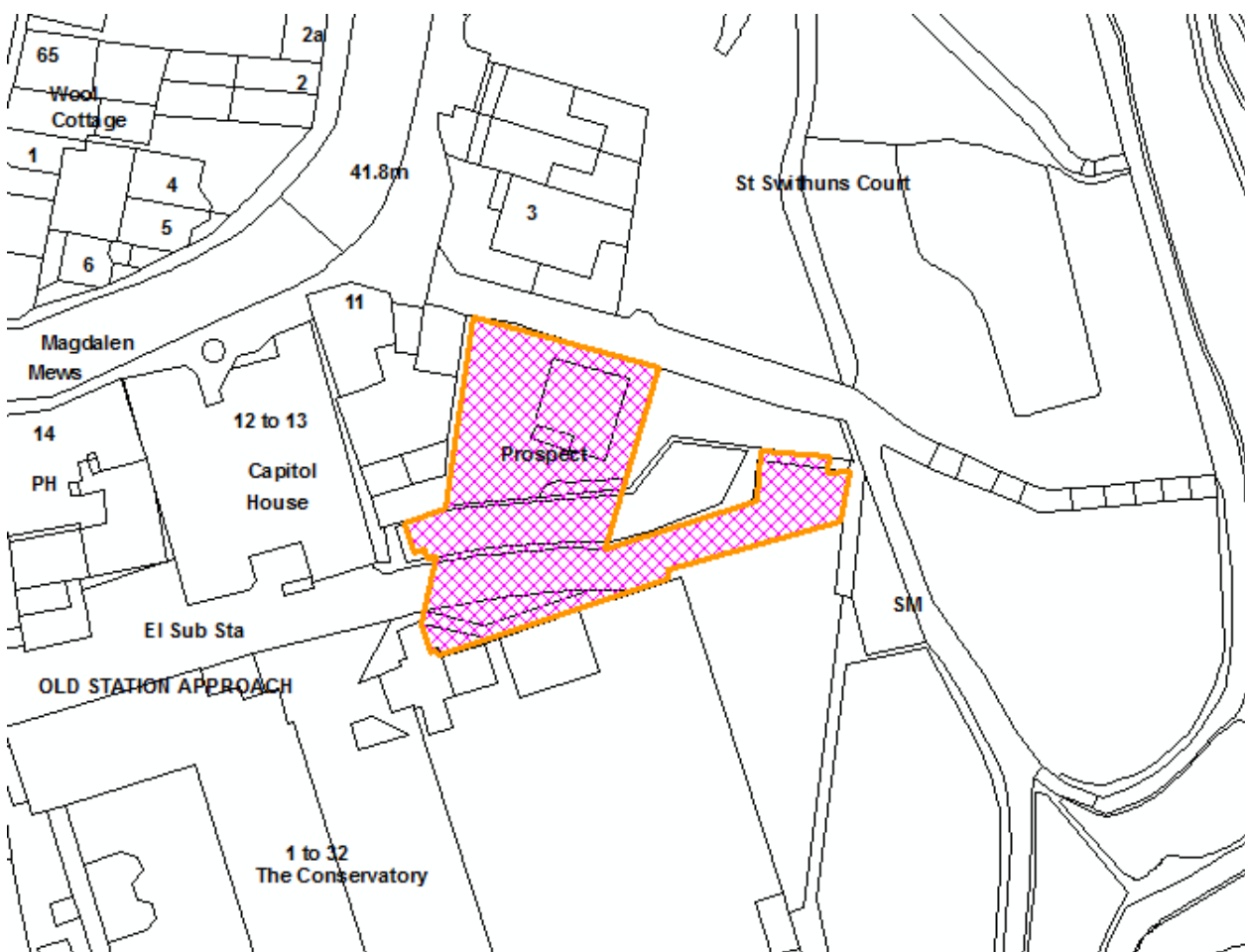


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 20/00324/FUL
Proposal Description: Erection of 1 x 3 bedroom dwelling including new stairs to Old Station Approach
Address: Prospect House 15 Magdalen Hill Winchester SO23 0HJ
Parish, or Ward if within Winchester City: St Michael
Applicants Name: Mr Kevan Netherwood
Case Officer: Mrs Megan Osborn
Date Valid: 13 February 2020
Recommendation: Permit

Link to Planning Documents : [Planning documents](#)

Pre Application Advice: Yes



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General Comments

Application is reported to Committee due to the number of objections received contrary to the officer recommendation (17).

There was a previously refused application on this site for the demolition of the existing dwelling on the site and replacement with four dwellings, 3x3 bed and 1x2 bedrooms. This was refused at committee after an officer recommendation to refuse for the following reasons:

01 The proposed demolition of the building and puncturing of the front wall are contrary to paragraph 195 of the NPPF, Local Plan Part 2 policies DM28 and DM31, and CP20 of Local Plan Part One, in that it would lead to substantial harm of the Conservation Area as a Heritage Asset and the total loss of significance of a building, which has been determined to be an undesignated heritage asset contributing significantly to the character and appearance of the street scene of this part of the Conservation Area. It has not been demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

02 The development proposed is contrary to policies CP13 and CP20 of the Winchester District Local Plan Part 1, policies DM15, DM16, DM17, DM27 of the Winchester District Local Plan Part 2 and the Winchester District High Quality Places supplementary planning document in that, it fails to respond positively to the local environment through a contextual approach and would, by reason of its siting, size, height, scale, design and appearance, and loss of space to the front of the building, result in a form of development which would create a cramped and incongruous intrusion in the street scene. The proposal will therefore have a materially harmful impact on the character and appearance of the surrounding area, failing to conserve the special interest of the Conservation Area thereby leading to the substantial harm of it as a Heritage Asset.

03 The proposed development by reason of its proximity and relationship to the trees (protected by virtue of them being in a Conservation Area) to the south of the site would be likely to result in future pressure for the pruning of those trees to the detriment of their amenity value and the visual amenities of the surrounding area. It would therefore be contrary to policies CP20 of Winchester District Local Plan Part 1 and DM15 and DM24 of Winchester District local Plan Part 2.

04 In the absence of adequate information demonstrating the relationship between the proposed dwelling and the buildings opposite, the proposal is contrary to policy DM17 of the Winchester District Local Plan Part 2 in that the proposed replacement dwellings will likely result in an overshadowing and overbearing impact on the houses and amenity space of St Swithuns Court, to the detriment of their amenities.

05 The proposal fails to make provision for a programme of archaeological mitigation work which would ensure that information deriving from heritage assets present within the site is preserved for future generations in line with Policy DM26 Winchester District Local Plan Part 2; Policy CP20 of the Winchester District Joint Core Strategy and the NPPF.

06 The proposal fails to provide sufficient, safe and accessible parking spaces for the
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proposed dwellings and therefore is contrary to policy DM18 of the Winchester Local Plan Part 2.

The previous planning application proposed to demolish the existing dwelling and replace it with 4 dwellings in terrace form. This proposal keeps the existing property and proposes one dwelling in the garden area to the side of the existing.

In light of the consultation response from the Conservation Officer, amended plans have been submitted for this application, which moves the proposed dwelling away from the existing by approx. 0.5m. This was to allow more space between the existing dwelling, and the proposed in relation to the surrounding context of the street.

Site Description

The proposed site is located off Bridge Street at the end of a public footpath to St Giles Hill. It is located within the City centre of Winchester, and within Winchester's Conservation Area.

The building is located on a pedestrian lane in an area which contains many older properties, including nearby Grade II listed building, the Rising Sun freehouse, the Grade II listed building the Chesil Rectory and St Johns Church (the oldest parish church in Winchester) to the north.

The buildings surrounding the proposed site include a mixture of residential and commercial properties, with a mixture of architectural designs.

The site fronts on to the public footpath to the north and had a group of trees within the site to the south of the dwelling. Since the application has been submitted to the trees to the rear have been removed and a Sycamore Tree has been retained.

The existing building on site is the Old station master Cottage and is considered to be an historical asset, this is to be retained.

Proposal

The proposal is to retain the existing dwelling on the site and erect a 3 bedroom dwelling to the west of the existing house. Parking for this dwelling would be located to the rear of the site.

Relevant Planning History

19/00815/FUL - Proposed development of 3x3 bed dwellings and 1x2 bed dwelling following the removal of Prospect House. Refused 15th August 2019.

Consultations

Service Lead Built Environment:

Historic Environment

The Conservation Officer objected to the previous application, however this proposal overcomes their objection to the four house application by keeping the existing dwelling and respecting the surrounding Conservation Area. They advised that if changes were

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made to the relationship of the proposed dwelling in relation to the existing historical asset then this development would then be acceptable. Amendments were made to the application in plans submitted on the 30th March, the Conservation Officer was satisfied that the amendments address their concerns.

Urban Design: Comments made on the location of the building in relation to the existing dwelling. The changes made to this application from the previously refused scheme address reason for refusal 2 and this proposal is acceptable. The amended plans, for this application, moving the houses away from each other, address the further concerns raised by the urban design officer and no objection is therefore raised.

Service Lead Environment:

Engineers: Drainage: No objection, subject to condition number 7

Landscape: No objections, on the proviso that the scheme is developed in substantial accordance with the submitted Taylor Tripp Scheme of Hard and Soft Landscaping plan (TT RAD PRO.501.4 Rev C). Condition number 14

Trees – no objection

Comments made regarding the remaining Sycamore Tree to the rear of the site relating to the impact this tree may have on future residents of this dwelling. This has now been resolved due to the removal of the tree to the rear and further work carried out by the applicant.

Engineers: Highways:

No objection, recommend using standing advice.

Southern Water:

No objections

Representations:

City of Winchester Trust: The Trust commends the thoughtful revision of plans for this site. The proposed new dwelling has been designed so as to fit well into this Conservation Area context.

17 representations received from different households objecting to the application for the following reasons:

- Doesn't address the previous reasons for refusal.
- Mass, scale, bulk not acceptable in relation to character of area and the historical asset.
- The house is overbearing.
- Loss of light to St Swithuns Court.
- Will spoil this part of the Conservation Area.
- This dwelling would result in overlooking to Pipe Kiln Court.
- This squeezes a new dwelling onto the site and is too cramped

10 reps of support from different households received and 1 neutral.

- The new house fits into the surrounding area.

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- The existing house is retains which respects the historical asset.
- This dwelling would add to the continuous built up development in the street.
- This has taken into consideration the reasons for refusal.

The application was re-advertised following amended plans and no further comments have been received.

Relevant Planning Policy:

Winchester District Local Plan Part 1 – Joint Core Strategy
CP2, CP3, CP13, CP16, CP20

Winchester Local Plan Part 2
DM15, DM16, DM17, DM23, DM24, DM26, DM27, DM28, DM31

National Planning Policy Guidance/Statements:

National Planning Policy Framework
National Planning Practice Guidance
National Design Guide

Other documents

Winchester City Council Residential parking standards 2009

Planning Considerations

Principle of development

Paragraph 47 of the NPPF requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The site is located within the development boundary of Winchester where the principle of new dwellings in this area is acceptable subject to meeting Development Plan policies.

Impact on character of area and neighbouring property

The site lies within the Conservation Area of Winchester. The previous application was refused for reasons relating to the loss of the historical asset and the new proposed four dwellings being out of keeping with the character of the area in terms of siting, size, height, scale, design and appearance. This application retains the existing building and therefore overcomes the previous reason for refusal relating to the loss of a historical asset and proposes 1 dwelling in the side garden of this property.

Alterations were made during the planning process, in response to the Conservation officer's consultation response, to move the proposed dwelling away from Prospect House to enhance legibility between the two dwellings. This proposal for a new dwelling, rather than four new dwellings, with the addition of being moved away from the historical asset, results in a better layout of the site with circulation space between the dwellings and therefore it sits well within the context of the site.

One new dwelling, rather than four has resulted in fewer openings in the flint wall, which was also a concern on the previous application.

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The new dwelling is modest in size, and its design respects that of the neighbouring historical asset, Prospect House and the context to which it is located within a Conservation Area and nearby listed buildings.

This site is located with the Conservation Area of Winchester and is within 500m of surrounding listed buildings further down Magdalen Hill. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area. The site relates well to the surrounding Conservation Area, and the proposal to have one additional dwelling on the site, alongside the existing dwelling, is considered acceptable in relation to its context in the Conservation Area and nearby setting of listed buildings. The design of the building along with the use of materials ensures that the development sits comfortably with its surroundings and will not appear incongruous. Based upon the above assessment it is not considered that the proposed development would have an unacceptable impact on the character or appearance of the Conservation Area and would have a neutral effect on the surrounding area and thus preserve the setting of the Conservation Area in accordance with Sections 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in compliance with DM27 of the LPP2 and para 16 of the NPPF.

The previous application included a reason for refusal (no. 4) relating to insufficient information being submitted relating to impact on neighbouring properties in St Swithuns Court. With this application a shadow analysis has been submitted to show the movement of the sun in the sky at different times of the year in relation to the location of the new dwelling. The Shadow Analysis shows that the new dwelling would not result in any significant overshadowing towards these dwellings and their gardens for most of the year and times of day in relation to the existing situation. There is however a difference in the level of shadowing towards the rear garden of 1 St Swithins Count in March at about 3pm, however this is short lived and by 5pm in March the same garden is overshadowed by the existing buildings in Kiln Pipe Court. This level of overshadowing, as explained in the previous sentence, will only be for the winter months because the sun is lower in the sky and in the summer months, when the sun is higher in the sky, there will be no overshadowing. Therefore the level of overshadowing is considered acceptable in relation material planning harm on these neighbouring properties.

The proposal is considered to be acceptable in terms of overbearing in that it retains the original dwelling and proposes a dwelling further down the slope on a lower level. There is a reasonable distance between this and the neighbouring dwellings opposite in St Swithuns Court and with a proposed pitched roof sloping away from these dwellings an overbearing effect would be avoided. When considering the relationship with the dwellings in Kiln Pipe Court, it is considered that, although the mass will be greater than that of existing boundary treatment along this boundary, the addition of a building in this location will not result in any material planning harm in terms of overbearing.

The same goes when assessing the impact of overlooking of this dwelling on neighbouring occupiers. There are two windows on the western elevation of the new dwelling, but they have been conditioned to be obscurely glazed as they are bathroom windows. There are windows on the front of the property, however it is considered that these would not result in any material planning harm in terms of overlooking that would warrant the refusal of this application

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It is considered that this application is acceptable in relation to impact on neighbouring amenities and therefore is acceptable in relation to policies DM15, DM16 and DM17 of the LPP2.

Landscape/Trees

Concerns have been raised by the tree officer regarding the trees to the south of the site in that they would result in overshadowing and future pressure to fell the trees. Since this application has been submitted the applicant has removed the trees to the south, with consent (19/01630/TPC), to demonstrate how much light would be available for the new dwelling. There is a remaining Sycamore Tree to the south of the proposed dwelling, which has visual public amenity especially when viewed from Bridge Street linking with the trees in the backdrop of St Giles' Hill and therefore needs to remain on site.

Since the other trees have been removed to the south, the amount of light that would now be received by the rear windows on the proposed dwelling would be acceptable and would alleviate the issue of loss of light due to the trees to the south.

The other area of concern from the tree officer related to the position of the remaining Sycamore tree in relation to the proposed new dwelling, and that it would result in future pressure to fell this tree due to seedlings dropping and sap on the windows of the dwelling. The tree in question is protected as it is a tree within the Conservation Area of Winchester and therefore any proposed works to it would have to be notified to the Council.

It is therefore considered that it has been demonstrated that the previous reason for refusal (no. 3) has been overcome and therefore is acceptable in relation to this dwelling and in relation to the relevant tree policies CP20 of the LPP1 and DM15 and 24 of the LPP2.

Highways/Parking

The existing dwelling and the new dwelling are provided with one parking space each to the rear of the site and accessed down steps to Station Approach. This is an access that is already used by a number of vehicles and therefore it is acceptable in highways terms, and the standing advice of Hampshire County Council. Although the provision of two parking spaces does not meet the parking standards as set out in Winchester City Council's adopted parking standards 2009, it is considered that in this highly sustainable location, adjacent to a public car park with areas of resident parking in areas surrounding the site, this reduced rate is therefore acceptable in this instance.

The previous reason for refusal regarding parking (no. 6), related to an addition of two more dwellings on the site whereas the proposal involves one additional dwelling which reduces the impact on the amount of on road parking needed and is therefore acceptable and in line with planning policy DM18 of the LPP2.

Drainage

The site is within Flood Zone 1 and is at very low risk of surface water flooding. The geology is chalk. Soakaways are proposed for surface water drainage, infiltration testing is required. Foul drainage is to drain to the foul sewer. This development is in line with planning policy CP17 of the LPP1.

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Archaeology

The proposal site lies towards the foot of St Giles Hill, within the historic eastern suburb of Winchester. Although the site lies to the east of the area of the Roman cemetery, it is close to the East Gate of the Roman town and to previously identified Roman remains in the eastern suburb; these include several Roman pits, at least one possibly a lime kiln found to the south of the site.

The eastern suburb also contains evidence of late Saxon occupation and activity and several high status medieval buildings are located on Magdalen Hill. Three 19th century clay pipe kilns have also recently been excavated to the west of the proposal site.

Sufficient background information on the proposal site has been received and assessed and it is acceptable.

Given its location, the proposal site may contain buried archaeological remains, as concluded in Section 11 of the previous Archaeological DBA (Desk Based Assessment). Any such remains may be disturbed by groundworks associated with the proposal, arising from construction groundworks and related services, drainage and landscaping works. However the submitted information addresses this.

As this application is now recommended for approval, the previous archaeological objections can be dealt with by condition (conditions 8 and 9) and the proposal accords with the Local Plan policy DM26.

Nitrates

The site is located in an area where Natural England has raised concern regarding the continued discharge of nitrates and phosphorus (nutrients) due to its proximity to and impact, resulting from eutrophication, on the Solent water environment, recognised as being internationally important for its wildlife and safeguarded by Special Protection Area designations. In relation to this proposal a Nitrate budget has been submitted, which demonstrates that the development would result in additional nitrogen being released into the sewerage system and appropriate mitigation will be required in order to achieve the neutrality that is required.

The applicants have agreed to the Grampian condition, set out in the Council's Position Statement on nitrate neutral development. An Appropriate Assessment has been undertaken in accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017 and policy CP16 of the Local Plan Part 1 and subject to the provision of these mitigation measures the development will not result in an adverse impact on the ecology of the area and is therefore acceptable in this respect (condition 15).

Other Matters

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

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Conclusion

It is considered that the proposal respects the character of the surrounding area and Prospect House and this application addresses the reasons for refusal on the previous application and therefore this application is acceptable in relation to planning policies CP2, CP3, CP13, CP16, CP20 of the LPP1 and DM15, DM16, DM17, DM23, DM24, DM26, DM27, DM28, DM31 of the LPP2.

Recommendation

Application Permitted subject to the following condition(s):

Conditions

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

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

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

7419	D101B	proposed site plan
	D102A	proposed floor plans
	D103A	proposed elevations
	D104A	street section – Magdalen Hill
	D105A	street section – Old Station Approach
	D107	Shadow Analysis

7419	E101	existing site plan
	E102	existing floor plans
	E103	Existing elevations
	L100	Location Plan
	TT.RAD.PRO.501.4	Hard and Soft Landscaping

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

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

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

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the development hereby permitted is occupied. Development shall be carried out in accordance with the approved details.

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

5. 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.

6. Prior to the commencement of the development hereby permitted, detailed information demonstrating that the development will achieve a dwelling emission rate (DER) at least 19% lower than the 2013 Part L Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and no more than 105 Litres per person per day predicted internal water use (110 Litres per person per day total) (Equivalent of Code for Sustainable Homes Level 3 / 4) in the form of a 'design stage' Standard Assessment Procedure (SAP) calculation and a water efficiency calculator shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

- Development contacts, roles and responsibilities
- Public communication strategy, including a complaints procedure.
- Dust suppression, mitigation and avoidance measures.
- Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
- Use of fences and barriers to protect adjacent land, footpaths and highways.
- Details construction traffic management measures including the provisions to be made for the parking and turning on site of operative and construction vehicles during the period of development
- Details of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway
- Avoidance of light spill and glare from any floodlighting and security lighting installed.
- Pest Control

Works shall be undertaken in accordance with the approved details.

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

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

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

12. The windows on the west (side) elevation 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, 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.

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13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification), no development permitted by Classes A, B, C, D and E of Part 1 Schedule 2 of the Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the locality and to maintain a good quality environment.

14. Prior to the occupation of the dwelling hereby permitted detailed information demonstrating that the development will achieve a dwelling emission rate (DER) at least 19% lower than the 2013 Part L Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and no more than 105 Litres per person per day predicted internal water use(110 Litres per person per day total) (Equivalent of Code for Sustainable Homes Level 3 / 4) in the form of an 'as built' stage SAP calculation and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval. The development shall be occupied in accordance with the approved details.

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

15. The application hereby permitted shall be carried out in accordance with the submitted Taylor Tripp Scheme of Hard and Soft Landscaping plan (TT RAD PRO.501.4 Rev C). If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

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

16. The development hereby permitted shall NOT BE OCCUPIED until:

a) A water efficiency calculation which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to and approved in writing by the Local Planning Authority

b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European sites by the development and be implemented in full prior to first occupation and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the Protected European Sites, having regard to the conservation objectives for those sites; and

c) All measures forming part of that mitigation have been secured and submitted to the Local Planning Authority.

Reason: To accord with the Conservation of Habitats and Species Regulations 2017, and Policy CP11, CP16 and CP21 of the Winchester District Local Plan Part 1.

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Informatives:

In accordance with paragraph 38 of the NPPF (July 2019 , Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

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

In this instance the applicant was provided with pre-application advice.

02. This permission is granted for the following reasons:

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

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

Local Plan Part 1 - Joint Core Strategy: CP2, CP3, CP13, CP16, CP20

Local Plan Part 2 - Joint Core Strategy: Development Management and Site Allocations: DM15, DM16, DM17, DM23, DM24, DM26, DM27, DM28, DM31

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 [Construction Code of Practice](#)

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

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

The name of the planning officer who dealt with the application

The application case number

Your contact details

The appropriate fee.

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

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