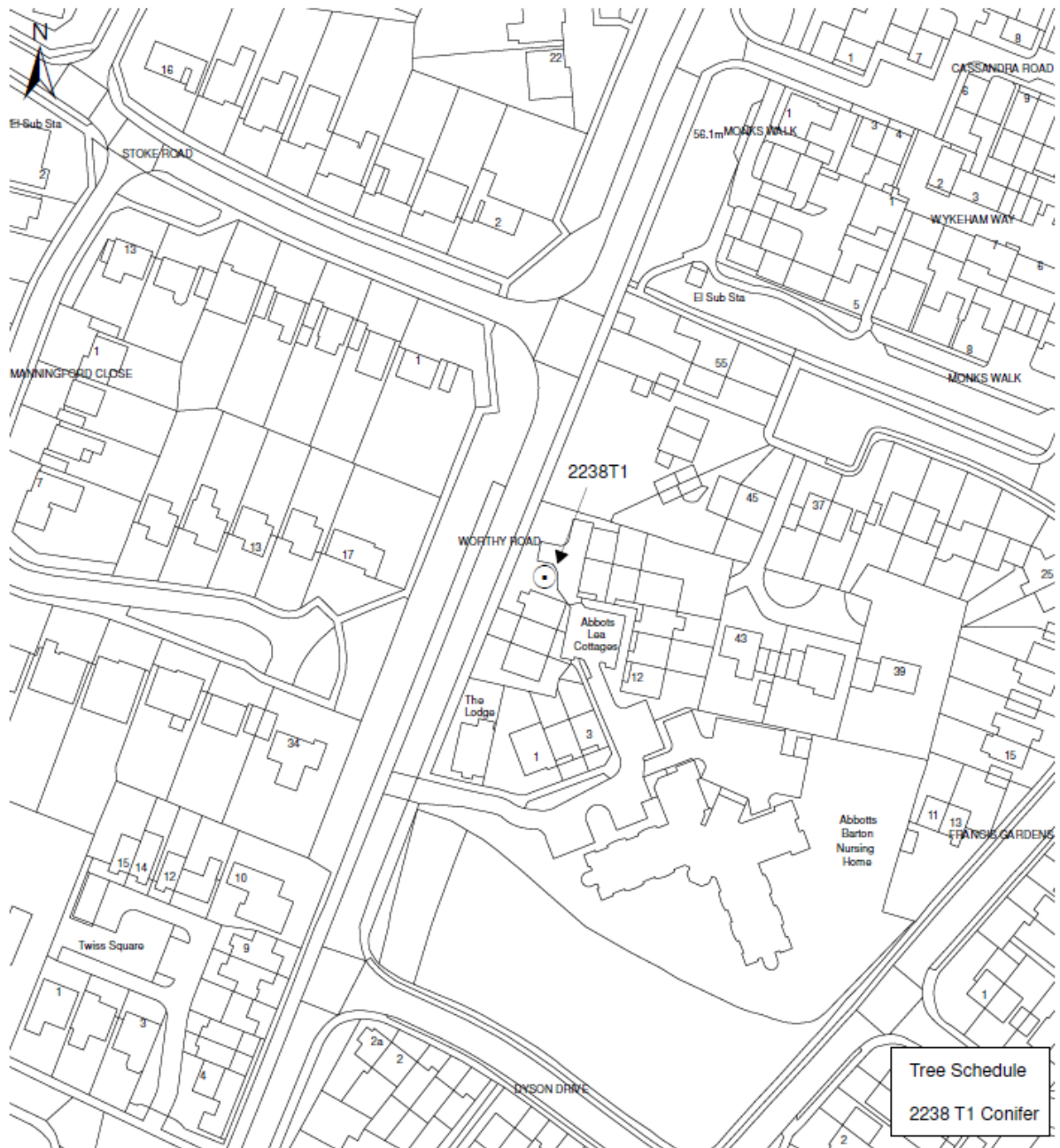
The Conifer tree scores a total of 16 points which establishes that the tree definitely merits a TPO and confirms that the tree is of sufficient public visual amenity value to be protected by a TPO.





Previous Committee Reports:- None.

Other Background Documents:- None.

APPENDICES:

Appendix 1 – Map of the site.



-  Area
-  Group
-  Woodland
-  Tree

TOWN AND COUNTRY PLANNING ACT 1990
Section 198 - 201

Tree Preservation Order No. 2238

Location: 6 Abbots Lea Cottages
Worthy Road
Winchester
SO23 7HB

OS Grid: 4629

Scale: 1:1000 @ A4

Date : 9th October 2018



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

Telephone 01962 840 222
Fax 01962 841 365

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REPORT TITLE: MEMBER BRIEFING UPDATE – LOVEDEAN
INTERCONNECTOR

11 APRIL 2019

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

Contact Officer: Julie Pinnock / Stephen Cornwell Tel 01962 848439 / 848485

Email jpinnock@winchester.gov.uk / scornwell@winchester.gov.uk

WARD(S): DENMEAD

PURPOSE

The purpose of this paper is to inform the planning committee members of the background and current status of the Aquind National Strategic Infrastructure Project (NSIP) which is currently under consideration by Winchester City Council (WCC) and then to agree on a level of officer delegation, in consultation with the Portfolio Holder for Built Environment for future actions.

RECOMMENDATION:

1. That Members note the contents of this report.
2. That Members agree to delegate to officers, in consultation with the Portfolio Holder for Built Environment, the role of responding to the planning inspectorate with regard to the Council's responsibilities as the host authority for the Aquind National Strategic Infrastructure Project.

IMPLICATIONS:

- 1 COUNCIL STRATEGY OUTCOME
- 1.1 **Improving the quality of the District's environment:** securing the best possible environmental outcome by active engagement in the NSIP process.
- 2 FINANCIAL IMPLICATIONS
- 2.1 A planning performance agreement has been signed with the applicants through which we will claim payments for time spent on the project.
- 3 LEGAL AND PROCUREMENT IMPLICATIONS
- 3.1 None arising from this paper.
- 4 WORKFORCE IMPLICATIONS
- 4.1 A planning officer is acting as the main contact and drawing in other colleagues as required when formulating responses.
- 5 PROPERTY AND ASSET IMPLICATIONS
- 5.1 None.
- 6 CONSULTATION AND COMMUNICATION
- 6.1 Briefing notes have been circulated to ward members and to parish councils that fall within the area where the project is considered to have a degree of visual impact. The Leader of the Council and the Portfolio Holder for the Built Environment have also been copied into these notes.
- 7 ENVIRONMENTAL CONSIDERATIONS
- 7.1 None directly related to the decision sought by this report.
- 8 EQUALITY IMPACT ASSESSEMENT
- 8.1 None.
- 9 DATA PROTECTION IMPACT ASSESSMENT
- 9.1 None required.
- 10 RISK MANAGEMENT
- 10.1 None at this time.

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

11 SUPPORTING INFORMATION:

Background

- 11.1 National Strategic Infrastructure Projects(NSIPs) are development proposal which are considered to have more than local implications. The Planning Act 2008 introduced the procedure under which projects relating to a certain type of development must be considered by the Secretary of State (SoS) for a decision. The precise SoS who deals with the project will reflect the type of scheme under consideration. Depending on the type of project concerned, an applicant can also make a request that the SoS deal with the project rather than the local planning authority. This new procedure was a response to the long delays that schemes had endured under the 1990 Planning Act. The Heathrow Terminal 5 inquiry is often quoted as an example of this. If an NSIP is successful, a Development Consent Order (DCO) is issued. This not a planning permission but a separate legal statutory instrument. Usually, the decision can include consents over a range of aspects such as the marine environment and can also include compulsory purchase powers. When a DCO is issued, it is usually accompanied by requirements which are similar to planning conditions and address outstanding issues that have to be resolved. These requirements are submitted to the relevant local planning authority for a decision. Any monitoring and enforcement are also the responsibility of the LPA. A link to the NSIP web page is set out in the background documents below.
- 11.2 The Aquind proposal is one of three NSIPs currently registered with the Planning Inspectorate which relate to land within the district. A further NSIP has been made which relates to land within the Test Valley area but has implications that will cross over the boundary.
- 11.3 The Aquind Interconnector submitted by Aquind Ltd is a project that seeks to establish a cross channel electricity link for the export or import of electricity. It

would make landfall at Eastney on Portsea Island with the cables then buried underground within the public highway up the existing sub station at Lovedean where a connection would be made to the national grid. The cable route would follow the Eastern Road on Portsea Island and then under the M27 and up the A3 towards Waterlooville. The route would then follow a section of the Hambledon Road (B2150) before striking off across open fields toward the existing substation facility at Lovedean. A plan showing this route is attached as appendix A This scheme crosses the boundaries of 4 authorities (Portsmouth, Havant, East Hampshire & Winchester). With the proximity of Lovedean to the National Park boundary the South Downs National Park Authority are also an interested party.

- 11.4 As the cross channel cables would operate on Direct Current (DC) and the national grid operates using Alternating Current (AC) there is a need for facilities at Lovedean to change the current from AC to DC and back, depending on whether electricity is being exported or imported. This needs an interconnector station which would consist of various pieces of equipment positioned around two large converter hall buildings each 90m in length by 50m wide and from 22m to 26m tall. After considering several options, Aquind have decided to locate the interconnector station on the western side of the existing sub station facility. A plan showing the layout of the interconnector station is attached as appendix B. A link to the Aquind web page is set out in the background documents below.
- 11.5 In early 2019 the scheme started off as separate pre application discussions with the five interested authorities. In June 2018 Aquind sought a ruling from the SoS that the scheme should be dealt with as an NSIP. Whilst the proposal did not exactly meet the threshold for an NSIP as set out in the 2008 Act, it did have similar characteristics to other energy schemes and as a consequence in July 2019 the SoS issued a letter saying he would accept the proposal as an NSIP. The consequence of this decision is that Winchester City Council has effectively been downgraded from the role of a determining authority, to the role of a host authority. This means we will be consulted and can comment on the scheme but the final decision will be made by the SoS.
- 11.6 The application is still in the pre application stage and currently going through an 8 week consultation exercise following the publication of the Preliminary Environmental Impact Report. The deadline for comment is the 29 April 2019. A formal submission is expected in the third quarter (June to September) of 2019. This is the stage when the project will be subject to an examination when the nominated inspector or panel of inspectors will review all the written evidence and hold hearings to examine specific topics. At the end of the

examination stage the inspector writes up a decision and presents this to the SoS who will then consider the recommendation before publishing a decision.

Engagement by the Local Authority in the Process

- 11.7 Advice note two, (the role of local authorities in the development consent process) acknowledges that the involvement of the local planning authority (LPA) in the pre application stage is not obligatory, but they are “strongly advised” to engage in the process. The pre application stage is effectively the formative stage when the proposal is put together with the critical issues identified and the depth of the analysis is established. The extent of the consultation exercise is also established through the Statement of Community Consultation. The applicant is expected to take the initiative in reaching out to other parties and in collating all the data that will feed into the formal application stage. During this stage it is not intended for a view to be expressed whether the LPA would support or object to the scheme but to focus on the identification of the topic areas and the depth of investigation that is required.
- 11.8 The degree of officer involvement with the developer reflects the nature of the proposal. A lead Planning officer has been identified to act as a hub, drawing in and co-ordinating responses from other colleagues within the council to ensure a uniform and consistent response. Officers have engaged with the applicant by participating in meeting and teleconference calls. It is anticipated that this will continue up to the formal submission date. There is also close contact and discussion with colleagues in the other interested authorities when common issues have been discussed.
- 11.9 As the pace associated with the scheme has picked up, officers have initiated a briefing note. Two editions have been circulated within the Zone of Theoretical Visibility (ZTV). This is an area that extends 8km out from the application site and identifies the ground where it is theoretically possible to have a direct line of sight of the proposed buildings. This view excludes any feature such as trees or buildings that might obstruct the line of sight. A copy of this plan is attached as appendix C. The following is the circulation list of the briefing notes:
- The elected members in the wards of Denmead, Central Meon Valley, Upper Meon Valley and Southwick & Wickham.
 - The parish Councils within this area.
 - The Council Leader.
 - The Portfolio Holder.

A copy of the briefing note can be viewed on the councils web site under application number 19/00522/NSIP.

Delegation Requirement

11.10 The council's response when the application is formally submitted for examination will be brought to the committee for agreement. However, there are actions within the process that will require rapid responses that the published committee cycle cannot accommodate. The guidance suggests that LPAs should resolve a level of delegation to enable officers to respond on those occasions, and this would be in consultation with the Portfolio Holder for Built Environment. The proposed recommendation reflects the need for flexibility to address the above scenarios.

12 OTHER OPTIONS CONSIDERED AND REJECTED

12.1 None

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

None

Other Background Documents:-

<https://infrastructure.planninginspectorate.gov.uk/>

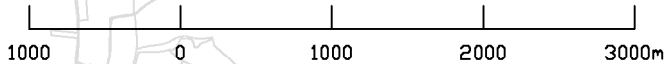
<http://aquind.co.uk/>

APPENDICES:

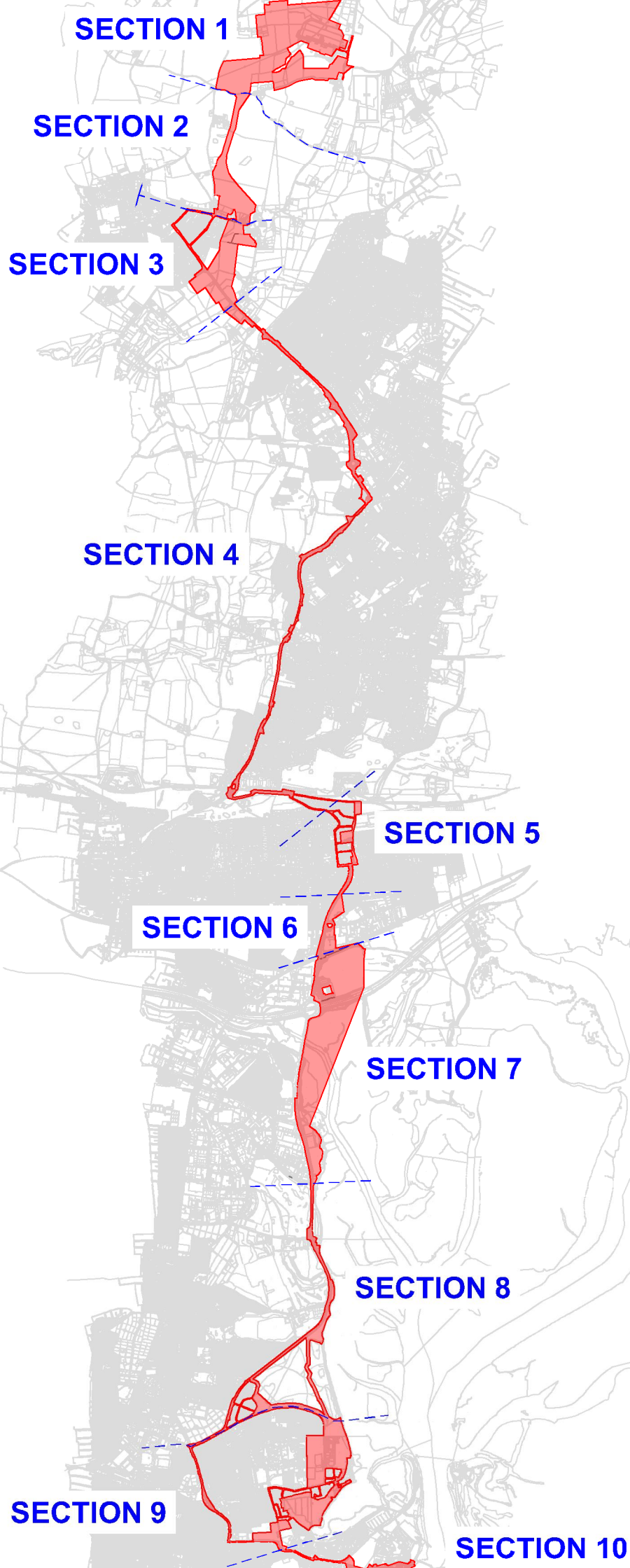
A Plan showing route of cable from Eastney to Lovedean.

B Plan of interconnector station.





C Plan of Zone of Theoretical Visibility.



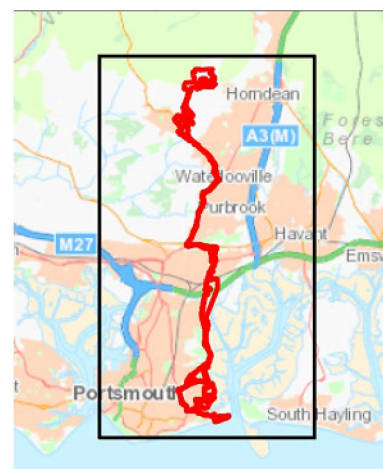
ORIGINAL SCALE 1:50000



LEGEND

-  ONSHORE SITE BOUNDARY
-  SECTIONS AS PER BELOW
- SECTION 1 - LOVEDEAN (CONVERTER STATION AREA)
- SECTION 2 - ANMORE
- SECTION 3 - DENMEAD / KINGS POND MEADOW
- SECTION 4 - HAMBLEDON ROAD TO BURNHAM ROAD
- SECTION 5 - FARLINGTON
- SECTION 6 - ZETLAND FIELD AND SAINSBURYS CAR PARK
- SECTION 7 - FARLINGTON JUNCTION TO AIRPORT SERVICE ROAD
- SECTION 8 - GREAT SALTERNS GOLF COURSE TO VELDER AVENUE / MOORINGS WAY
- SECTION 9 - VELDER AVENUE / MOORINGS WAY TO BRANSBURY ROAD
- SECTION 10 - EASTNEY (LANDFALL)
-  MARINE SITE BOUNDARY
-  THE ENGLISH CHANNEL

FOR DETAILS ON EACH SECTION, PLEASE SEE THE FEEDBACK FORM AT <https://aquindconsultation.co.uk/>



REV	DATE	BY	DESCRIPTION	CHK	APP
1	14/02/2019	JPW	FIRST ISSUE	L.P	M.M

DRAWING STATUS: PUBLIC



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wsp.com



PROJECT: AQUIND Interconnector

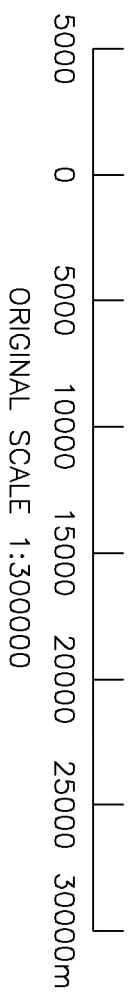
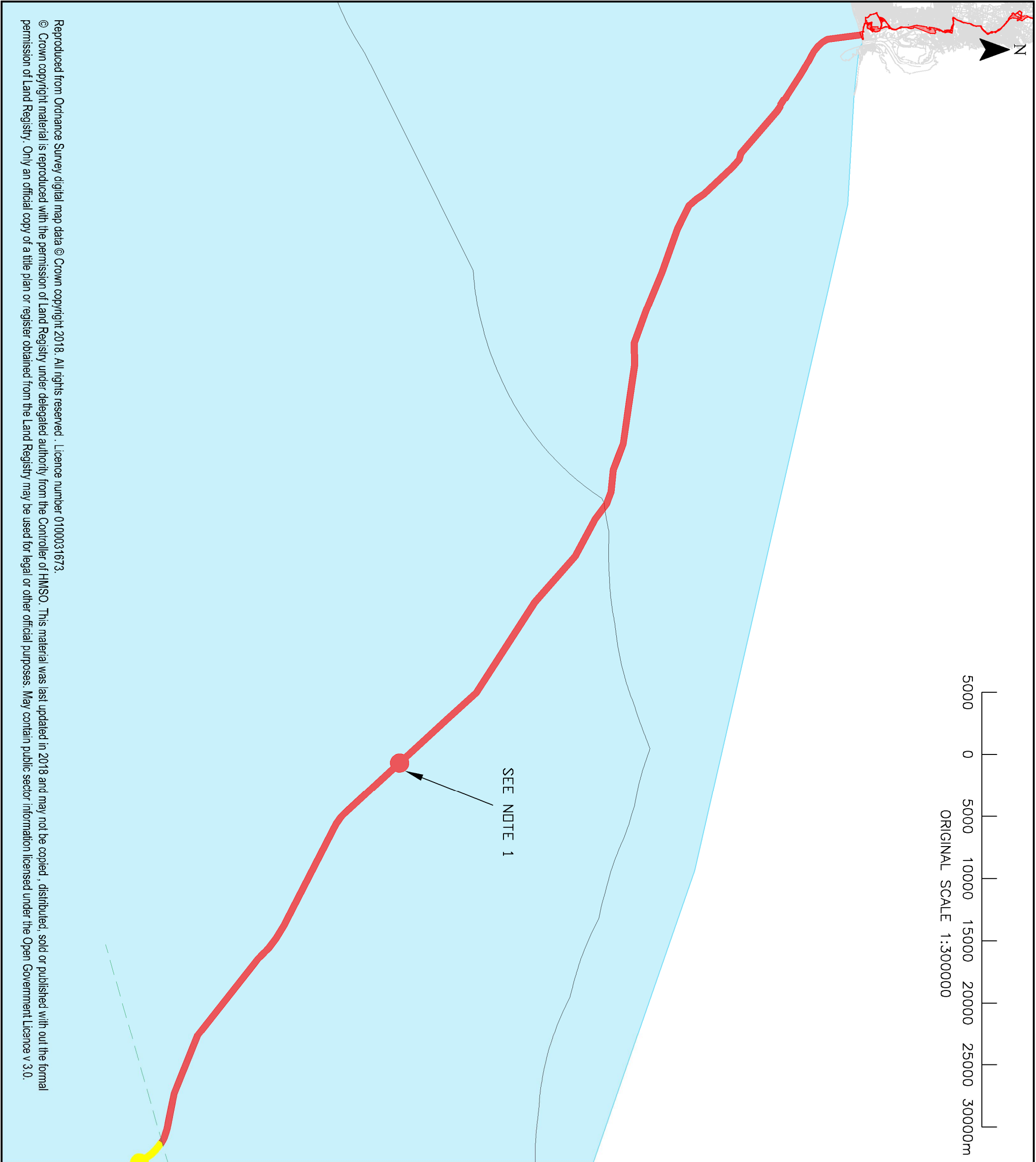
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PROJECT No: EN020022	DESIGNED: L.P	DRAWN: J.W
DATE: 14/02/2019		

DRAWING No: EN020022-RLB-0001_1 REV: 1

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LEGEND

- ONSHORE SITE BOUNDARY
- 12nm LIMIT
- EXCLUSIVE ECONOMIC ZONE BOUNDARY
- MARINE CABLE CORRIDOR (PART OF RED LINE BOUNDARY)
- FRENCH MARINE CABLE CORRIDOR
- THE ENGLISH CHANNEL

FOR DETAILS ON EACH SECTION, PLEASE SEE THE FEEDBACK FORM AT <https://aquindconsultation.co.uk/>

NOTE:

1. CABLE CROSSES THE ATLANTIC CROSSING TELECOMS CABLE

REV	DATE	BY	DESCRIPTION	CHK	APP
1	14/02/2019	JPW	FIRST ISSUE	J.P.	M.M.

DRAWINGS STATUS: PUBLIC



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PROJECT: AQUIND Interconnector

TITLE: RED LINE BOUNDARY SHEET 2 OF 2

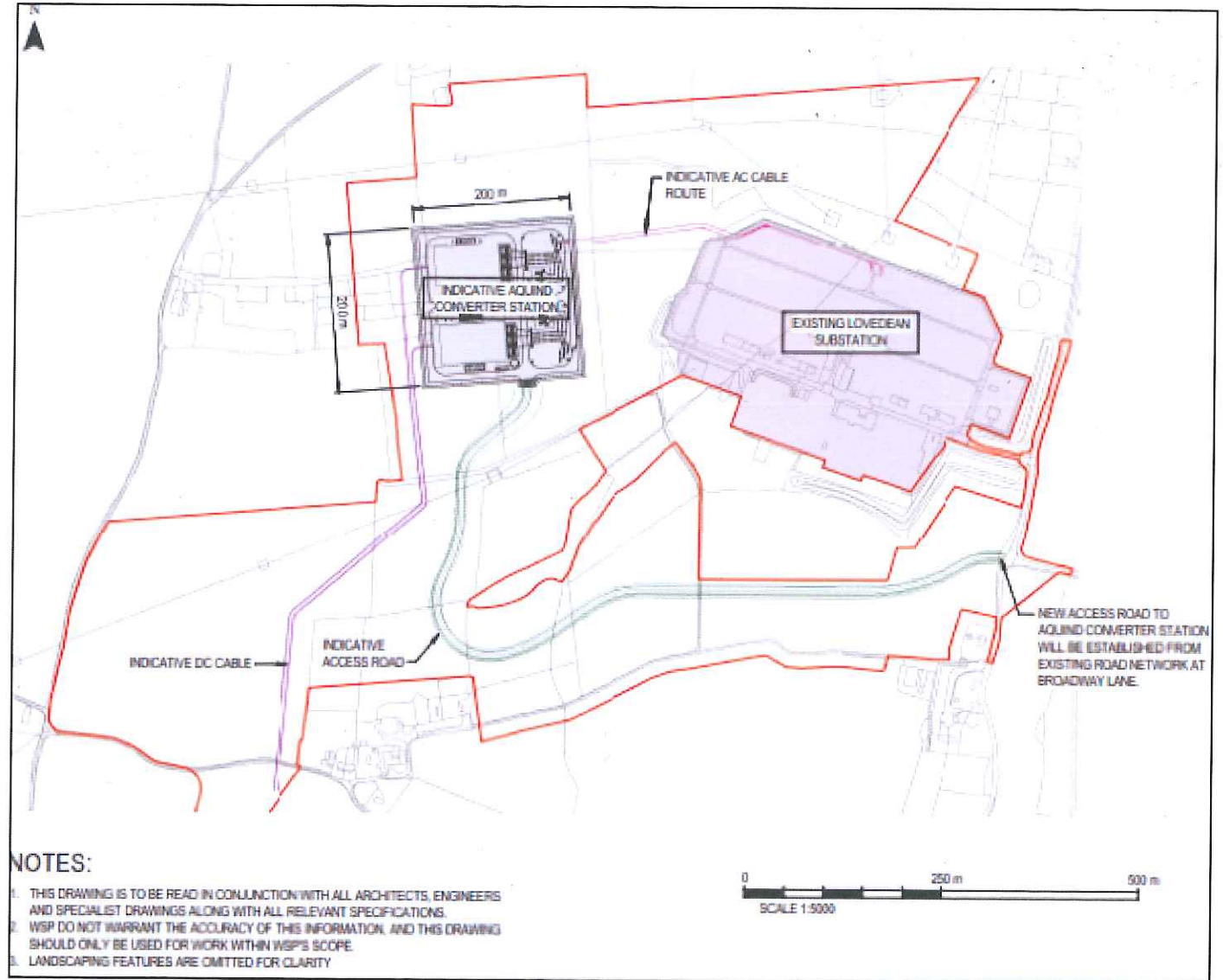
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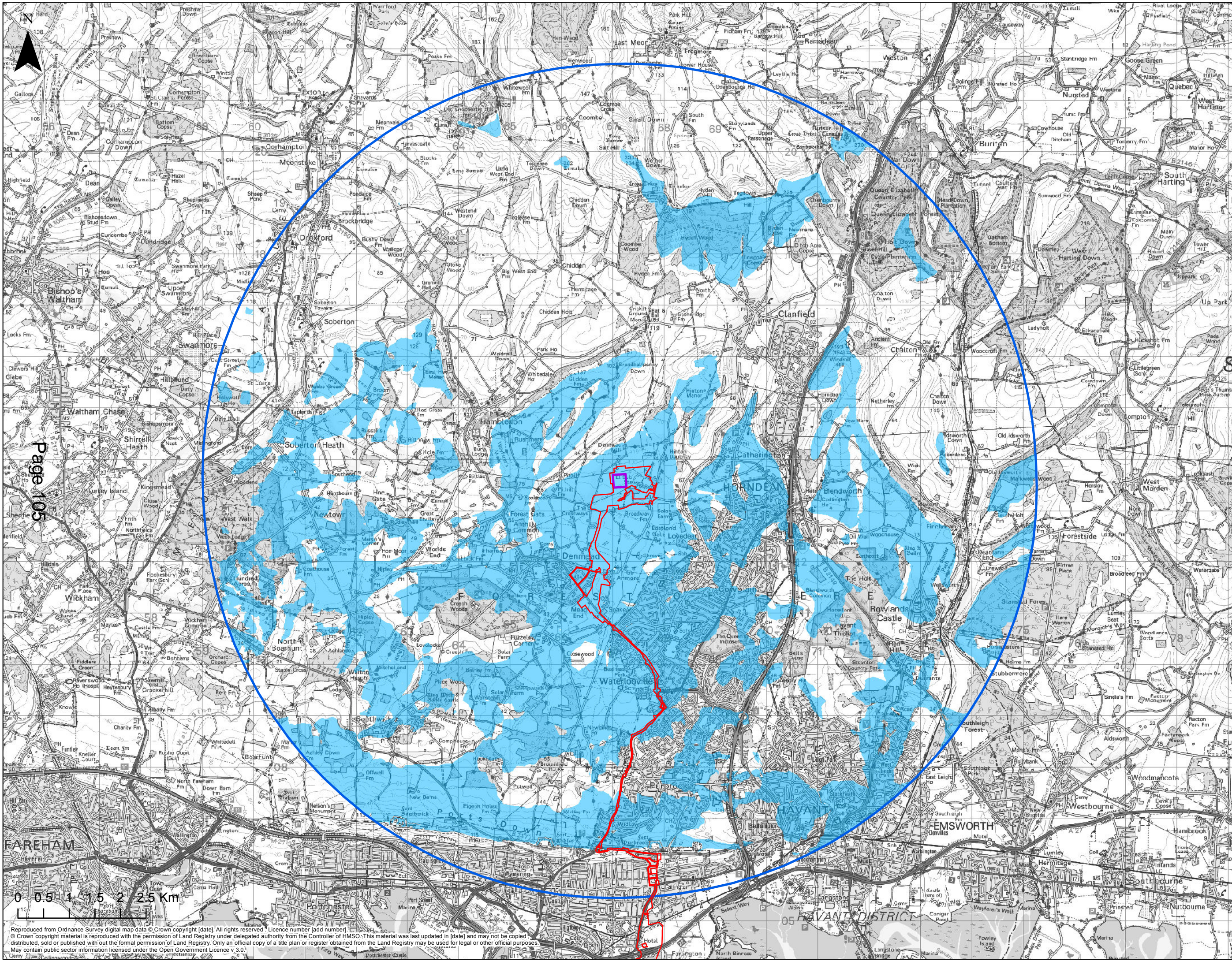
DRAWING No:	REV:
EN020022-RLB-0001_2	1

2.3 OVERVIEW OF DEVELOPMENT PROPOSED WITHIN THE CONVERTER STATION AREA

FIGURE 5 : INDICATIVE LAYOUT AND ARRANGEMENT OF OTHER DEVELOPMENT WITHIN THE IDENTIFIED CONVERTER STATION AREA

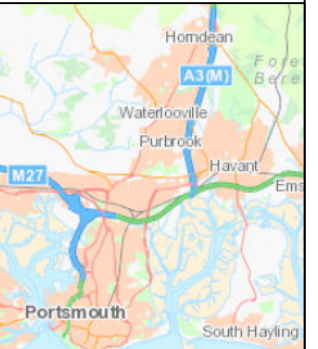


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- Key**
- Site Boundary
 - Indicative Converter Station Location
 - 8km Study
 - Zone of Theoretical Visibility

Page 105



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REV	DATE	DESCRIPTION	CHK	APP
01	23/01/2019	GH FINAL	CH	MB

DRAWING STATUS: FINAL

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 www.wsp.com

CLIENT: **AQUIND**

PROJECT: AQUIND Interconnector

TITLE: Zone of Theoretical Visibility
 8km Bare Earth Scenario

SCALE AT	CHECKED	APPROVED
1:85,000	CH	MB

PROJECT NO.	DESIGNED BY	DRAWN BY	DATE
EN020022	GH	GH	23/01/2019

DRAWING NO.	REVISION NO.
EN020022-PEIR-15.10	01

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