



Meeting	Planning Committee
Date and Time	Wednesday, 23rd October, 2019 at 5.30 pm.
Venue	Walton Suite, Guildhall, Winchester

AGENDA

PROCEDURAL ITEMS

1. Apologies and Deputy Members

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

2. Disclosures of Interests

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

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

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

3. Membership of Sub-Committees etc

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

4. Minutes (Pages 9 - 22)

of the previous meetings held on 12 September 2019 and 23 September 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 Monday 21 October 2019**, on (01962) 848 339 to register to speak and for further details.

BUSINESS ITEMS

	Report Number	Ward
5.	Where appropriate, to accept the Update Sheet as an addendum to the Report.	
6.	Planning Applications - SDNP Agenda Items 7&8 and WCC Items 9 to 12 (PDC 1151 and Update Sheet refers)	
7.	Metlands Farm, Dean Lane, Bishops Waltham (Case no: SDNP/18/04564/HOUS) (Pages 23 - 34)	Bishops Waltham
8.	Penn House, Wheely Down Farm Lane, Warnford (Case no: SDNP/19/03374/CND) (Pages 35 - 40)	Upper Meon Valley
9.	22 Hampton Lane, Winchester (Case no: 19/01208/FUL) (Pages 41 - 52)	St Barnabas
10.	7 West End Terrace, Winchester (Case no: 19/01419/HOU) (Pages 53 - 60)	St Paul
11.	Western Villa, 58 The Dean Alresford (Case no: 19/01148/FUL) (Pages 61 - 70)	Alresford & Itchen Valley
12.	Changes to the Process for confirming new Tree Preservation Orders which receive 5 objections or less PDC1150 (Pages 71 - 76)	All Wards

Lisa Kirkman
Strategic Director: Resources and Monitoring Officer

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



15 October 2019

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

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

MEMBERSHIP

Chair:

Evans (Liberal Democrats)

Vice-Chair:

Rutter (Liberal Democrats)

Conservatives

Cunningham
McLean
Read
Ruffell

Liberal Democrats

Bronk
Clear
Laming

Deputy Members

Brook, Pearson and Scott

Bentote and Gottlieb

Quorum = 3 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 Chair 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.

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 landscape, design and historic environment may also be available at Committee to provide advice on such matters and a legal representative will attend all Planning Committee meetings.

Public participation:

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

- Objectors (3 minutes in total),
- Parish Council representatives (3 minutes),
- Ward Members (local District Councillors)/Cabinet Members (5 minutes each),
- and supporters of the application (3 minutes in total).

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

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

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

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

Members' Questions

After the officers' presentation and public participation there will be an opportunity for the Councillors on the Committee to ask questions of the officers and clarification, if necessary, of public speakers.

The Councillors' Debate

The Councillors will then 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 site visit or for further information). If a site visit is required then the item will usually be deferred to the next meeting of the Committee to allow it to be reconsidered after the site visit has been held.

If the Committee votes against the officer's recommendation, the reasons for this will be discussed and explained. Usually the precise wording for the reasons for refusal will be delegated to the Development Manager in consultation with the Chair. 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 Chair may exercise a casting vote and that vote may be cast in any way they wish.

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.

FILMING AND BROADCAST NOTIFICATION

This meeting may be recorded and broadcast live on the Council's website. The meeting may also be recorded and broadcast by the press and members of the public – please see the Access to Information Procedure Rules within the Council's Constitution for further information, which is available to view on the [Council's website](#).

DISABLED ACCESS:

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

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PLANNING COMMITTEE

12 September 2019

Attendance:

Councillors:

Evans (Chair) (P)

Bronk (P)

Clear (P)

Cunningham

Laming (P)

McLean (P)

Read (P)

Ruffell (P)

Rutter (P)

Others in attendance who addressed the meeting:

Councillors Gottlieb, Hutchison, Horrill, Porter, Tod and Weir (Cabinet Member: Local Economy)

Others in attendance who did not address the meeting:

Councillor Miller

Deputy Members:

Councillor Pearson (Standing Deputy for Councillor Cunningham)

1. **CHAIR'S ANNOUNCEMENTS**

The Chair made the following announcements:

- (i) That the consideration of Item 7 (Walcote Place) had been deferred to an additional meeting of the Planning Committee on 23 September 2019; and
- (ii) That, at the Chair's discretion, the total amount of speaking time for objectors and supporters who had registered to speak on Item 8 (Land East of Station Road) had been extended to 15 minutes each.

2. **MINUTES**

RESOLVED:

That the minutes of the meeting held on 15 August 2019, be approved and adopted.

3. **PLANNING APPLICATIONS SCHEDULE**
(Report PDC1144 and Update Sheet refers)

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

The Committee agreed to receive the Update Sheet as an addendum to Report PDC1144.

Councillor Evans declared a personal (but not prejudicial) interest in respect of Item 8 (Land East of Station Road, Winchester) due to her role as the Council's representative on the South Downs National Park (SDNP). However, as she had taken no part in their discussions of this matter thereon, she spoke and voted on this application.

At the invitation of the Service Lead: Built Environment, the Committee had visited the site relating to Item 8 on 10 September 2019, to assist them in assessing the proposal in relation to its setting. The site visit was attended by Members present on the Committee, with the exception of Councillor Pearson who stated that he was familiar with the site and would therefore take part in the discussion and vote thereon.

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

Item 7: Single storey side extension to existing residential property.
Walcote Place, High Street, Winchester, SO23 9AP
Case number: 19/01205/HOU

This item was deferred to an additional meeting of the Planning Committee on 23 September at 10:00am in the Walton Suite.

Item 8: (AMENDED DESCRIPTION AND REVISED PLANS) (OUTLINE APPLICATION WITH ACCESS) Mixed Use development involving the erection of buildings up to 5 storeys from street level, a lower ground floor level and basement to provide up to 17,972 sqm of office (use classes B1), up to 1,896 sqm of mixed uses including potential retail, restaurant/cafe, bar and leisure uses (use class A1, A3, A4 and D2) and retention and refurbishment of the old registry office, associated car parking in basement (up to 95 spaces) and minimum of 156 cycle parking spaces and associated works.
Land East of Station Road, Winchester
Case number: 19/00601/OUT

The Service Lead: Built Environment referred Members to the Update Sheet which set out a correction to Condition 2 to read P0021 – Proposed vertical limits of deviation from AOD – section **AA'** and advised that since the publication of the report, the following correspondence had been received:

A letter from the City of Winchester Trust; A petition signed by seven residents of Gladstone Street; An email circulated to Members from Councillor Gottlieb and one further letter of objection. The matters raised in this correspondence did not introduce any new material reasons to alter the recommendations set out in the report.

During public participation, John Beveridge (City of Winchester Trust), Rose Burns, Patrick Davies, John Hearn and Chris Higgins spoke in objection to the application and Sarah Davis (Winchester Business Improvement District (BID)), Alex Lifschutz (Architect, Lifschutz Davidson Sandilands (LDS)), Rachel Murrell (Planning Agent: Baron Willmore) and Ian Charie (Applicant for Winchester City Council) spoke in support of the application and all answered Members' questions thereon.

The Chair reminded the Committee that correspondence had been received from WinACC raising objection to the application in respect of financial viability and transport blue print and also highlighted to Members its main objections.

During public participation, Councillors Tod and Hutchison spoke on this item as Ward Members, Councillors Gottlieb and Horrill spoke on this item as contiguous Ward Members for St Michael and Wonston and Micheldever respectively and Councillor Weir spoke on this item as Cabinet Member: Local Economy. In addition, Councillor Weir also incorporated a statement on behalf of Councillor Hiscock in his capacity as contiguous Ward Member for St Bartholomew as he was unable to attend the meeting due to personal reasons. All answered Members' questions thereon.

In summary, Councillor Tod raised the following points:

- Comments in respect of height, mass, car parking and street frontages;
- Welcomed the improvements to the level of car parking and the reduced height of the building;
- Planning Committee had an important role in making its decision whether to approve this outline planning application;
- The scheme provided high quality office space but it was recognised this was not perfect and that planning conditions had been used to secure additional measures;
- Noted that consultees had expressed concerns regarding the height and massing;
- Residents of Gladstone Street had also expressed concerns;
- Queried if the Council would have enough control over the development through reserved matters and requested that planners scrutinise this to ensure adequate conditions and measures were in place;
- Considered the reduction to 95 car parking spaces to be definite progress, wished to see this reduced further but also recognised the need for a level of parking to make the scheme viable;
- If minded to approve the application, suggested that the car parking be restricted by condition for use by the offices only and not for use as a general car park.

In summary, Councillor Gottlieb raised the following points:

- Stated that the site had a history and a high level of planning issues and he urged the Committee to defer the application for further consideration;
- Expressed concern regarding the scale, height and mass and the strong representations made in this respect by the City of Winchester Trust and many other groups, including the Historic Environment Officers who had raised concerns regarding the scale of the proposal;
- Only 2 images have been submitted – further images should be submitted to enable a fuller assessment of the proposals;
- Made a comment re: Conditions 3 & 4 stating that they did not give the control needed and were not enforceable;
- Condition 5 was not a reasonable condition;
- Residents of Gladstone Street will have an amenity towering over their homes;
- Fully supported the principle of the development and the benefit to the local economy but did not consider that this proposal to be the appropriate way to achieve the outcome.

In response to a question from the Committee, it was noted that the Design and Access statement had many images of the site and the proposal, but Cllr Gottlieb stated that these were not of the whole building and the wire lined drawings were not adequate.

In response to a question of clarification from the Committee, it was noted that the outline proposal was approving the height and dimension. In addition, it was emphasised that the proposal had received the support of the Winchester BID and the Hampshire Chamber of Commerce and that the objection being raised by Cllr Gottlieb related to the design.

In summary, Councillor Hutchison raised the following points:

- Supported the comments raised by Councillors Tod and Gottlieb;
- Considered the brief to be a problem: a balance was required for those that live in the area as well as those that work in the area;
- Design and scale were the primary concerns. Not in opposition to the principle of development;
- Many positive aspects of the project with a good team of Architects but stated that the outline planning application had been submitted too prematurely without adequate consideration of the points raised at the event held in February;
- Massing a major concern, not only for those involved in the consultation process but also to SDNP, Historic England and the Council's Historic Environment and Landscape Teams;
- Stated that there were other design issues such as access and parking especially given the Council's declaration of a climate emergency;
- Suggested that parking be looked at carefully, if the Committee was minded to approve the outline planning application and considered that the

- conditions were not robust enough to address the height, mass and scale of the development;
- Urged the Committee to defer the application to appoint an Architect to carry out detailed plans or refuse the outline planning consent.

In response to a clarification question raised by the Committee, Cllr Hutchinson confirmed that the architects appointed were a good team.

In summary, Councillor Horrill raised the following points:

- Winchester was an outstanding District that she was pleased to represent;
- Station Approach was an underperforming area from an economic point of view. The proposed scheme would generate £81m for the local economy and over 1,000 employment opportunities once completed;
- Stated that the scheme accords with Policy CP8 (economic growth and diversification), Policy CP14 (developing potential at all sites shall be maximised) and CP9 (redevelopment potential) and she urged the Committee to commit to its Policies;
- In the approved Local Plan the area had been identified as land for mixed use development;
- Councillor Horrill stated that significant efforts had been made to ensure the scheme enhanced and extended the public realm;
- The Local Enterprise Partnership (LEP) grant funding was crucial towards achieving an important and positive development;
- The proposal seeks to retain and respect the records office and the registry office buildings;
- In order to respect the scale of adjacent residential properties the overall height of the scheme had been reduced;
- The scheme also improved provision for cyclists and public transport;
- She urged the Committee to approve the outline planning application.

In response to questions from the Committee regarding the level of consultation that had taken place, Councillor Horrill clarified that extensive discussions had taken place following the first aborted attempt at Station Approach, with Cabinet (Station Approach) Committee being held in public together with Councillors and interested parties welcome to attend. Many exhibitions, discussions and a considerable input from a broad level of consultees had also taken place.

In summary, Councillor Weir raised the following points on behalf of Councillor Hiscock:

- Wished to raise points also in his capacity as a Hampshire County Councillor;
- The proposal was a key part in the wider development of the area in the Movement Strategy;
- There was a chronic shortage of office space and this scheme provided this in a highly sustainable location;
- The LEP champions the development.

In summary, Councillor Weir raised the following points:

- Cabinet had sought third party advice from strategic advisors and the Council had been encouraged as the Planning Authority to take up a Regional Design Team prior to the consideration of this outline planning application;
- Measures had been taken to reduce the height and steps taken to reduce the upper limit of car parking to 95 spaces;
- Work would continue with local residents to consider the impact on the residential area;
- Stated that there was a narrow window to take advantage of this key development for Hampshire and the M3 corridor;
- The Council was in stronger position for funding to wider public realm improvements with an approval of the outline planning application at this stage;
- Recognise the need to strike a balance between the need to bring forward development in this area and the interests of residents and the historic nature of Winchester;
- The regional design team and the public open forum would have a crucial role in the design process;
- Councillor Weir stated that the scheme was an exemplary low carbon development which was essential for attracting new and retaining old businesses by improving growth and she urged the Committee to approve the application.

In response to a clarification question from the Committee, Cllr Weir confirmed that the proposal provided economic opportunities and was the right time for this site to be developed. She also confirmed that the architects appointed were highly skilled and that the delivery proposals for the scheme had previously been considered by the Scrutiny Committee and Cabinet at their meetings held on 14 August 2019 and 28 August 2019 respectively.

Sarah Davis (Winchester Business Improvement District) spoke in support of the proposal explaining that there was significant demand for high quality Grade A office space in a central location.

At the conclusion of his representation and in response to questions from Members regarding the location of the plant, Alex Lifschutz (LDS) clarified that relocation of part of the plant to the basement could be considered as a possibility. However, there would be a cost and an engineering outcome attached to this as well as a cost from the loss of area space. Any figures in this respect had not been factored into proposals for the scheme and estimates would need to be costed.

At the invitation of the Chair, Mr Hickman, Head of Programme, addressed the Committee providing clarification on the reduction to the car parking proposed for the scheme which had been factored into the Movement Strategy and park and ride opportunities with an assessment due to be

completed by the end of the year. It was reported that there was capacity in existing Park and Rides but it was hoped that the majority of people working and visiting the development would travel by rail due to the location of the site.

At the conclusion of debate, the Committee agreed to grant outline planning permission for the reasons and subject to the conditions and informatives set out in the Report and the Update Sheet, subject to an additional condition that parking be restricted to commercial use for the development only, unless otherwise agreed in writing.

Item 10: Demolition of existing dwelling & replacement with 1 no. five bedroom dwelling
Minstrels, Uplands Road, Winchester, SO22 6ER
Case number: 19/01159/FUL

The Service Lead: Built Environment referred Members to the Update Sheet which set out an addition to Page 57 of the report to read 'Recommendation: Application Approved'.

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

In summary, Councillor Weir raised the following points:

- Road made up of mostly bungalows with retired residents with an unadopted road causing problems for residents;
- There are concerns about this development and, if the Committee were minded to approve, it was suggested that a condition be added to ensure repair costs are met by the developer;
- Councillor Weir stated that she understood that one dwelling had been removed and sought clarification from the case officer on any intention to split the site.

In response to questions from the Committee in relation to private road access, the Planning Solicitor clarified that any concerns regarding access would be a property matter for the owners to discuss between themselves.

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

Item 11: This proposal includes a two-storey extension to the existing dwelling on the south-west elevation, to provide extra lounge and bedroom accommodation and a single storey extension to the west elevation, to provide a kitchen/dining space. The scheme also includes an external double garage (amended plans)
Home Lane Cottage, Home Lane, Sparsholt, SO21 2NN
Case number: 19/00585/HOU

During public participation, Parish Councillor Sue Wood (Sparsholt Parish Council) spoke in objection to the application and Jon Walthoe (applicant) spoke in support of the application and all answered Members' questions thereon.

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

In summary, Councillor Horrill raised the following points:

- Thanked the applicant for endeavouring to find a satisfactory outcome with objectors but there were still concerns regarding this application;
- Much effort had gone into the development of the VDS for the village and Home Lane was particularly important to the settlement;
- Considered the design did not meet the quality of alterations expected within the VDS;
- Contrary to CP20 as the proposal did not conserve and enhance the historic environment through preparation of the conservation area;
- New development would be supported if it protected and enhanced the asset and the setting but this proposal was not considered suitable;
- Due consideration should be given to non heritage design assets at the design stage;
- Questioned that the extension met with Policy as it stands;
- Contrary to DM15 (local distinctiveness) – failed to respect the special quality of the conservation area, landscape or have regard to the cumulative effect on the character of the area;
- Urged the Committee to reject the application and recognise the need for a more sympathetic development.

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 an additional condition requiring details of the window glazing to be used in the roof lights to be submitted for approval and an additional informative requiring construction traffic to be well managed to minimise disturbance to neighbouring properties.

Item 12: Use of land for storage of caravans/camper vans in addition to the agricultural use which would be retained.

Shady Oaks Farm, Durley Brook Road, Durley, SO32 2AR

Case number: 19/01415/FUL

The Service Lead: Built Environment referred Members to the Update Sheet which set out an addition to reason for refusal 2 to read 'contrary to Policy DM23 of Winchester Local Plan Part 2 – Development Management and Site Allocations' and outlined the details of an email received from the agent to Committee Members which raised point in support of the application.

During public participation, Kim Blunt (agent) and Jade Reeves (applicant) spoke in support of the application and answered Members' questions thereon.

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

Item 13: Change of use of domestic swimming pool to commercial use
The Bungalow, Botley Road, Bishops Waltham, SO32 1DR
Case number: 19/00464/FUL

The Service Lead Built Environment r referred Members to the Update Sheet which set out further correspondence that had been received: a consultation from Hampshire Countryside Service and a response from the applicants Transport Engineer; and an additional reason for refusal following the comments from Hampshire Countryside Service as follows:

‘The proposal use has a significant adverse impact on the amenity and recreational value of the path and the enjoyment gained from its use by the public in general’.

In addition, a verbal update was provided stating that additional wording be added to the reasons for refusal: ‘Contrary to Policy DM18 of the adopted Local Plan Part 2 (access and parking)’.

During public participation, Parish Councillor Robert Shields (Bishop Waltham Parish Council), Ricky Fernandez (applicant and Laura Skilton spoke in support of the application and all answered Members’ questions thereon.

In response to questions from Members, the Service Lead: Built Environment clarified that the Highways Authority had raised objection to the application as a statutory consultee, on the grounds of highway safety issues following consideration of a transport assessment which had been submitted by the applicant to support the proposal.

At the conclusion of debate, the Committee agreed to refuse permission for the reasons set out in the Report and the Update Sheet and the additional reasons for refusal to include ‘Contrary to Policy DM18 of the adopted Local Plan Part 2 (access and parking), as set out above’.

RESOLVED:

1. That the decisions taken on the Planning 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, subject to the following:

(i) That in respect of item 8, permission be granted for the reasons and subject to the conditions and informatives set out in the Report and the Update Sheet, subject to an additional

condition that parking be restricted to commercial use for the development only, unless otherwise agreed in writing.

(ii) That in respect of item 11, permission be granted for the reasons and subject to the conditions and informatives set out in the Report, subject to an additional condition requiring details of the window glazing to be used in the roof lights to be submitted and an additional informative requiring construction traffic to be well managed to minimise disturbance to neighbouring properties; and

(iii) That in respect of item 13, permission be refused for the reasons set out in the Report and the Update Sheet and the additional reasons for refusal to include 'Contrary to Policy DM18 of the adopted Local Plan Part 2 (access and parking)'.

4. **CONFIRMATION OF TREE PRESERVATION ORDER 2259 – LAND AT TROSNANT, SUN LANE, ALRESFORD**

(Report PDC1145 refers)

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

- Tree overhanging into bowling clubs green next door and having an effect on the edge of the bowling green;
- Conscious this specimen of tree can grow to a substantial size and concern has been expressed that this could cause further damage as the tree increases in size with potential that this could adversely effect the foundations of the clubhouse in future.

RESOLVED:

That, having taken into consideration the representations received, Tree Preservation Order 2259 be confirmed.

The meeting commenced at 9.45am, adjourned between 12.05pm and 2.00pm and concluded at 4.45pm.

Chair

PLANNING COMMITTEE

ADDITIONAL MEETING

23 September 2019

Attendance:

Councillors:

Rutter (Vice Chair in the Chair)

Bronk
Clear
Cunningham

McLean

Officers in attendance:

Nicholas Parker: Principal Planning Officer – Team Leader South
Mr James Liebetrau – Planning Solicitor
Curtis Badley – Planning Officer

1. **DISCLOSURES OF INTEREST**

There were no disclosures of interest.

2. **SINGLE STOREY SIDE EXTENSION TO EXISTING RESIDENTIAL PROPERTY.
WALCOTE PLACE, HIGH STREET, WINCHESTER.
CASE NUMBER: 19/01205/HOU.**

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

The Committee agreed to receive the Update Sheet as an addendum to Report PDC1142.

At its meeting held on 15 August 2019, the Planning Committee agreed that the above application be deferred for determination at the Committee's next meeting in order to allow for a site visit to view the proposed application in the context of its setting and the relationship with the neighbouring properties and to assess the potential impact of light spillage. Only those Members who had been present at the Committee on 15 August 2019 would be able to take part in the determination.

Public participation had taken place at the aforementioned meeting of the Committee where Geraldine Rothman and Rebecca Rothman spoke in

objection to the application and answered Members' questions thereon. Ward Member Councillor Hiscock had also spoken on this item at the previous meeting.

Therefore, on Tuesday 10 September the Committee had visited the application site where Members had viewed the proposed application in the context of its setting and the relationship with the neighbouring properties and had assessed the potential impact of light spillage.

The Service Lead: Built Environment presented the application to re-familiarise Members with the proposal and stated that the application had been taken to the Planning Committee for determination with a recommendation to grant permission.

The Service Lead: Built Environment stated that had been no further material changes to the application since the meeting on 15 August 2019 and that as requested at the previous Committee meeting, an assessment of the impact of light had been undertaken and was submitted on 5 September 2019. The additional information provided consisted of light spill diagrams (reference: AP083) and associated statement and this information was explained to the Committee. In addition, a verbal update was provided that a letter had been received concerning the ownership details of the application property. This letter had been considered and it had been determined that the application was valid and a decision could be made.

At the conclusion of debate, the Committee agreed to grant planning permission for the reasons set out in the resolution below.

RESOLVED:

That in respect of Walcote Place, High Street, Winchester the application be approved subject to the following condition(s):

Conditions:

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

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

2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those as detailed in Materials Schedule provided by CFW Architects on 31 May 2019.

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

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

Site and Location Plan (Drawing Number: AP005 Revision A)

Received: 04.06.2019

Block Plan (Drawing Number: AP080 Revision E) Received:
31.05.2019

Proposed Plans and Elevations (Drawing Number: AP080 Revision E)
Received: 31.05.2019

Proposed Details (Drawing Number: AD505) Received: 31.05.2019
Reason: In the interests of proper planning and for the avoidance of
doubt.

Informatives:

01. In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) (July 2018), Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. 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 agent following an on site pre application advice meeting and written advice.

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

The Local Plan Part 1 (2013) DS1, CP13, CP20

The Local Plan Part 2 (2017): DM15, DM16, DM17, DM27, DM28, DM29

National Planning Policy Framework

High Quality Spaces (2015) Supplementary Planning Guidance

03. 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.

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

05. 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-consideratepractice>

06. Please be advised that Building Regulations may be required for this development.

Please contact WCC Building Control Department for more information (T: 01962 848176, E: buildingcontrol@winchester.gov.uk)

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

The meeting commenced at 10.00am and concluded at 10.20am.

Chair

Item No: 01
Case No: SDNP/18/04564/HOUS
Proposal Description: (Amended Plans) Side and rear single storey extension to existing house
Address: Metlands Farm, Dean Lane, Bishops Waltham, Southampton, Hampshire, SO32 1FW
Parish, or Ward if within Winchester City: Bishops Waltham
Applicants Name: Mr & Mrs Penson
Case Officer: Mrs Sarah Tose
Date Valid: 14 September 2018
Recommendation: Application Approved



General Comments

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

1 Site Description

Metlands Farm is a two storey 17th century period property situated in large grounds in a valley setting between Dean Lane and The Hangers, to the north of Bishops Waltham. The site lies within the designated countryside in the South Downs National Park. The site extends to approximately 15 acres/ 6 hectares in size.

The dwelling is located on the east side of the site and forms part of a complex of restored farm buildings arranged in two courtyards, adjacent to Dean Land. These buildings include equestrian stables, ancillary storage/garaging and a holiday cottage. The farmhouse and associated outbuildings are not Listed and the site does not fall within a Conservation Area. There is also a menage and a number of paddocks within the grounds. The farmhouse is surrounded to the north, east and south by the fields of the farm.

There are two accesses to the site from Dean Lane with the holiday accommodation accessed from the northern most access. A public footpath runs through the farmyard along part of its northwest boundary and along its southern boundary towards The Hangers. The site is well screened along all four boundaries by mature hedgerows and trees.

The closest neighbouring property lies to the north on Dean Lane, approximately 70m away from the proposed development, with other properties to the west/northwest on Beeches Hill and to the southeast on The Hangers all over 100m away.

2 Proposal

The proposal seeks to extend the existing dwelling to the side and rear at ground floor level to create a larger living area. Some existing extensions to the rear of the house are to be removed. The proposed extension is single storey and contemporary in form to contrast with the original house. The extension comprises an open plan kitchen and living dining area, split over two levels in response to the contours of the site.

3 Relevant Planning History

84/01095/OLD -Change of use of farm building to craft pottery. Permitted 19th November 1984.

91/00808/OLD - Equine Clinic Unit including stable block menage and car park plus associated residential accommodation for two grooms. Permitted 30th May 1991.

SDNP/15/00429/FUL - Minor external modifications with enhanced facing materials with Change of Use of Vets Clinic Building into C3 Holiday Cottage. Amended plans received 30.04.2015 and 05.05.2015 changing the elm cladding to oak. STATUS: Approved 8th May 2015.

SDNP/16/04083/FUL - Minor External works and change of use from redundant stables and storage to an ancillary office and indoor pool.
STATUS: Approved 10th October 2016.

4 Consultations

Parish Council Consultee

Original plans:

Proposal is contrary to the WCC Local Plan part one Policy MTRA4 Development in the Countryside in that the proposal would cause harm to the character of the landscape of the area. Proposal is also contrary to Policy CP19 South Downs National Park in that the development would not be in keeping with the context and the setting of the SDNP and would have a detrimental impact on the rural character and setting.

It appears that the premises are being used for commercial purposes, so permission for a change of use might be required. If WCC are minded to approve this application, the Parish Council would request a condition limiting the extension to residential use only, with no commercial activity permitted. The application erroneously states that the public footpath (FP31) is along the road. In fact, it traverses the owners land and through the entrance to the farm; there has been no application to divert this footpath.

Amended plans:

Objection - Contrary to the WCC Local Plan part one Policy MTRA4 Development in the Countryside in that the proposal would cause harm to the character of the landscape of the area. Proposal is also contrary to Policy CP19 South Downs National Park in that the development would not be in keeping with the context and the setting of the SDNP and would have a detrimental impact on the rural character and setting. If WCC are minded to approve this application, the Parish Council would request a condition limiting the extension to residential use only, with no commercial activity permitted.

WCC - Landscape Architect

No objection: The submitted details have been reviewed and it is considered that these proposed extensions will not significantly harm the landscape of the SDNP.

WCC - Historic Environment Officer

None of the buildings on the site are listed and are not considered to be of sufficient quality to qualify as a non-designated heritage asset. In addition, the site is located in open countryside and is not located in Conservation Area. Consequently, there are no objections to the existing proposals in Historic Environment policy terms and no special conditions are recommended.

SDNP Dark Skies Ranger (D Oakley)

The amendments address the previous issues raised. No objection.

WCC - Ecologist & Biodiversity Officer

No objection, subject to condition and informative.

5 Representations

Original plans:

12 representations were received from local residents objecting to the proposal for the following reasons:

- noise and disturbance caused by recent events at Metlands Farm including additional traffic generated by these events.
- proposed extensions will be used in association with future events at the premises
- size of the extensions not in character with existing dwelling
- does not respect the character of the local area
- exceeds 30% policy increase limit

Amended plans:

No neighbour representations have been received in response to the amended plans.

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 **South Downs Local Plan 2014-2033** and any relevant minerals and waste plans.

The development plan policies and other material considerations considered relevant 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 permission 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 **South Downs Local Plan** are relevant to this application:

- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD8 - Dark Night Skies
- Development Management Policy SD31 - Extensions to existing dwellings, and provision of annexes and outbuildings

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

8 Planning Assessment

Background

The application was submitted in September 2018 and originally proposed two storey and single storeys extensions. No pre-application advice had been sought prior to the submission of the application. Officers raised concerns regarding the scale and design of the proposed extensions, and the impact on the character of the dwelling and surrounding area. The Parish Council objected to the proposal and 12 neighbour objections were received.

Following several meetings between officers, the applicant and their agent, the application was amended to omit the two storey element and provide a single storey side and rear extension only. The proposal would also replace some other single storey additions that are considered unsympathetic to the original character of the property. The amended plans were re-advertised and no neighbour

representations have been received. The Parish Council have continued to raise an objection to the scheme.

Principle of development

The principle of providing extensions to existing dwellings within the National Park is permitted by policy SD31, subject to the proposal meeting the following requirements:

- 1.a) the proposal does not increase the floorspace of the existing dwelling by more than approximately 30% unless there are exceptional circumstances;
- (b) the proposal respects the established character of the local area; and
- (c) the proposal is not overbearing or of a form which would be detrimental to the amenity of nearby residents by virtue of loss of light and/or privacy.

This section of the report focuses on part 1.a) of the policy, with parts (b) and (c) considered in other sections below.

The existing dwelling at Metlands Farm has a floor area of approximately 211m². 31m² of the existing floorspace is proposed to be demolished. The proposed extension would provide 163m² of additional floorspace which would represent an approximately 60% increase, contrary to policy SD31 which limits extensions to an approximately 30% increase.

However, it is considered that in this specific case the development is acceptable despite the policy conflict, for the reasons given below.

Paragraph 7.91 of the SDLP states that the purpose of policy SD31 'is to avoid the over-extension of existing dwellings and the adverse impact that this has on the character and appearance of both settlements and the countryside.' The policy also seeks to protect the limited supply of small and medium-sized homes in the National Park.

The existing dwelling at Metlands Farm has a floor area of approximately 211m² and contains three bedrooms, so can be regarded as being a medium-sized home. It is acknowledged that the proposed extension, by virtue of its size, would result in the dwelling becoming a larger home, although the additional accommodation is at ground floor level only and no further bedrooms are proposed.

However, it is important in this case to consider the dwelling in its context rather than as a standalone property. The Metlands Farm site comprises various buildings and uses, including the farmhouse, equestrian stables, ancillary storage/garaging and a holiday cottage. There is also a manege and a number of paddocks within the grounds. The site extends to approximately 15 acres/ 6 hectares.

The purpose of policy SD31 is to retain small and medium-sized homes to ensure that a mix of housing types remains available within the National Park. Without this restriction, there is a risk that dwellings may become over-extended to the point that renders them unaffordable to many potential purchasers. In this case, although the property itself could be considered 'medium-sized', as it forms part of the wider Metlands Farm complex which includes the other buildings and uses

outlined above, it cannot be considered a type of property that is relatively more affordable in the National Park.

The importance of policy SD31 in preventing the over-extension of dwellings is acknowledged, however as each case is judged on its own merits then inevitably the policy will not fit to all situations. In this specific case, the proposal is not considered to be at conflict with the underlying purposes of the policy, which are to protect the supply of smaller homes and to protect the landscape character of the National Park.

Due to the nature of the site it is not considered that the development would have a detrimental impact on the housing stock in the National Park, and as such insufficient harm can be demonstrated in this case. The proposal is therefore considered acceptable in this regard and is recommended for approval.

Policy SD31 part 1.4 states that where permission is granted, future extensions may be controlled by the removal of permitted development rights. It is considered reasonable in this case to remove permitted development rights for Metlands Farm in accordance with policy SD31 as the development would far exceed the approximately 30% increase allowed for by the policy. It is considered important to protect the character of the original dwelling by removing permitted development rights. Condition 7 is therefore recommended to secure this.

Impact on the landscape character of the South Downs National Park

The proposed extension would be partially submerged into the ground and would be single storey in height. It is contemporary in form, comprising a lightweight structure of glazed elevations, timber fascias and a flat sedum roof. The design approach would contrast with that of the existing dwelling, ensuring that its character is preserved by allowing the original form and proportions of the farmhouse to be recognised. The proposed design and materials are considered acceptable. The Council's Historic Environment Officer has raised no objections to the scheme.

The development is significant in scale in terms of its footprint, however it would comprise a lightweight structure and would be single storey only so it is not considered to dominate the host dwelling. The proposed extension would be located to the east of the site behind the existing outbuildings so would be predominantly screened from Dean Lane. There may be glimpsed views of the side elevation from the access between the existing buildings, however such views would be very limited and the extension would be read in connection with the existing development within the site. Glimpsed views from the public footpath to the south of the site would also be possible, however as the proposal is considered acceptable in terms of its appearance then it is not considered to cause any visual harm to the surrounding area.

The Council's Landscape Officer has reviewed the application and considers that the proposed extension will not significantly harm the landscape of the National Park. A Tree Survey and Arboricultural Impact Assessment has been submitted which concludes that the development will not impact on retained trees. The proposed sedum roof is welcomed as it would enhance biodiversity within the site and would help the development to integrate into the landscape. The applicant

has also embarked on a significant tree planting scheme at the east of the site, to soften any potential views of the proposed development from The Hangers. In summary, the proposal is considered acceptable as it would not result in a harmful impact on the landscape character or natural beauty of the South Downs National Park.

Dark night skies

The South Downs National Park is a designated International Dark Sky Reserve. Policy SD8 of the SDLP states that proposals must conserve and enhance the dark night skies and demonstrate that all opportunities to reduce light pollution have been taken.

The SDNP Dark Night Skies Officer had concerns with the original proposals as the design includes a considerable amount of glazing. As part of the revised scheme, a lighting specialist has produced a technical report which incorporates several mitigation measures to avoid light spill, including:

- Black out blinds on the roof lights linked to an astronomical timeclock;
- Tints applied to the windows;
- The extension being partially inset into the landscape.

The applicant's lighting specialist has liaised with the Dark Night Skies Officer who is now satisfied with the scheme, subject to the mitigation measures outlined above which have been secured by recommended condition 4. Condition 5 has also been recommended to ensure that details of any external lighting at the site are submitted for approval prior to their installation.

The development is therefore considered to be acceptable in terms of its impact on the dark night skies of the National Park and would accord with policy SD8 of the SDLP.

Impact on ecology

The Council's Ecologist has raised no objections to the proposal subject to a condition to ensure that the recommendations within the submitted bat survey report are adhered to. Condition 6 is recommended to secure this.

Impact on residential amenity

There are no neighbouring properties in close proximity to the development that could be adversely affected by the proposal in terms of overlooking, overshadowing or overbearing impacts. The proposed extension is not considered to be a type of development that would give rise to any significant noise and disturbance issues.

The Parish Council has requested that if the Council are minded to approve the application that a condition is imposed to limit the extension to residential use only, with no commercial activity permitted. However, the application is for an extension to provide additional living accommodation for Metlands Farm only so it is not considered reasonable or necessary to apply an occupancy condition in this case. If the property is used for commercial activities in the future then a change of use application may be required at that time.

Impact on highways

The site contains ample space for the parking and turning of vehicles in accordance with the Council's adopted residential parking standards, so the development is not considered to result in an adverse impact on highway safety.

9 Conclusion

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

10 Reason for Recommendation and Conditions

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

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 be carried out in accordance with those specified in Section 03 of the Metlands Farm Design Statement (reference 237, dated August 2019) unless otherwise agreed in writing by the Local Planning Authority.

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

4. The development shall be carried out in accordance with the DfL Lighting Technical Report (reference 1114-DFL-TR-001_B, dated 7th August 2019) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise light intrusion in the South Downs National Park which is a designated International Dark Sky Reserve in accordance with policy SD8 of the South Downs Local Plan (2014-33).

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

maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

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

6. The recommendations outlined in the Davidson-Watts Ecology Ltd Bat Survey Report of September 2018 shall be strictly adhered to.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Class A, B, C or E of Part 1, Schedule 2 of the Order shall be carried out.

Reason: To protect the character of the original dwelling and to accord with the requirements of policy SD31 of the South Downs Local Plan (2014-33) as the development exceeds the 30% floorspace increase limit.

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:-

South Downs Local Plan (2014-33): Policies SD2, SD4, SD5, SD8, SD31

3. In accordance with paragraphs 186 and 187 of the NPPF the Local Planning Authority take a positive and proactive approach to development proposals focused on solutions. The Local Planning Authority 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 various site meetings took place with the Applicant/Agent.

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

5. All bat species are protected under European Law within the E.C. Habitats Directive and under British law within the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981. The applicant is advised that should bats be present, works must stop and a Natural England European Protected Species licence may be required before recommencing.

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

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

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

11. Crime and Disorder Implications

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

12. Human Rights Implications

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

13. Equality Act 2010

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

14. Proactive Working

Worked with the applicant and agent to achieve a positive solution. Amended plans and a lighting strategy were submitted which were considered acceptable.

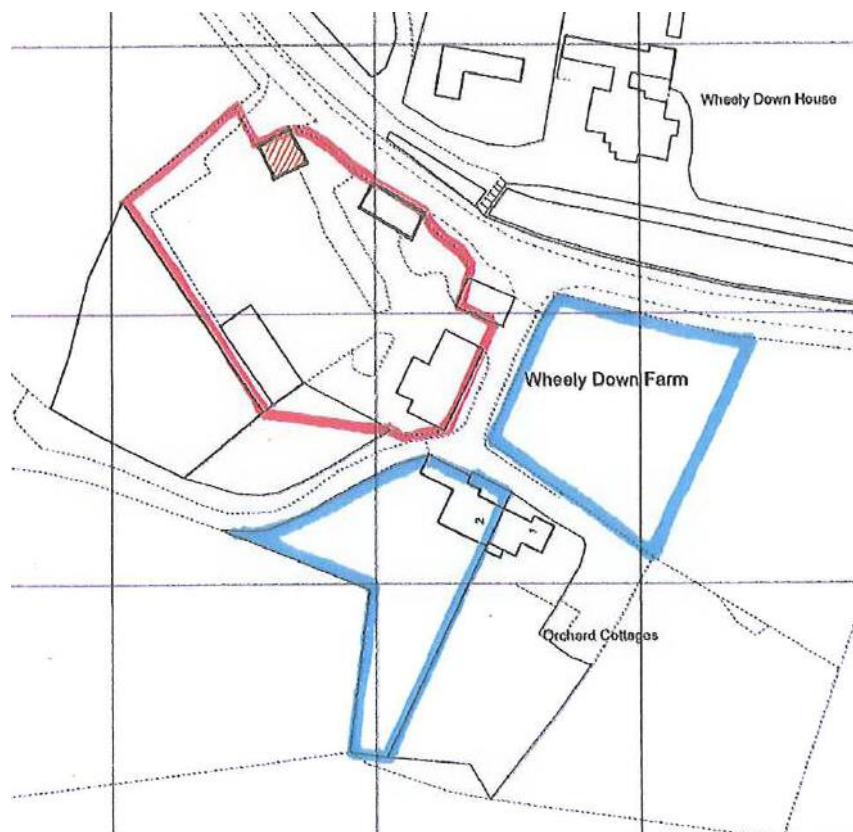
Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Date Received	Status
Plans - LOCATION PLAN	237-D-00-C	27.08.2019	Approved
Plans - BLOCK PLAN	237-D-01-C	27.08.2019	Approved
Plans - PROPOSED SITE PLAN	237-D-02-A	27.08.2019	Approved
Plans - PROPOSED SITE PLAN	237-D-03-B	27.08.2019	Approved
Plans - EXISTING GROUND FLOOR PLAN	237-D-04-B	27.08.2019	Approved
Plans - PROPOSED GROUND FLOOR PLAN	237-D-05-C	27.08.2019	Approved
Plans - EXISTING FIRST FLOOR PLAN	237-D-06-B	27.08.2019	Approved
Plans - PROPOSED FIRST FLOOR PLAN	237-D-07-C	27.08.2019	Approved
Plans - EXISTING ROOF PLAN	237-D-08-B	27.08.2019	Approved
Plans - PROPOSED ROOF PLAN	237-D-09-C	27.08.2019	Approved
Plans - SECTION AA	237-D-10-B	27.08.2019	Approved
Plans - SECTION BB	237-D-11-B	27.08.2019	Approved
Plans - FRONT ELEVATIONS	237-D-12-B	27.08.2019	Approved
Plans - SIDE ELEVATIONS	237-D-13-C	27.08.2019	Approved
Plans - REAR ELEVATIONS	237-D-14-C	27.08.2019	Approved
Plans - SIDE ELEVATIONS	237-D-15-C	27.08.2019	Approved
DfL Lighting Technical Report	1114-DFL-TR-001_B	07.08.19	Approved
Metlands Farm Design Statement (dated August 2019)	237	20.08.19	Approved
Davidson-Watts Ecology Ltd Bat Survey Report – 6 th September 2018		17 Sep 2018	Approved

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

Item No: 02
Case No: SDNP/19/03374/CND
Proposal Description: Variation of condition 2 and 3 of extant planning permission 02/01236/FUL
Address: Penn House, Wheely Down Farm Lane, Warnford, Hampshire SO32 3LG
Parish, or Ward if within Winchester City: Warnford
Applicants Name: Mr William Normandale
Case Officer: Mrs Sarah Tose
Date Valid: 5 July 2019
Recommendation: Application Refused



General Comments

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

1 Site Description

Wheely Down Forge lies to the south side of Wheely Down Farm Lane to the west of Warnford village. The site is located within the defined countryside and the South Downs National Park. The site contains the Forge, workshops, storage buildings, the Forge office and a residential property 'Penn House', which is tied to the Forge by conditions 2 and 3 of planning permission SDNP/17/00996/CND.

Penn House is occupied by William Normandale, the current manager of Wheely Down Forge, and his family. The site is currently owned by his father, Charles Normandale, the original artisan Blacksmith who is retiring from involvement with the larger commissions.

2 Proposal

The proposal seeks to remove the occupancy conditions 2 and 3 of planning permission SDNP/17/00996/CND to enable funds to be raised against Penn House to allow the property to be extended.

3 Relevant Planning History

02/01236/FUL - Change of use of existing storage building to residential annexe for forge workers with contingent internal and minor external alterations. STATUS: Approved 12 August 2002.

SDNP/17/00996/CND - Variation of condition 2 and 3 of extant planning permission under reference 02/01236/FUL. STATUS: Approved 25 April 2017.

SDNP/18/06223/PRE - The removal or variation of conditions 2 and 3 attached to planning permission SDNP/17/00996/CND. STATUS: PRE 27th June 2019.

SDNP/19/03675/HOUS - Two storey side and rear extensions and proposed dormer on north west elevation. STATUS: Currently under consideration.

4 Consultations

Parish Council Consultee

Support: We have been in communication with members of our parish and asked them to either reply directly to you or via ourselves within this communication. We have also visited the applicants at the property in question. Firstly, we have no objection to the release of condition 2. Likewise, we also support a variation of condition 3. In the case of condition 3, our parish would not usually support the releasing of a condition so that finance can be raised, but we feel that in this case there are circumstances that make this the correct discussion.

Not all of the parish that communicated with us agreed with the view expressed above (condition 3) and as a compromise asked that you should consider a less restrictive occupancy condition in line with the forestry and agricultural plan for workers within SDNP.

5 Representations

7 representations have been received supporting the application for the following reasons:

- Existing dwelling cannot provide suitable accommodation for the applicant's family without being extended.
- An on-site presence is essential for the continuing operation of the business for security reasons.
- The Forge cannot continue without suitable accommodation for the applicant and his family.
- The business is beneficial to growing a thriving diverse rural economy.
- The Forge is an asset to the South Downs National Park.
- The Council should be doing all it can to help long standing residents work from home.
- Our villages need to conserve their local traditional crafts.

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 **South Downs Local Plan 2014-2033** and any relevant minerals and waste plans.

The development plan policies and other material considerations considered relevant 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 **South Downs Local Plan** are relevant to this application:

- Strategic Policy SD25 - Development Strategy
- Strategic Policy SD34 - Sustaining the Local Economy

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

8 Planning Assessment

Principle of development

The application site lies within the countryside so policy SD25 of the South Downs Local Plan (2014-33) is relevant. This policy identifies towns and villages within the National Park that are able to accommodate growth of a scale and nature appropriate to their character and function. It also restricts development in the countryside to that which has an essential need to be located there.

The occupancy of Penn House is tied to Wheely Down Forge via condition 3 that is attached to the extant planning permission SDNP/17/00996/CND which states that it shall only be occupied for the purposes of students and workers employed at Wheely Down Forge and shall not be used as an independent dwellinghouse. In addition, condition 2 of SDNP/17/00996/CND requires that the permission shall enure for the benefit of William Normandale for as long as he continues to operate Wheely Down Forge and shall not be for the benefit of the land.

The submitted Planning Statement advises that the spatial needs of the current manager's young family cannot be met by Penn House in its existing configuration and therefore additional accommodation is required. It is stated that the business

requires an on-site presence for security reasons and if the property cannot be extended then William Normandale and his family may have to move and as a result the business may not be able to continue in its present form. This would undoubtedly have a negative impact on the rural economy.

However, the application has to be assessed against policies within the South Downs Local Plan. Policy SD25 restricts development in the countryside to that which has an essential need to be located there. The residential accommodation 'Penn House' was exceptionally permitted in this countryside location to serve the Forge business, so the proposed removal of condition 3 would be in contravention of policy SD25 as it would change the status of Penn House from a tied property to an open market one.

It is acknowledged that there is no intention of the business being sold; however there is no assurance that this will not happen at some point in the future. Therefore, there is the potential in the future that the removal of condition 3 could create a dwelling in the countryside with no operational need, and as such would be contrary to policy SD25.

It is not considered that condition 2 of SDNP/17/00996/CND (that ties the planning permission to the applicant and not the land) is necessary to ensure that Penn House is used in connection with the business so the removal of this from the extant planning permission is considered acceptable.

In summary, the principle of the proposed removal of condition 3 of planning approval SDNP/17/00996/CND that ties Penn House to Wheely Down Forge therefore cannot be supported as it would be in contravention of policy SD25 of the South Downs Local Plan (2014-33) which does not allow open market housing in the countryside. The application is therefore recommended for refusal on this basis. As stated above, the removal of condition 2 of SDNP/17/00996/CND is considered acceptable.

9 Conclusion

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

10 Reason for Recommendation and Conditions

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

1. The proposed removal of condition 3 of planning permission SDNP/17/00996/CND that ties Penn House to Wheely Down Forge would result in an open market dwelling in the countryside which is contrary to policy SD25 of the South Downs Local Plan (2014-33).

Informatives

1. The Local Planning Authority has taken account of the following development plan policies and proposals:-
 - South Downs Local Plan (2014-33): Policies SD25, SD34
2. In accordance with paragraphs 186 and 187 of the NPPF the Local Planning Authority take a positive and proactive approach to development proposals focused on solutions. WCC on behalf of the SDNPA work with applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service and,
 - updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.
 - The applicant and agent were made aware of the Council's concerns regarding the proposal but a solution was unable to be achieved in this case.

11. Crime and Disorder Implications

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

12. Human Rights Implications

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

13. Equality Act 2010

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

14. Proactive Working

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

Plans Referred to in Consideration of this Application

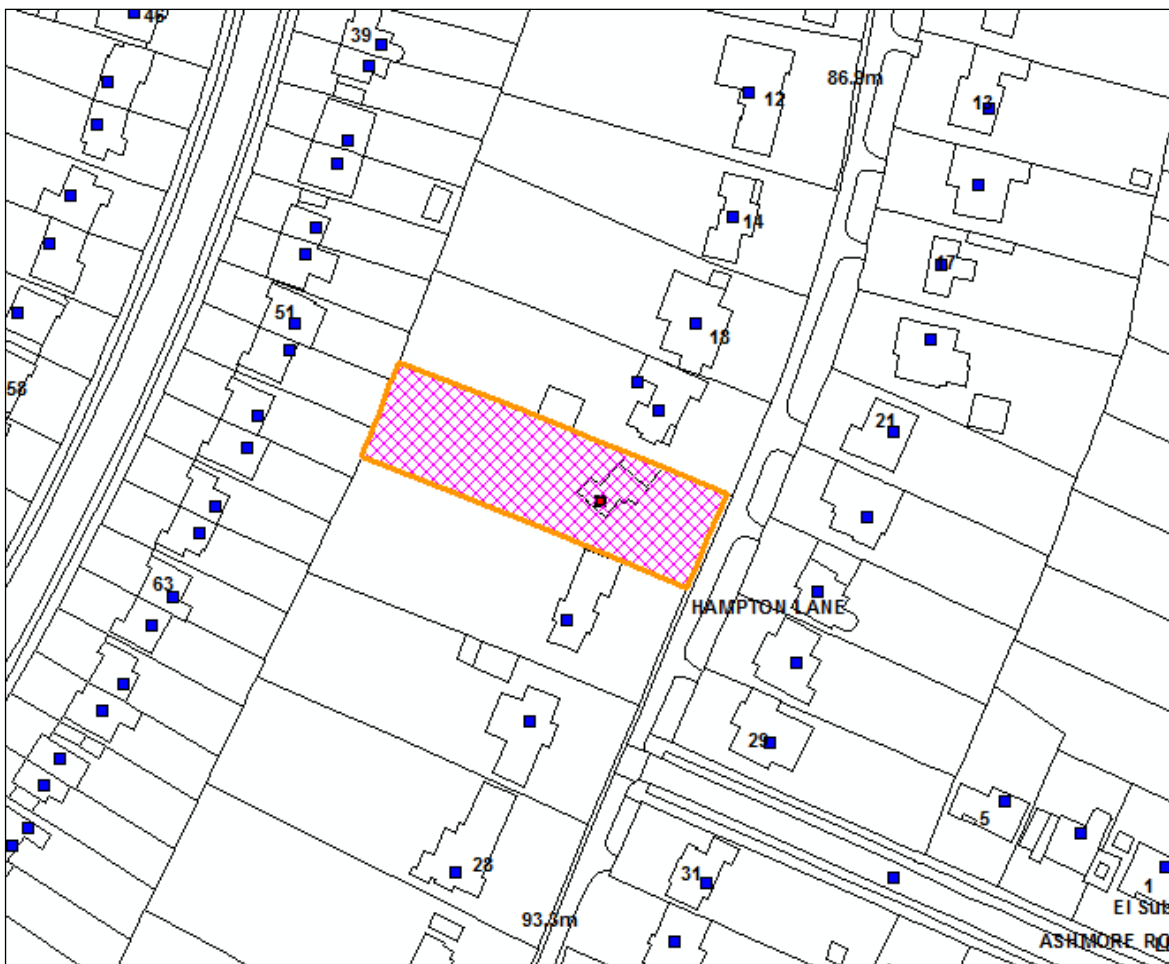
The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - LOCATION PLAN			11.07.2019	Approved

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

WINCHESTER CITY COUNCIL PLANNING COMMITTEE

Case No: 19/01208/FUL
Proposal Description: Demolition of existing single dwelling being replaced by erection of a single dwelling. (AMENDED PLANS)
Address: 22 Hampton Lane Winchester SO22 5LF
Parish, or Ward if within Winchester City: St Barnabas
Applicants Name: Mr & Mrs Phil and Aggy Russell
Case Officer: Catherine Watson
Date Valid: 31 May 2019
Recommendation: Application Permitted



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General Comments

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

Amendments have been submitted showing changes in the size and massing of the proposed dwelling, the positioning and orientation of the workshop, the introduction of boundary planting to the rear and sides of the plot.

Site Description

The site is situated on Hampton Lane, within the Teg Down area of Winchester. The plot is long and narrow, characteristic of the majority of those along Hampton Lane. The existing dwelling is a detached mid-20th century property which is currently in poor repair. Along the front boundaries of the dwellings on Hampton Lane are a number of mature, established trees which are subject to a blanket Tree Preservation Order (TPO). The land slopes by approx. 5m from the front (south-east) to the rear (north-west) of the plot, which looks out over the residential street of Teg Down Meads. From south-west to north-east, along the road frontage, the ground slopes by approx. 0.6m.

Proposal

The proposal is for the demolition of the existing dwelling and the construction of a replacement dwelling with associated workshop and landscaping.

The existing dwelling takes the form of a two storey, detached house with an "L" shaped footprint. To the north-east elevation, a flat roofed garage has been added at a later date and to the front of the house is a parking area and lawn. The current orientation of the house is unusual and does not follow the general building line along this side of Hampton Lane.

The proposed dwelling consists of a central block with two projecting elements to the front, one of which is to be used as an integral garage with bedroom over. To the rear is a further projecting two storey wing aligned with the boundary to no 20 Hampton Lane and an area of raised terracing.

The rear garden is terraced and adjacent to the rear boundary, it is proposed to construct a workshop for the use of the applicant. A detailed landscaping scheme has been submitted to support the proposal.

Relevant Planning History

None relevant and no pre application advice was sought.

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Consultations

Head of Landscape - Engineers: Drainage:

The site is within Flood Zone 1 and is at very low risk of flooding. Soakaways are proposed for surface water drainage, for which infiltration testing is required. A septic tank is proposed for foul drainage but confirmation is needed as to whether a drainage field is required or there is a readily flowing pipe to take the effluent. A package treatment plant would be better. See condition 18.

Head of Landscape:

A suitable management plan has been submitted for 5 years following planting and the tree specification is acceptable. Specifications in terms of size and density, for the shrubs and perennials is also required. See conditions 12, 13, 14.

Head of Landscape - Ecology:

The Phase 1 and 2 Bat Surveys have not recorded bats entering or emerging from the building. The topographic survey identifies a pond on site and further information is required as to whether this is considered suitable for amphibians. A new pond should be included within the proposals to maintain biodiversity. See conditions 5, 6, 7.

Slow Worms have been recorded within the nearby SINC and further surveys are required to determine their presence on site and whether they will be impacted by the development.

Representations:

City of Winchester Trust:

The Trust has no comment to make on this application.

34 letters were received objecting to the original plans and 19 were received in objection to the amended plans for the following reasons:

- The scale is not in line with the existing dwellings in the lane;
- It will cause damage to protected trees;
- Overlooking towards the neighbouring properties on Hampton Lane;
- Loss of privacy;
- The new drive does not allow proper access for a car;
- It will be overbearing towards neighbouring properties;
- The loss of trees along the rear boundary will cause overlooking into Teg Down Meads;
- The rural nature of Hampton Lane will be reduced;
- The lane is single track and there will be problems for residents caused by construction traffic and deliveries;
- The workshop is too large and the noise will create a disturbance for neighbours;
- It does not integrate positively with the context and character of the area;
- The loss of the trees has decimated wildlife.

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

- The applicant trespassed on neighbouring land and removed trees and hedging without permission.

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1 letter of support received.

- The revised design is exceptional and is sympathetic to the context of the rural and built environment.

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy

CP11 – Sustainable Low and Zero Carbon Built Development
CP12 – Renewable and Decentralised Energy
CP13 – High Quality Design
CP16 – Biodiversity

Winchester Local Plan Part 2 – Development Management and Site Allocations

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

Supplementary Planning Guidance

High Quality Places SPD
Parking Standards SPD
St Barnabas West NDS

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Planning Considerations

Principle of development

The site is situated within the settlement boundary of Winchester, where the principle of a replacement dwelling is acceptable in line with policy DM1 of LPP2, provided that it accords with other relevant local planning policies.

Design/layout

Policy CP13 of LPP1 and Policies DM15, DM16 and DM17 of LPP2, as well as the High Quality Places SPD require development to be of a high quality design and to be appropriate for the context of the site and its surrounding area. DM18 requires adequate parking to be provided in line with the relevant standards and for vehicles to be able to enter and leave the site in a safe manner.

The design of the proposed dwelling is in the Georgian style, with white rendered walls and casement windows. The roof is to be natural slate but to the southern roof slopes, it is proposed to fit photovoltaic tiles which will have the appearance of traditional slate.

The layout of the property takes a “Z” shape, with projecting wings to the front incorporating a garage and study on the ground floor and bedrooms at first floor level.

Outside the main entrance is a paved area and the parking area and drive will be gravel

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in order to allow surface water drainage and an area of lawn to be maintained underneath the protected trees on the front boundary.

To the rear of the property is a raised terrace with garden which steps down towards the rear boundaries. At the rear of the garden, it is proposed to construct a workshop which will face into the site and is to be constructed of red brick and with a monopitched photovoltaic slate roof to match that on the main dwelling.

New development should seek to be energy efficient and make use of renewable energy sources where possible, in line with policies CP11 and CP12 of LPP1.

The proposal incorporates photovoltaic slate roofing tiles to provide a renewable energy supply and the dwelling will be constructed with energy efficiency in mind.

The proposed dwelling, whilst larger than that to be demolished, is nevertheless considered to be appropriate in terms of its size, scale and positioning within the plot. The front of the building follows the building line of the properties on either side, no's 20 and 24 Hampton Lane.

The garden has been carefully landscaped and a detailed scheme for the planting and maintenance of trees and hedges on site has been submitted, which will be discussed further below. The proposal therefore accords with Policy CP13 of LPP1 and Policies DM15, DM16 and DM17 of LPP2 as stated above.

Impact on character of area and neighbouring property

The majority of the objections received focus on the impact upon neighbour amenity and the character of the surrounding area.

Whilst Hampton Lane is within the settlement boundary, it retains a distinctive semi-rural and sylvan character, which is highlighted within the NDS (Para.33, p.15).

Comments have suggested that the scale of the proposed dwelling is not in line with the other houses in the lane. Hampton Lane has a wide variety of dwelling sizes and forms and although there is a regular building line along the road frontage, the long, narrow plot allow for extension back into the site as is evidenced at no's 6 and 8, which were granted permission in 2002 (02/02592/OUT and 03/02723/REM). The existing dwelling, whilst not modest, has a narrow profile at two storey but with the addition of the single garage, the mass across the width of the site is not dissimilar to that proposed when the existing orientation is taken into account. Therefore, whilst there will be a noticeable difference in the view from the road, the massing of the dwelling is broken up by the use of wings and differing roof levels.

With regards to the proposed materials, there is a mixture present along the lane including brick, white render and clay and concrete tile. It is therefore not considered that the proposed materials, which are in keeping with the Georgian style of the property, would be out of keeping with the character of the area. Furthermore, the existing protected trees along the road frontage will be retained and will continue to contribute to the character.

To the rear of the property, the garden slopes down significantly towards the boundary with the houses on Teg Down Meads. An important part of the character of this

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boundary, along the whole of Hampton Lane, is the band of mature, native species trees. These trees also provide screening between the houses on Hampton Lane and those on Teg Down Meads.

The applicant has removed the trees along his boundary, thereby enabling overlooking from the property towards Teg Down Meads. The trees are not subject to a TPO and the removal of the trees in itself is not a matter that can be dealt with under the planning remit, however, the potential harm to neighbour amenity caused by their loss is and it is considered that significant harm would occur as a result of their removal.

Furthermore, as well as the risk of overlooking from the house, most notably from the bedroom balcony and raised terrace, it was considered that the position of the proposed workshop and its orientation looking out towards Teg Down Meads, would also cause harm to neighbour amenity.

Consequently, amended plans have been submitted showing a number of changes. The rear balcony has been removed, along with the reorientation of the workshop with its windows and doors directed into the garden. Significant landscaping, including the planting of semi-mature trees and hedging along the boundaries, has been included in order to screen the views into Teg Down Meads. The details of this will be addressed in the relevant section below.

It is therefore considered that the harm by means of overlooking towards the properties in Teg Down Meads, will be significantly reduced by the proposed amendments.

The other key impact upon neighbour amenity to be considered is that upon no's 20 and 24 Hampton Lane, immediately adjoining the site to the north-east and south-west.

The increase in the footprint extending back into the site increases the potential for overlooking, overbearing and overshadowing towards these properties.

Regarding the impact upon no 20, the sole window in the facing first floor elevation is to be obscure glazed as this is to serve an en-suite and therefore, it is not considered that there would be a significant risk of overlooking towards either the house or garden amenity area. Concerns have been raised with regards to the increased mass of the dwelling, its proximity to the boundary and resultant overshadowing that may occur. The applicant has provided a shadow diagram (2328/15) which illustrates the extent of overshadowing at different times of year for both the existing and proposed dwellings. This shows that whilst there will be some increase caused by the new development, this is not substantial enough to cause significant additional harm to garden amenity and the main area affected is the driveway leading up to the garage.

With regards to no 24, the main concern is overlooking from the raised terrace adjacent to the boundary. Section plans (2328/16) have been submitted showing the difference in height between the terrace and the patio at no 24. This shows that there is an approx. 0.9m drop between no 24 and 22 and with the boundary hedge that is to be planted, it is not considered that there would be any significant risk of overlooking in this respect. The facing elevation is to have a single, obscure glazed window at first floor level which is to serve a bathroom and whilst there are first floor windows to the rear elevation, these are relatively narrow and positioned so that they look more directly towards the end of the garden, although it is acknowledged that there will be some oblique views towards the

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rear of the gardens at both no 20 and 24.

With regards to the proposed workshop at the rear of the garden, the windows and door are centrally orientated and although view towards the neighbours could be possible, it is considered that the boundary hedging, as well as the proposed tree screen which will be planted at a higher level, sufficiently mitigates against any potential harm.

The proposal therefore accords with policy CP13 of LPP1 and DM15, DM16 and DM17 of LPP2, as well as the High Quality Places SPD

Landscape/Trees

DM24 requires special trees (including those with TPOs) to be protected and the St Barnabas West NDS (para. 1, p.8) states that existing roadside features, including trees, should be retained.

As mentioned earlier, a detailed landscape plan and implementation/maintenance strategy has been submitted.

Along the rear boundary, where the existing mature trees have been removed, a hawthorn hedge with an instant height of between 1.4 - 1.6m is proposed. This hedge will also extend approx. 9m along either of the side boundaries and the plants will be double staggered, which ensures for healthier, thicker growth. Following the hawthorn, an instant 3m high laurel hedge will be planted along either side boundary, which will then join up with the existing sections of laurel hedging towards the front half of the plot.

The most significant element of the landscaping scheme is the planting of a number of semi-mature oak and beech trees along the rear boundary and again, approx. 10m further up the garden. These are to in part replace those that have been lost and to supplement the screening further up the garden. Each tree is an Extra Heavy Standard with a minimum 16-18cm girth and height of 4m. They will be planted in staggered rows which will allow for healthy growth and more instant cover. Whilst it is acknowledged that they will not immediately provide the same cover as those trees that have been removed, the Council's Landscape Officer considers that they will still provide a good level of cover straightaway and the second band of trees will supplement this. Further to this, native species trees and hedging provide good habitat for wildlife such as nesting birds. A Landscape Maintenance plan has been submitted and its implementation will be controlled by condition.

To the front of the plot, an area of lawn will be retained beneath the protected trees. The driveway and parking area will consist of gravel, except for an area of brick paviours at the access onto Hampton Lane. The Council's Tree Officer considers that this is acceptable in terms of ensuring that the health of the trees is maintained. The small area of pavers at the entrance replaces a similar surface and is not considered to cause any significant additional harm to the health of the tree root systems, provided that they are not salt-leaching.

The proposal therefore accords with Policy CP13 and CP16 of LPP1 and Policies DM15, DM16, DM17 and DM24 of LPP2.

Drainage.

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Detailed drainage plans have been submitted to support the proposal, which are considered to be acceptable, although infiltration testing is required prior to the commencement of works on site. This will be submitted in compliance with condition

Highways/Parking

It is not considered that there would be any additional impact upon road safety as the access itself is remaining the same. The integral garage will provide parking for one car and there is space for another two on the driveway, which is compliant with the requirements for a 5 bed dwelling as set out in the Parking Standards SPD.

Concerns have been raised regarding construction traffic and deliveries, considering the narrow width of the road. Conditions will be imposed requiring details of turning and parking on site to be submitted prior to commencement of construction.

Noise

Local residents have raised concerns regarding noise caused by the use of the workshop. The workshop has an ancillary residential use and it is not reasonable to control its use by means of condition. Should there be any noise-related issues at a later date, these can be reported to and investigated by, the Council's Environmental Protection team.

Ecology

Protected species, where they have been identified as present within a site, must be protected and mitigation provided where there is to be a loss of habitat. Biodiversity enhancement measures should be included as a matter of routine.

The comments from the Council's ecologist refer to the loss of a pond in the back garden, which could result in the loss of habitat for amphibians. It has subsequently been confirmed that the pond container had been removed some time ago and therefore, any amphibians before its removal would have moved away from the site.

Smooth newts were recorded on site in their terrestrial phase and therefore, the recommendations in the report advise the reinstatement of a new wildlife-friendly pond on site.

With regards to the presence of reptiles on site, a survey has been undertaken which detected a single adult slow worm, along with a juvenile. The applicant's ecological survey recommended leaving a 0.5m buffer strip of unmanaged herb-rich grassland around the site's rear garden boundary.

A Phase 2 Bat Survey has been submitted, which concluded that although the works would not impact upon any roosts, some potential roosting opportunities would be lost. It was recommended that external lighting be restricted and this is dealt with in condition 5.

The proposal is therefore considered to be in accordance with Policy CP16 of LPP1.

Recommendation

Application Permitted, subject to the following condition(s):

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Conditions

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

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

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

Location Plan Dwg No 2328/01 received 31.05.2019

Site Plan Dwg No 2328/02 E received 27.09.2019

Floor Plan Dwg No 2328/03 B received 19.09.2019

Ground Floor Plan Dwg No 2328/04 E received 19.09.2019

First Floor Plan Dwg No 2328/05 E received 19.09.2019

Street View from Hampton Lane Dwg No 2328/06 A received 14.08.2019

East and West Elevation Dwg No 2328/07 B received 14.08.2019

Section A-A and West Elevation showing frontage of workshop and garden storage Dwg No 2328/08 B received 14.08.2019

North and South Elevation Dwg No 2328/09 C received 14.08.2019

Street View from the rear of Hampton Lane Dwg No 2328/13 A received 14.08.2019

North Boundary and West Elevation Dwg No 2328/14 A received 14.08.2019

Section B-B and C-C Dwg No 2328/16 received 19.09.2019

Landscape Masterplan Dwg No SPW/HL/PLG/001 C received 08.10.2019

Below Ground Drainage Layout Dwg No P1567-001 P1 received 20.09.2019

Below Ground Drainage Details Dwg No P1567-002 P1 received 20.09.2019

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

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

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

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

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

5. The development shall be carried out in accordance with the measures, conclusions and recommendations set out within Lindsay Carrington Ecological Services Reptile Survey Report, dated October 2019 and CA Ecology Bat Survey – 22 Hampton

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Lane, dated June 2019. Thereafter, the compensation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To provide adequate mitigation and enhancement for protected species.

6. No development shall commence until full details of the lighting plan for the site, including positioning on the building, level of luminance, direction of lighting and details of any motion sensors or timers have been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that bats and other nocturnal species are not adversely impacted by the lighting.

7. A Biodiversity Enhancement Plan shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This shall include details and locations of any enhancement provisions (such as bird or bat boxes or native species rich planting. The biodiversity enhancement provisions shall be sited prior to the development coming into its intended use and retained thereafter.

Reason: To maintain and protect biodiversity.

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

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2018 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

9. 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.

10. 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.

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11. 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 occupation of the development hereby permitted.

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

12. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before the use hereby permitted is commenced and prior to the completion of the development or in accordance with the programme agreed with the Local Planning Authority. If within a period of five years after planting any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

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

13. The trees shown to be retained on the approved site plan (drawing ref: 2328/02 E) shall not be lopped, topped, felled or uprooted without the prior written approval of the Local Planning Authority.

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

14. Protective measures, including fencing and ground protection, in accordance with the Site Plan Dwg No 2328/02 Rev E dated 27.09.2019 and submitted to the Local Planning Authority shall be installed prior to any demolition, construction or groundwork commencing on the site.

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

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

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2018 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

16. The first floor windows in the north and south elevations of the dwelling hereby permitted shall be glazed with obscure glass which achieves an obscuration level at least equivalent to Pilkington Obscure Glass Privacy Level 4, unless otherwise agreed in writing by the local planning authority, and the glazing shall thereafter be retained in this condition at all times.

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

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: CP11, CP12, CP13, CP16

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

High Quality Places SPD

Parking Standards SPD

3.

This permission is granted for the following reasons:

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

4.

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

5.

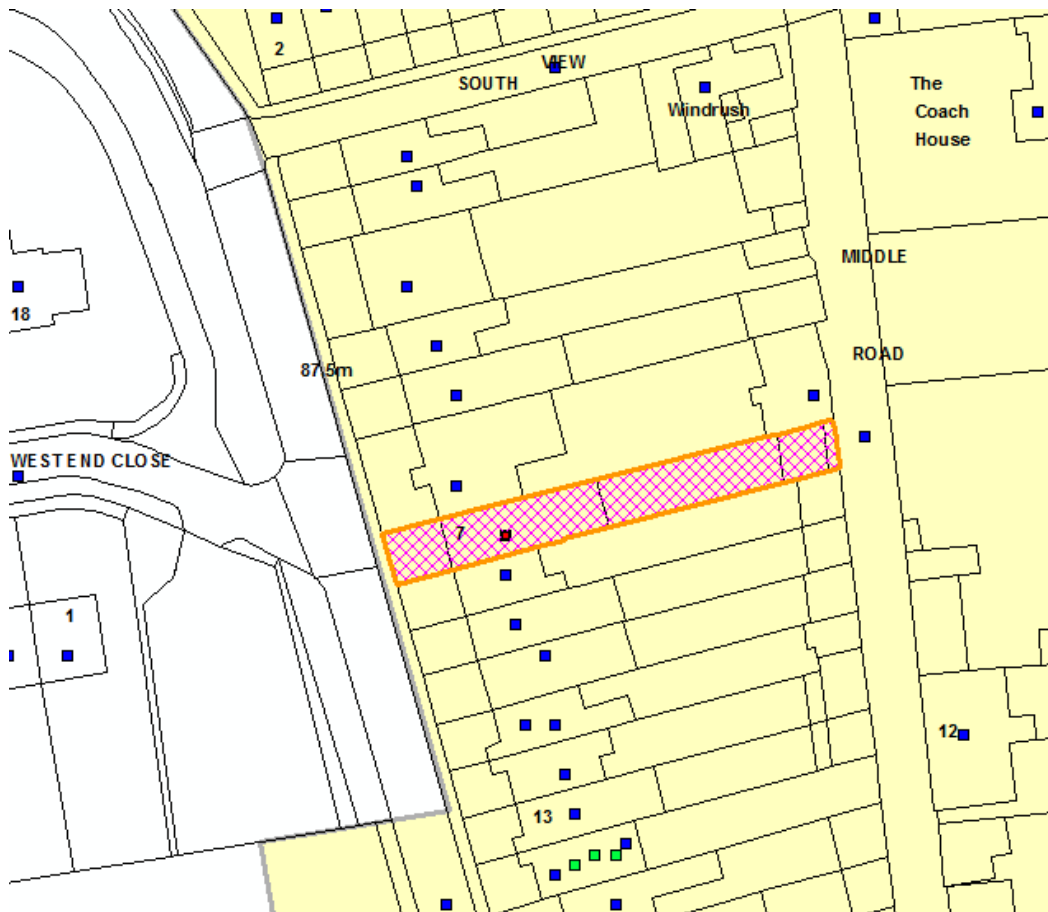
Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing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

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

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

WINCHESTER CITY COUNCIL PLANNING COMMITTEE

Case No: 19/01419/HOU
Proposal Description: (Amended Plans 20.08) Erection of two storey outbuilding following demolition of existing single storey outbuilding.
Address: 7 West End Terrace Winchester SO22 5EN
Parish, or Ward if within Winchester City: St Paul
Applicants Name: Mr & Mrs Steer
Case Officer: Curtis Badley
Date Valid: 28 June 2019
Recommendation: Application Permitted



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General Comments

Application is reported to Committee because of the number of objections received in contrast to the officers recommendation for approval.

Amended plans have been received and accepted for consideration. The revised scheme reduces the length of the proposed outbuilding at both ground and first floor levels by 0.75 metres from the West (rear) elevation and alteration of the proposed roof material from zinc to natural zinc.

Site Description

The proposal is situated at the rear of the residential curtilage of 7 West End Terrace - a mid terrace, three storey town house located within the Winchester Conservation Area. Most of the adjoining properties have coach houses or garages at the end of their gardens, accessed from Middle Road which runs parallel to the rear of these properties.

There is a mix of architectural styles along Middle Road with 19th century dwellings present in addition to 20th and 21st century garages, many of which have been extended to provide ancillary accommodation at first floor level and many also provide off road parking within the ground floor to benefit of properties within West End Terrace.

The current garage building is a brick built single storey structure which has been clad in timber. The building is positioned at an angle to Middle Road, set back from the line of built form of both of the adjoining structures, an ancillary building to number 8 West End Terrace to the South and a dwelling house, Coachmans Cottage to the North which both abut Middle Road. The building provides both vehicle and pedestrian access from Middle Road through the provision of a dual use door and pedestrian access, via a set of steps, from the garden of the existing property.

Proposal

The proposed development seeks to demolish the existing single storey outbuilding which is currently in use as a garage in association with number 7 West End Terrace. The proposal seeks to erect a two storey outbuilding following the demolition of the existing outbuilding within a comparable position. The proposed outbuilding, like the existing, will be sited between a two storey dwellinghouse to the North (Coachmans Cottage) and a two storey contemporary outbuilding to the South (associated with number 8 West End Terrace).

The proposed outbuilding has a contemporary appearance with the predominant materials indicated to be timber and dark brick with dark grey windows. The proposed outbuilding provides a garage area at ground floor which is accessed from Middle Road to the rear, with ancillary accommodation above. Access to the main dwelling house and the residential garden is provided by a pedestrian access door within the West elevation, set at a lower level in comparison to the garden.

Relevant Planning History

Neighbouring Property 6 West End Terrace
18/00049/HOU (PER - 11.05.2018) - Extensions and alterations to Coachman's Cottage
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and extensions and alterations to garage.

Consultations

Representations:

City of Winchester Trust: 'This was felt to be a good design.'

7 letters received objecting to the application from 6 separate address' for the following material planning reasons:

- Loss of sunlight
- Overshadowing to the detriment of residential amenity
- Overlooking and loss of privacy
- Loss of bin storage
- Effect on surrounding conservation area
- Out of keeping with surrounding area
- Overdevelopment

1 letter neither objecting to nor supporting the Planning Application received.

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy (2013)
DS1, CP13, CP19, CP20

Winchester Local Plan Part 1 – Development Management and Site Allocations (2017)
DM1, DM15, DM16, DM17, DM27, DM28

National Planning Policy Guidance/Statements:

National Planning Policy Framework (2012)

Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice, BRE, (2011)

BS 8206-2: 2008 – Lighting for Buildings – Part 2: Code of Practice for Daylighting, British Standards Institute (2008)

National Planning Practice Guidance on Light Pollution, Department for Communities and Local Government (2013)

Supplementary Planning Guidance

High Quality Places, 2015

West Fulflood and Oram's Arbour Neighbourhood Design Statement

Planning Considerations

Principle of Development

The proposal is for the erection of a two storey outbuilding following demolition of the existing single storey garage outbuilding. The development is situated in the settlement boundary of Winchester, where the principle of development is acceptable, provided that the development is in accordance with the policies of the Development Plan and unless material planning reasons indicate otherwise.

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Design/layout

The proposal seeks to replace this building with a two storey outbuilding built of timber across the first floor façade and dark brick across the ground floor elevations. The building has a natural zinc gable roof form which is set perpendicular to Middle Road and features three rooflights and a concealed gutter drainage system. A large dark grey framed window is placed facing the existing garden at first floor level adjacent to the proposed stairwell and a single dark grey framed window is proposed to face Middle Road. Within the Middle Road street scene, a number of outbuildings have been extended using modern materials. In this case, the proposed contemporary design and materials are considered to compliment the existing dwelling and surrounding area - continuing to respect the character and appearance of an ancillary building.

As part of the proposals, the adjoining timber decking to the rear is raised to match the level of the existing garden and the adjoining fence to the North is replaced with a 1.8 metre fence above the new garden level. It is considered that the proposed development is in keeping with its context.

Impact on Character of the Surrounding Area

Whilst not visible from West End Terrace, the proposal will be visible from the Middle Road elevation and from adjoining neighbouring properties situated within the conservation area. Within the surrounding context there exists a variety of roof forms which generally slope parallel to Middle Road. The proposed development introduces a gable roof form which is perpendicular to the road, resulting in gaps within the built frontage. This roof has been designed in consideration of a window located within the first floor side elevation of neighbouring property Coachmans Cottage, allowing a separation of built form to be maintained.

At ground floor level, the proposed building provides a car parking space, storage area and a stairwell to the rear providing access to the office/studio and WC above. The removal and replacement of the current outbuilding will provide ancillary accommodation to serve the main dwelling house. By virtue of its form and layout, the proposal is considered to remain subservient to the main house and largely follows the footprint of the existing garage outbuilding. Given this, the close proximity to the main dwelling and proposed building which are linked by a retained residential garden, it is not considered that the proposed outbuilding could easily be separated from the main dwelling to form a separate dwelling. Notwithstanding this, a condition is attached to ensure it is used for ancillary purposes to the main house in addition to the floor plans showing the facilities provided. Based upon this assessment the development is considered to have an acceptable impact on the character and appearance of the property and the surrounding conservation area in accordance with policies DM15, DM16 and DM23 of the Local Plan Part 2 (2017).

Impact upon Neighbouring Amenity:

Coachmans Cottage is the adjoining neighbouring property to the North of the proposed development. The Cottage is a small, two storey dwelling which features a ground floor lounge and first floor bedroom. Within the single storey mono-pitched outshot exists a kitchen and w/c, the outshot also allows light to reach the main lounge area through a rooflight, window and glazed door.

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This property functions independently from 6 West End Terrace and the two properties are divided by a wooden fence which is placed above a low retaining wall. Coachmans Cottage retains a small amenity area behind this wall and fencing which measures approximately two metres in length. The courtyard garden area is separated from the garden of 7 West End Terrace by a brick retaining wall which is topped by horizontal slatted fence. Whilst this property benefits from a grant of planning permission to construct a two storey rear extension and extension of the garden area, this is not considered to be affected by the proposed development.

The initial proposals have been amended in the consideration of this neighbouring property to reduce the projection to the rear by 0.75 metres and replace the zinc roof with natural zinc in order to reflect more light. The proposed outbuilding is located within a similar footprint to the existing single storey garage building and the impact of overshadowing and overbearing upon this property have been examined during the application process.

As part of the proposals, the land level of the adjoining land is raised by 0.45 metres, flush with the adjacent garden and the 1.35 metre boundary fence between these two properties is replaced by a 1.8 metre fence. This element of the proposal has been undertaken in response to the sunlight/daylight assessment which is based upon modelling from the drawings provided within the proposal submission. Furthermore, this increase in height is not expected to adversely affect the rear garden area of Coachmans Cottage by overbearing or overshadowing due to the limited increase in height of this Southern boundary in consideration of the existing high boundary treatment which encloses this space and proximity to the existing dwelling.

A daylight and sunlight assessment was provided to accompany the amended plans, investigating the impact of the proposed development upon the amenity of the two adjoining buildings. The assessment follows adopted guidance, practice and methods for both daylight and sunlight, modelling window locations that face within 90 degree of due South within both Coachmans Cottage and the outbuilding to number 8 West End Terrace. The report concludes that the "results of the detailed technical analysis demonstrate that all of the windows satisfy the BRE daylight criteria" and in accordance with acceptable guideline standards for sunlight.

The daylight and sunlight report is considered to adequately assess the impact of the development on the neighbouring property and assists in clarifying that the impact is acceptable and within agreed tolerances. In association with a detailed site assessment it is considered that the development would not adversely harm residential amenity through the loss of sunlight and is therefore considered acceptable in this regard and complies with policy DM17 of the LPP2.

The proposed gable roof form maintains a separation gap from the first floor bedroom window contained within the side elevation of Coachmans Cottage. Furthermore, no rooflights are proposed in close proximity of this window and on this basis the proposal is not considered to adversely affect the amenity of this property.

The outbuilding to number 8 West End Terrace is the adjoining neighbouring building to the South of the proposal. The proposal extends within a comparable size and scale to this recently completed adjoining outbuilding. The proposed window within the rear

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elevation is proposed to be set adjacent to the access stairway which restricts the opportunity to allow an angled view of this neighbouring property, focusing views back within the application site. It is therefore considered that by virtue of this layout, that the proposal would not result in significant overlooking to justify a refusal of permission on this issue.

An additional opening is proposed within the front elevation, facing onto Middle Road to allow light to enter the first floor office/studio. It is considered that the positioning and scale of this window is comparable with other first floor windows within this terrace and faces the high brick wall which forms the rear boundary treatment of properties within Clifton Road. As a result, any overlooking impact upon the neighbouring property adjacent to the East of the proposal, number 13 Clifton Road is considered to be negligible.

As demonstrated within the daylight and sunlight assessment provided, in addition to the above officers' assessment with regards to potential overlooking issues, the proposal is not considered to create a significant adverse overbearing, overshadowing or overlooking impact on the neighbouring properties. The development is not considered to adversely affect neighbouring amenity, in compliance with policy DM17 of the WD Local Plan Part 2 (2017).

Highways/Parking

The proposal seeks to retain a single car parking space within the ground floor of the proposed development in a similar arrangement to the existing parking provision. The level and nature of the additional office/studio accommodation above is not considered to materially increase the parking requirement on site and as a result, there will be no detrimental impact on the highways or parking in the area. Notwithstanding this, a condition is included that the garage shall not be used for any other primary purpose other than the parking of cars.

An internal dividing wall is proposed to isolate the car parking space from the pedestrian access to the upper floor and garden area. Whilst a limited storage space is provided within the rear of the proposal at ground floor, it is considered that no material change in bin, recycling and bike storage is undertaken as a result of the proposed development and that sufficient space is retained on site for ancillary storage purposes.

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Recommendation

Application Permitted, subject to the following condition(s):

Conditions:

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

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

02 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those as detailed in section 6 (materials) of the associated application forms.

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

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

Site and Location Plan (Drawing Number: 1909_001) Received: 28.07.2019

Proposed Block Plan (Drawing Number: 1909_100 Rev A) Received: 20.08.2019

Proposed Site and Roof Plan (Drawing Number: 1909_101 Rev A) Received: 20.08.2019

Proposed Ground Floor Plan (Drawing Number: 1909_201 Rev A) Received: 20.08.2019

Proposed First Floor Plan (Drawing Number: 1909_202 Rev A) Received: 20.08.2019

Proposed West Elevation (Drawing Number: 1909_301 Rev A) Received: 20.08.2019

Proposed East Elevation (Drawing Number: 1909_302 Rev A) Received: 20.08.2019

Proposed South Elevation (Drawing Number: 1909_305 Rev A) Received: 20.08.2019

Proposed North Elevation (Drawing Number: 1909_306 Rev A) Received: 20.08.2019

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

04 The proposed outbuilding hereby permitted shall only be used for purposes ancillary to the dwelling house. At no time shall the development be occupied as an independent unit of accommodation.

Reason: To accord with the terms of the application and to prevent the creation of inappropriate units of accommodation, possibly leading to over intensive use of the site.

05 The ground floor garages hereby approved shall not be used for any other primary purpose other than for the parking of cars.

Reason: To ensure the provision and retention of the garages/parking spaces in the interests of local amenity and highway safety.

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Informatives:

01

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

02

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

The Local Plan Part 1 (2013): DS1, CP13, CP19, CP20

The Local Plan Part 2 (2017): DM1, DM15, DM16, DM17, DM27, DM28

National Planning Policy Framework

High Quality Places, 2015

West Fulford and Oram's Arbour Neighbourhood Design Statement

03

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.

04

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

05

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>

06

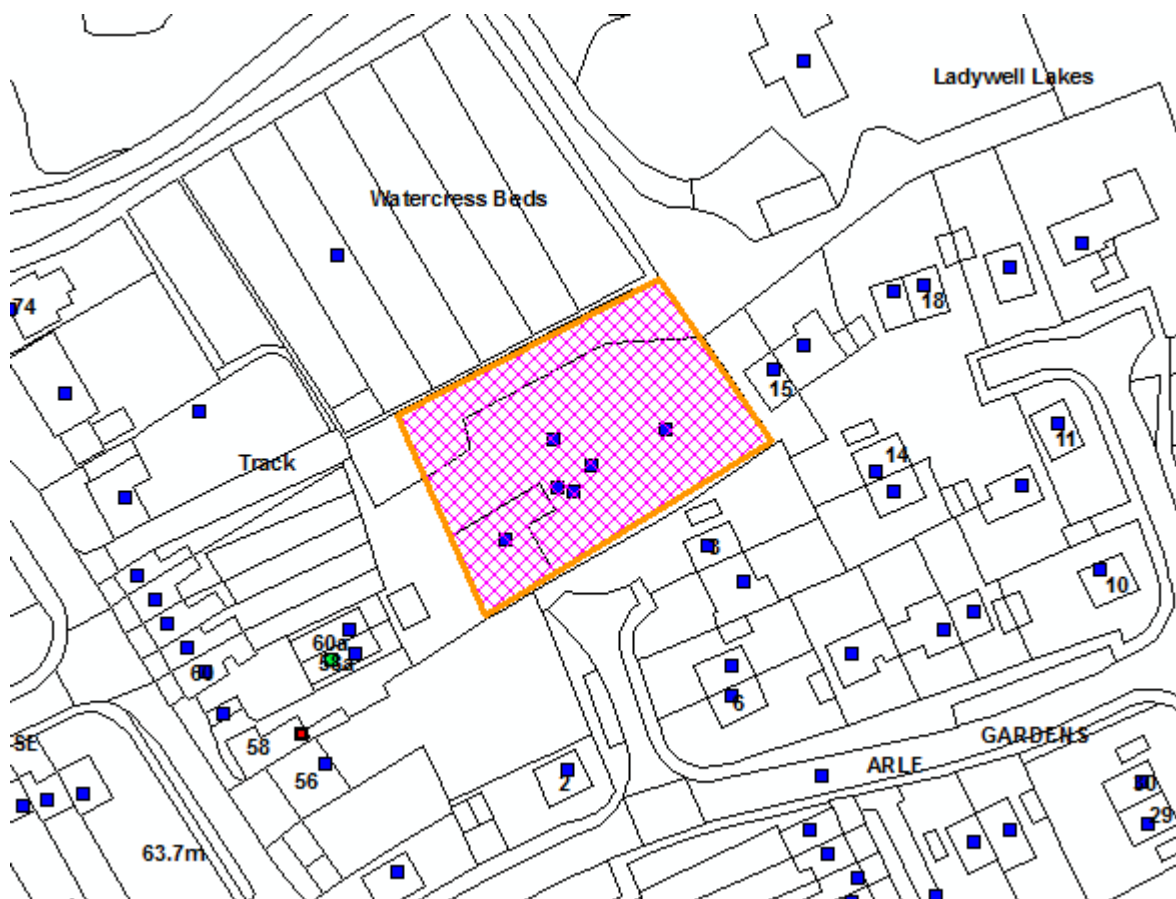
Please be advised that Building Regulations may be required for this development. Please contact WCC Building Control Department for more information (T: 01962 848176, E:

buildingcontrol@winchester.gov.uk)

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Case No: 19/01148/FUL
Proposal Description: AMENDED PLANS (09/09/19). Application Reference Number: 15/02890/FUL Date of Decision: 22/12/2017 Condition Number(s): 19 Conditions(s) Removal: To substitute revised site plan, floor plans, elevations, boundary treatment and landscaping scheme. To be carried out in accordance with revised plans
Address: Western Villa 58 The Dean Alresford SO24 9BD
Parish, or Ward if within Winchester City: New Alresford
Applicants Name: Mr Nick Eagle
Case Officer: Verity Osmond
Date Valid: 23 May 2019
Recommendation:



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General Comments

The application is reported to Committee as there are 7 public objections contrary to the Officer recommendation for approval.

Cllr Power originally objected to planning application and wished to defer the item to a Committee decision, however in light of the amended plans this objection has been withdrawn verbally on 25th September 2019.

An amended site plan showing the removal of the entrance gate and an amended landscaping plan were submitted on 9th September 2019. A further revised landscaping plan was submitted on 24th September showing the removal of the non-native species of shrub on the rear bank of the site.

There is a concurrent detail in compliance application running alongside the planning application. The pre-commencement conditions have been discharged and a significant amount of construction has already happened on site.

Site Description

The application site is located within New Alresford and is located towards the northern edge of the settlement boundary. The application site originally formed part of the rear garden of No.58 The Dean. Access to the site is afforded from Arle Gardens, with the access drive located in the south western corner of the site.

The application site is bounded by residential development to the south, east and west and there are watercress beds and open countryside to the north of the site. There is a significant levels change on the site, with the land sloping downwards to the north of the site and away from the four dwellings.

Proposal

The application has been submitted to vary condition 19 of 15/02890/FUL to substitute revised site plan, floor plans, elevations, boundary treatment and landscaping scheme.

Relevant Planning History

15/02890/FUL (PER 22.12.17) Erection of four houses
15/01377/PRE – Development of the site to provide 4 houses
13/01957/FUL (REF 15.01.14) Erection of 4 no. three bedroom dwellings
Pre application discussions were had to resolve the outstanding issues before the submission of the current application.

Consultations

Engineers: Drainage:

No drainage comments, as drainage conditions have been discharged through the details in compliance application

Engineers: Highways:

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No comments

Head of Landscape:

No objections to the revised landscaping plan submitted on 24th September 2019 as the main concern from a landscaping point of view was the planting on the rear bank of the site. The developer has since amended this and has replaced the non-native planting with native species.

Ecology:

No objection to new reptile mitigation report or ecology on the site.

Representations:

New Alresford Parish Council

- Objection to application for two reasons: the sliding gates at the entrance to the site and the species of planting. A re-consultation was sent to the Parish Council when revised plans were submitted, however no further has been received.

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

- Sliding gates to the entrance of the site
- Noise arising from development
- Landscaping of the site
- Traffic generation

0 letters of support received.

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy:

MTRA 2 – Market Towns and Larger Villages
DS1 – Development Strategy and Principles
CP2 – Housing Provision and Mix
CP11- Sustainable Low and Carbon Zero Built Environment
CP13 – High Quality Design
CP16 – Biodiversity

Winchester District Local Plan Part 2 – Development Management and Site Allocations

DM1- Location of New Development.
DM15 – Local Distinctiveness
DM16- Site Design Criteria
DM17 – Site Development Principles
DM18 Access and Parking_

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Supplementary Planning Guidance:

High Quality Places SPD.
Alresford Town Village Design Statement

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Planning Considerations

Principle of development

The application site is located within the settlement boundary of New Alresford where the principle of new residential development is accepted, provided the development is carried out in accordance with the relevant policies of the Development Plan and unless material planning considerations indicate otherwise.

Notwithstanding this, the principle of developing the site to provide four houses has already been previously established under planning application 15/02890/FUL. This application is not a re-submission of 15/02890/FUL and it only seeks to regularise the changes to the external layout and elevational alterations that have arisen through the construction phase of the development.

There is no change to housing mix proposed with this variation of condition application. The housing mix remains the same as originally approved and is for 1 x 2-bed, 1 x 3-bed and 2 x 4-bed dwellings. Policy CP2 expects the majority of units to be 2 and 3 bed and the development still accords with this stipulation.

Impact of Development on Character of the Area and Neighbour Amenity

The overall design of the scheme remains the same as existing, the four dwellings are located within the same position as originally approved under 15/02890/FUL. The form and housing mix of the properties remains the same as the approved, with the four dwellings provided in the form of semi-detached and detached properties with the housing mix as originally approved. The layout of the dwellings in relation to the surrounding properties remain as approved and is considered acceptable in relation to the property types and layout of the surrounding dwellings.

The elevational changes to the properties include full width patio doors on the rear elevations of all houses instead of the dual patio doors approved under the previous planning application. The raised patio/decking area to all dwellings has also been replaced with a flight of steps from the patio area to the garden. Whilst the full width patio doors result in larger expanse of the glass on the ground floor of the rear elevations, given that patio doors and ground floor windows were approved originally on the rear elevations of all dwellings, the level of glazing now proposed is not considered to result in significant harm over and above that already approved at the site.

There is additional elevational changes to plot 4 which is the eastern most property within the plot. The first floor window has been removed from the south west elevation and a ground floor window has been removed from the south eastern elevation of this property. There are no other changes to the approved elevations. The elevational changes to the dwellings are not considered to detract from the overall contemporary design of the scheme and are not considered to result in significant visual harm in accordance with Policy DM15, DM16 of WDLPP2 and The High Quality Places SPD.

The materials and detailing have been approved under the details in compliance application which was submitted to discharge the conditions attached to planning application 15/02890/FUL.

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The proposed revisions to the scheme are not considered to result in significant overlooking, overshadowing or overbearing impact over and beyond the original application approved under 15/02890/FUL. The height of the dwellings has been measured under the concurrent details in compliance application, and the dwellings have been constructed at the height approved originally. Furthermore, there are still no windows on the north eastern elevation of plot 4 and only one ground floor window on the south western elevation of plot 1 which will be obscured by the retaining wall structure.

The proposed variation of condition accords with Policy DM17 of WDLPP2.

The application originally proposed sliding gates at the entrance of the application site. In response to concerns expressed regarding this element, the developer has since removed the sliding gate, this has been reflected with the revised site plan.

A retaining wall has been constructed to the western side of plot 1 between the site boundary and the neighbouring property at Number 58 The Dean. This is necessary in order to deal with the sloping levels on the site; it is screened from Arle Gardens by dense vegetation to the front of the site.

A 1.8m close boarded fence has been erected to the front of the site; however this is the neighbours (No.3 Arle Gardens) northern side boundary and replaces a previous 1.8m fence. The replacement fence is permitted development, however the developer has provided planting on the piece of the land between the boundary fence and No.3 Arle Gardens which will help to soften the appearance of the fence over time.

Concerns have been expressed in relation to the landscaping of the scheme. The council has been working pro-actively with the developer in order to improve the landscaping scheme for the site with numerous revisions submitted to the council for consideration. The south western boundary of the site was the main area of concern as this is the boundary which faces the neighbouring properties within The Dean.

A row of betula pendula trees (silver birch) have been planted along this south western boundary in order to soften the appearance of the close boarded fence and improve the outlook of the adjoining properties within The Dean. The level of tree cover within the site as whole is considered to be acceptable to both improve the relationship between the application site and neighbouring amenity, but also to ensure that the site does not become too shaded which would be detrimental to reptiles that inhabit the site.

The non-native species to the rear of the site that had been planted on the bank leading from the rear gardens of plot 1-4 to the nature reserve has been removed and replaced with a more species rich mixture of native shrubs and plants. This is considered to improve the overall landscape strategy for the site by providing dense planting that will attract insects and provide cover for reptiles.

Ecology

A Deed of Variation is required to the original S106 Agreement as a revised reptile mitigation strategy has been submitted to deal with the site. The reason for the new reptile mitigation site plan (amendment to figure 7 of the original s106) is because during works,
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two deviations from the original reptile strategy were required. A small section of the western edge of the receptor area (shaded orange on both plans) was not included as it was needed to provide an access route from the upper part of the site to enable the movement of topsoil for filling in the watercress beds (part of the long term receptor enhancement/habitat creation and this area was 'captured out' prior to any plant movement.

The second deviation is seen within the area of targeted grassland creation (green shading). This has now changed into a central area taking in part of the green area and part of the blue area of the original plan, which is now shown outlined in red on this plan in the updated reptile capture zone. Both of these areas have been included in the receptor site and through the Deed of Variation, will be protected long term under Section 106 that deals with management prescriptions and provides funding for this management in perpetuity.

Highways/Parking

There is no change to the access or parking arrangements to those approved previously. The development provides for 10 allocated car parking spaces in addition to a visitor parking space. The level of parking accords with the relevant parking standards. As a turning point for refuse vehicles can not be provided within the site boundary, a bin collection area is provided at the site access junction with Alre Gardens.

The development is in accordance with Policy DM18 of WDLPP2.

Other Matters

A separate appropriate assessment in relation to the nitrate issue has been completed and is attached to this case. The appropriate assessment concludes that as planning permission 15/02890/FUL has already been lawfully implemented, nitrate mitigation is not required under this application. When the application was submitted to vary condition 19 of 15/02890/FUL, a significant proportion of the development had already been constructed including the four dwellings which were nearing completion. Therefore, it is not considered necessary to require new mitigation under this planning application, as the original planning permission has already been lawfully implemented at the application site.

In summary, as planning permission 15/02890/FUL has been lawfully implemented, it is not considered that the proposed variation of condition would result in any further significant harm in terms of nitrates over and beyond that previously approved site which has been lawfully implemented without appropriate nitrate mitigation.

Planning Obligations/Agreements

A Deed of Variation to the original Section 106 (15/02890/FUL) is required as a new ecology report has been submitted which will amend some parts of the original S106 Agreement. This subsequent reptile mitigation report will need to be included in a new appendix to the original agreement. The new section 73 application number also needs to be referenced in the Deed of Variation.

In seeking the planning obligation for the new reptile mitigation report, the Local Planning Authority has had regard to the tests laid down in para 204 of the NPPF which requires the

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obligations to be necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

Recommendation

Application Permitted subject to the following condition(s):

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

Conditions:

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

Site Plan Drawing no. D-1126 REV D
Site Section Drawing no. D-1511
Planting Proposals Drawing no. 0.0158_01 REV F
House 1 Elevations Drawing no. D-3105 REV C
House 2 and 3 Elevations Drawing no. T-2201 REV F
House 4 Elevations Drawing no. D-3107 REV B
Proposed First Floor Plan Drawing no. D-2103 REV E
Proposed Ground Floor Drawing no. D-2101 REV E

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

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

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

03. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order, with or without modification), no windows other than those expressly authorised by this permission shall, at any time, be constructed in the side elevations of all dwellings and the front elevations of House 4 hereby permitted.

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

04. The first floor window(s) in the front elevation of House 4 hereby permitted shall be glazed with obscure glass which achieves an obscuration level at least equivalent to
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Pilkington Obscure Glass Privacy Level 4, unless otherwise agreed in writing by the local planning authority, and the glazing shall thereafter be retained in this condition at all times.

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

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

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

06. 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. NB – potentially contaminated ground conditions include infilled ground, visual evidence of contamination or materials with an unusual odour or appearance.

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

07. The hard and soft landscaping works shall be carried out in accordance with the landscaping proposals approved by Drawing no. 0.0158_01 REV F. The works shall be carried out before the use hereby permitted is commenced and prior to the completion of the development or in accordance with the programme agreed with the Local Planning Authority. If within a period of five years after planting any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: 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.

08. Works shall be carried out in full accordance with the specific recommendations and mitigation measures set out with the Ecological Appraisal Report of June 2016 and the Reptile Capture Report of September 2018.

Reason: In order to secure adequate ecological mitigation and enhancement.

09. All boundary treatments as shown on Drawing D-1126 Rev D, shall be retained in this condition at all times and shall not be removed at any time. Development shall be carried out in accordance with the approved details.

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

Case No: 19/01148/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Informatives:

01. 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.

02. 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

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

Winchester District Local Plan Part 1 (2013): MTRA 2, DS1, CP2, CP11, CP13, CP16

Winchester District Local Plan Part 2 (2017): DM15, DM16, DM17, DM18

Winchester District High Quality Places Supplementary Planning Document

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

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

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

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

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REPORT TITLE: CHANGES TO THE PROCESS FOR CONFIRMING NEW TREE PRESERVATION ORDERS WHICH RECEIVE 5 OBJECTIONS OR LESS.

23 OCTOBER 2019

REPORT OF CABINET MEMBER: Cllr Jackie Porter Cabinet Member for Built Environment and Wellbeing

Contact Officer: Susan Croker Tel No: 01962 848419 Email scroker@winchester.gov.uk

WARD(S): ALL

PURPOSE

To seek approval to request amendments to the Constitution which increase the number of objections required to trigger a referral of the decision to make a Tree Preservation Order (TPO) to Planning Committee, from 1 objection to 6.

To delegate the responsibility for the decision to confirm a Tree Preservation Order for which 5 or less objections are received from separate households (where they raise relevant considerations) to the Service Lead - Environmental Services or Service Lead – Built Environment.

RECOMMENDATIONS:

1. That it be recommended to Council that an amendment be made to the Constitution as follows:
 - a. Increase the number of objections received from separate households where they raise relevant considerations, which trigger referral of a decision to make a Tree Preservation Orders by Planning Committee from 1 objection to 6.
 - b. Delegate to the Service Lead - Environmental Services and Service Lead – Built Environment determination of the decision to make a Tree Preservation Order on which 1 to 5 objections are received by the Council.
 - c. Representations made by Members or Parish Councils will continue to be heard by the Planning Committee.

IMPLICATIONS:1 COUNCIL STRATEGY OUTCOME

- 1.1 Agreeing the recommendation outlined above will help deliver Objective Four of the Council Strategy – Improving the quality of the District’s environment. Trees are a crucial component of the District’s environment, providing a number of key benefits including landscape, biodiversity, pollution filtering and mitigating the effects of climate change and weather. By adopting an effective and appropriate method of identifying trees in need of protection through Tree Preservation Orders, the City Council will be ensuring key trees and the benefits they provided are retained.

2 FINANCIAL IMPLICATIONS

- 2.1 No implications identified.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 The report requests amendments to the Constitution to increase efficiencies to the Planning Committee’s considerations. The key areas of law relating to the Tree Preservation Order determinations are:-

- a) Part VIII of the Town and Country Planning Act 1990 as amended;
- b) The Town and Country Planning (Tree Preservation) (England) Regulations 2012 which came into force on 6 April 2012.
- c) Section 192 of the Planning Act 2008 made further amendments to the 1990 Act which allowed for the transfer of provisions from within existing Tree Preservation Orders to regulations.
- d) Part 6 of the Localism Act 2011 amended section 210 of the Town and Country Planning Act 1990 concerning time limits for proceedings in regard to non-compliance with Tree Preservation Order Regulations.

- 3.2 Central government guidance is clear that anyone with an interest must be given the opportunity to object to, or comment on, a new Tree Preservation Order. The local authority must take into account all duly made objections and representations. Central government guidance continues to state that authorities should bear in mind that, since they are responsible for making and confirming Orders, they are in effect both proposer and judge.

- 3.3 Human rights considerations require that decisions are determined at both the “making” and “confirmation” of an order with a degree of separation of the decision makers and that such decision occurs in a transparent, even-handed and open manner.

- 3.4 A challenge may occur to the actual steps undertaken in the process, for example, a failure to take appropriate account of objections; and /or to the

Council’s procedure, for example, a lack of transparency or separation. The recommended procedure will entail the Tree Officers and Landscape and Open Spaces Manager determining the “making” of an Order and the Service Lead the “confirmation” of an Order.

3.5 If the recommendation is accepted, there will need to be a change to the Constitution by Full Council.

4 WORKFORCE IMPLICATIONS

4.1 The recommended procedural amendment will enable the Planning Committee to focus on the determination of planning applications which are core to the heads of terms of the Committee, currently increasing the time constraints on Officers and Members.

5 PROPERTY AND ASSET IMPLICATIONS

5.1 None

6 CONSULTATION AND COMMUNICATION

6.1 None

7 ENVIRONMENTAL CONSIDERATIONS

7.1 Trees are a crucial component of the District’s environment, providing a number of key benefits including landscape, biodiversity, pollution filtering and mitigating the effects of climate change and weather. By adopting an effective and appropriate method of identifying trees in need of protection through a Tree Preservation Order, the City Council will be ensuring key trees and the benefits they provided are retained and protected.

8 EQUALITY IMPACT ASSESSEMENT

8.1 None

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 None required.

10 RISK MANAGEMENT

10.1 Not applicable

Risk	Mitigation	Opportunities
<i>Property</i>	N/A	N/A
<i>Community Support</i>	N/A	N/A
<i>Timescales</i>	N/A	Ensure the timely confirmation of TPO’s.

<i>Project capacity</i>	N/A	N/A
<i>Financial / VfM</i>	N/A	N/A
<i>Legal</i>	Ensuring the opportunity for an internal review and secondary determination by a separate Officer decrease the risk of a challenge to the decision.	N/A
<i>Innovation</i>	N/A	N/A
<i>Reputation</i>	By ensuring that a separate officer considers the original TPO and confirmation if objections are received, reduces the risk to reputation.	
<i>Other</i>		

11 SUPPORTING INFORMATION:

11.1 Back ground

11.2 A Tree Preservation Order (TPO) is made by Winchester City Council where it considers it expedient and in the interests of amenity to protect specific trees, groups of trees, areas of trees or woodlands. The order prohibits a range of work including cutting down, lopping, topping or wilful damage. However, once a TPO has been confirmed, an application for works on the tree can be made to the City Council for consideration.

11.3 When making an Order, the City Council is required to consider what 'amenity' and 'expedient' means in practice and how to assess amenity value. As 'amenity' is not defined in law, the City Council exercises its judgement accordingly when deciding whether it is within its power to make an Order.

11.4 When the City Council considers it expedient to make a provisional Order, it is required to serve notice on anyone who has an interest in the land, inviting representations about any of the trees covered by the Order. A copy of the Order is also made available for public inspection. It is a statutory requirement that people are given the opportunity to object to, or comment on a provisional TPO before it is decided. When deciding whether to confirm an Order, the City Council must take into account all 'duly made' objections and representations that have not been withdrawn.

11.5 Current procedure for confirming a TPO

11.6 When the City Council receives 1 or more objections to a provisional TPO, the decision as to whether the Order is confirmed and made permanent is made by the Planning Committee. This is not in line with other planning applications which require 6 objections or more (from separate households) before they are referred to the Planning Committee for a decision.

- 11.7 Ward Members and Parish Councils can also request that a TPO confirmation is made by the Planning Committee. In accordance with the current procedure for planning applications, they are required to complete a standard form setting out their reasons for a Committee determination.
- 11.8 Request for a change in procedures for confirming a provisional TPO
- 11.9 Members of the Planning Committee have requested that the existing procedure be changed in line with other planning applications and that TPO's should only be put before Planning Committee where they receive 6 objections or more (from separate households), or where there is a request from a Ward Member and/or Parish Council via a standard form.
- 11.10 Where there are between 1 and 5 objections received, the decision as to whether a new Order should be confirmed or not will be delegated to officers for a decision. To ensure transparency, the officer who considers the objections (Service Lead – Built Environment or Service Lead – Environmental Services) will not be the officer who approved and signed off the provisional Order (Landscape and Open Spaces Manager).
- 11.11 If the owner of a tree protected by a provisional TPO which has been newly confirmed and made permanent, considers it to be unfair and unjust following their original objection, they are within their rights to submit an application to carry out works (including felling) to the protected tree. Any fresh application will be considered on its merits but will likely be refused unless adequate supporting information is submitted to justify the proposed works. At this point the applicant has the right to appeal against the Council's decision in line with other planning applications, and that appeal would be decided by a Government appointed Inspector.
- 11.12 The decision as to whether a provisional Order should be confirmed where there are 6 objections or more (from separate households) will continue to be heard by the Planning Committee.
- 11.13 Representations made by Ward Members or Parish Councils will continue to be heard by the Planning Committee. In accordance with the current procedure, they will be required to complete a standard form setting out their reasons for a Committee determination.
- 11.14 Implications
- 11.15 This change in procedure is anticipated to result in a significant reduction in TPO's being heard at Planning Committee as the majority receive less than 5 objections.

12 OTHER OPTIONS CONSIDERED AND REJECTED

12.1 None

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

None

Other Background Documents:-

None

APPENDICES:

None