

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

General Comments

Application is reported to Committee due to the number of objections received.

Amended Plans were submitted 02.12.2020 and the application was re-advertised. The amended plans revised the location of the access, the positioning and the design of the proposed dwelling. Some planting is shown on the amended site plan.

Site Description

The application site is located to the rear of Collingwood and would be accessed off the new road leading to the new allotments for the village that are soon to be constructed. The site is approximately 0.07 ha in size and currently forms part of the garden amenity space for Collingwood.

Proposal

The proposal is for one new dwelling and associated development.

Relevant Planning History

06/01819/FUL - Proposed first floor extension, single storey side and rear extension – permitted 06.07.2006

16/00945/OUT - Outline application for the development of part of the site (0.26) for residential use comprising 5 houses and full application for the change of use of part of the site (0.81 ha.) to public open space with associated access, parking and landscaping. – permitted 23.01.2017

19/02397/REM – Details of the siting, design and external appearance of the buildings and the landscaping of the residential site layout. – permitted 07.02.2020

Consultations

Service Lead for Environment Services - Engineers: Drainage:

No objection subject to condition 5

HCC: Highways:

No objection.

Service Lead for Environment Services - Ecology:

No objection subject to conditions 7, 11 and 12

Representations:

Swanmore Parish Council - Objection

- Encroachment into Public Open space

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- Highways /turning
- Contrary to Village Design Statement (VDS)

This was updated following submission of the revised plans to:

- Contrary to VDS
- No need for additional housing in the village.

District Councillor Gemmell objected to the proposal for the following reasons:

- Impact on neighbouring amenity
- Drainage
- Out of character for the area

District Councillor Western objected to the proposal for the following reasons:

- Out of character for the area
- Drainage
- Impact on ecology
- Impact on neighbours

17 letters received from 12 households objecting to the application for the following material planning reasons:

- Out of character for the area
- Poor design
- Poor layout
- Impact on neighbouring amenities
- Contrary to VDS
- No proposed landscaping
- Dwelling would be too large
- Encroachment into the Public Open Space
- Drainage
- Construction disturbance
- Application is back land development
- Over development
- Loss of green space
- Increase in traffic along Lower Chase Road
- Contrary to policy

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

- Loss of property value
- Application is opportunistic
- Application would set a precedent

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy
DS1, MTRA2, CP11, CP13, CP15, CP16

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Winchester Local Plan Part2 – Development Management and Site Allocations
DM1, DM2, DM15, DM16, DM17

National Planning Policy Guidance/Statements:
National Planning Policy Framework

Supplementary Planning Guidance
Swanmore Village Design Statement
High Quality Places SPD

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

Impact on character of area, design and layout

The proposal is for the construction of a new dwelling to the rear of Collingwood. The proposed dwelling would be accessed from the new development adjacent to the site. Amended plans have been submitted to change the layout and elevations and include additional planting.

The proposal would introduce a new dwelling to the rear of the dwellings that front the main road. There are 2 existing dwellings to the rear of the new development that face the new allotments and this creates an established relationship between frontage and in-depth residential development in the immediate locality. It is considered that the proposed development would reflect this character and is therefore in keeping with the spatial characteristics of the immediate built environment.

Concerns from third party representations have been raised that the proposals would result in encroachment into the public open space to the rear of the site. The amended plans have re-arranged the location of the access ensuring that there would be no encroachment into the open space to the rear.

The proposed dwelling would be of a similar design, material finish and scale of the dwellings adjacent at the new site which is considered to be acceptable. However it is considered appropriate to condition materials to ensure high quality materials are used to reflect the sensitive countryside surroundings. (condition 3) .

Based upon the above assessment the proposed development is considered to reflect the spatial characteristics of the immediate surroundings and is of a scale, design and appearance in keeping with the existing character of properties in the area. The proposal therefore complies with the design policies of the Local Plan, the High Quality Places SPD and the VDS.

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Impact on neighbouring property

The proposed development will be visible from the neighbouring property to the north and west of the application site. Concerns from third party representations have been raised in regard to overlooking, overbearing and loss of light caused by the new dwelling on the neighbouring properties.

The amended plans have changed the design of the proposed dwelling so that there would be no windows on the first floor that would directly overlook the neighbouring properties. The proposed dwelling has also been repositioned to be further way from the neighbouring properties. It is considered that this would prevent an overbearing and loss of light impact to the neighbouring amenity spaces. To ensure that this is maintained a condition restricting additional windows on the first floor of the north east and north west elevations is considered appropriate (condition 13).

Additional landscaping has been shown on the amended site plan to increase screening around the site as well as elevation changes to ensure that there would be no windows directly facing the neighbouring properties. High level roof lights are proposed on the rear elevation to serve W/Cs on the first floor. These are shown to be obscure glazed on the plans. A condition is proposed to ensure that these are obscure glazed to Pilkington level 4 to prevent overlooking (condition 14). A further condition is proposed for details of the planting shown as well as a timescale for planting (condition 6).

It is therefore considered that the proposed dwelling would not result in unacceptable adverse impacts on the residential amenities of the neighbours by way of overlooking, overbearing or loss of light and the proposal therefore complies with policy DM17 of the LPP2

Highways/Parking

The proposal would be accessed off the new road created to serve the adjacent new development. A garage and 2 additional parking spaces are proposed to serve the development. It is considered that these would meet the requirements of the Residential Parking SPD and have raised no objection from HCC highways. Third party concerns have been raised regarding the parking layout and turning areas for the adjacent site. A turning plan has been submitted to demonstrate that a fire engine can turn within the space provided and that the proposed access would not impact this. Third party concerns were also raised regarding the removal of trees to the north. These trees have already been removed but this was permitted through the planning permission relating to the outline permission ref. 16/00945/OUT.

It is considered that the amended plans have addressed the concerns raised. It is considered necessary to impose a condition requiring a construction management plan to ensure that construction activities limit the impact on the amenities of the surrounding dwellings (condition 8).

Ecology

The site is adjacent to a sensitive ecological area, as such ecology reports have been submitted that indicate that the site in has limited scope for protected species.

Notwithstanding this conditions requiring a mitigation and enhancement plan as indicated within the ecology report is considered to be appropriate. It is also considered

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that an external lighting plan should be submitted for approval via condition (conditions 7,11 and 12).

Drainage

The site is located within flood zone one and therefore unlikely to flood. The land is clay, silt and sand. No drainage information has been submitted therefore it is considered that details of the removal of foul and surface water should be submitted via condition to ensure sufficient drainage (condition 5).

Nitrates

The proposed development is within Winchester District where foul water is distributed into the European designated areas Solent SPAs/Ramsar sites via water treatment plants. In accordance with advice from Natural England and as detailed in Policy CP16 of the Winchester City Council Local Plan Part 1 Joint Core Strategy a net increase in housing development within Winchester District is likely to result in impacts to the integrity of those sites through a consequent increase in Nitrates. A nitrate calculation has been conducted in relation to this. It has been demonstrated that the proposal would generate a surplus of nitrates and therefore mitigation is required. As such a Grampian condition in line with the Winchester City Council Position Statement on Nitrate Neutral Development has been agreed to secure appropriate mitigation prior to occupation (condition 4).

Other Matters

Equality

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 as statutory planning authority for the council.

Conclusion

The proposal accords with the Development Plan and the following policies MTRA2, DS1, CP13, CP11, CP16, DM1, DM15, DM16, DM17, DM18 and the High Quality Places SDP and VDS.

Recommendation

Approve 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.

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

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

'Ecology assessment: Land to the rear of Collingwood, Lower Chase Road, Swanmore, Southampton, SO32 2PB' by Peach ecology dated 2nd December 2020

200006 02 rev A

200006 05 rev A

200006 04 rev A

200006 03 rev A

4808/201

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.

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

04 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.

05 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 building.

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

06 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

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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.

07 The development shall be carried out in accordance with the measures, conclusions and recommendations set out within 'Ecology assessment: Land to the rear of Collingwood, Lower Chase Road, Swanmore, Southampton, SO32 2PB' by Peach ecology dated 2nd December 2020. 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.

08 No development shall take place until a Construction Environmental Management Plan (CEMP) which should be in accordance with the ecological mitigation measures set out in Environmental Statement and the ecological mitigation plan submitted for that Reserved Matters Application, has been submitted for each particular reserved matters application, and approved by the Local Planning Authority, to include details of:

- parking and turning of operative, construction and visitor vehicles
- loading and unloading of plant and materials
- storage of plant and materials
- all deliveries and building works which should only be carried out between the hours of 0800 and 1800 hours Monday to Friday and 0800 and 1300 hours Saturday and no time on Sundays or recognised public holidays
- details of proposed means of dust suppression and noise mitigation
- details of measures to be taken to prevent mud from vehicles leaving the site during construction
- the handling and management of construction waste
- details of surface water runoff.
- Construction lighting.

Only the approved details shall be implemented during the construction period.

Reason: To ensure that development should not cause inconvenience to other highway users or result in any other significant harm to the amenity of local residents, or to existing natural features.

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

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

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10 Prior to the occupation of the dwelling hereby permitted detailed information (in the form of SAP "as built" stage data and a BRE water calculator) demonstrating that all homes meet the equivalent of Code 4 standard for energy and water (as defined by the 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.

11 An external lighting plan shall be submitted to and approved in writing prior to commencement of development.

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

12 Prior to commencement an ecological mitigation and enhancement plan shall be submitted to and approved in writing by the Local Planning authority.

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

13 No additional windows shall be constructed in the first floor, north and northwest elevations of the property hereby permitted, unless otherwise agreed in writing by the local planning authority.

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

14. The windows in the first floor north east elevation as shown on the approved plan 200006 04 rev A of the development hereby permitted must 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 privacy of the adjoining property and to prevent overlooking.

Informatives:

This permission is granted for the following reasons:

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

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

Local Plan Part 1 Joint Core Strategy: DS1, CP11, CP13, CP16, DM1, DM2, DM15, DM16, DM17, DM27

Local Plan Part 2:

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3. In accordance with paragraph 38 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

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

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.

> 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>

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

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

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.