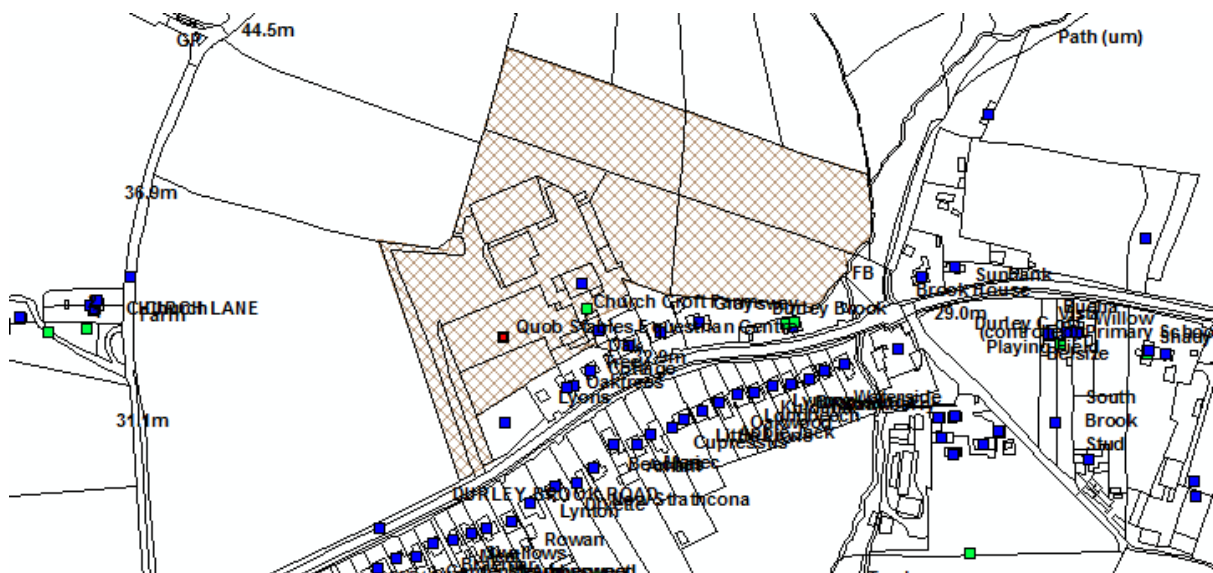


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No:	21/00910/OUT
Proposal Description:	Hybrid Application: Outline application for the demolition of existing buildings and construction of 23 custom build plots together with open space, parking facility for Durley primary school and Holy Cross Church including upgrades to Footpath No 12 and a new crossing point at school entrance to provide an offroad 'park and stride' route to the school. (reserved matters of access, landscaping and layout included). Full application for Class E/F (community/commercial/business/service) building.
Address:	Quob Stables Equestrian Centre Durley Brook Road Durley Southampton Hampshire
Parish, or Ward if within Winchester City:	Durley
Applicants Name:	Patrick Reilley and Elisabeth Boyes
Case Officer:	Rose Lister
Date Valid:	1 April 2021
Recommendation:	Refuse

Link to Planning Documents : <https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple&searchType=Application>

Pre Application Advice: Yes



© Crown Copyright and database rights Winchester City Council License 100019531

Case No: 21/00910/OUT

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

General Comments

Parish Council's request for application to be determined by Planning Committee, see Appendix 1.

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

Site Description

The application site is located to the north of Durley Brook Road to the rear of the existing line of development. There is an existing access off Durley Brook Road that serves the existing equestrian centre with ancillary coffee shop.

The site comprises approximately 4.6ha currently used for paddock, stabling and other equestrian uses. There is a Public Right of Way (PROW) that runs through the site to the east from the school to the corner of Durley Road and Church Street. There is a level change in the area with the ground gently sloping from north to south. There is a stream that runs adjacent to the eastern boundary of the application site.

Proposal

The application is a hybrid application for 23 custom build dwellings, a business unit, parking for the school and church, open space and associated development.

The detailed information submitted is in relation to the business unit, parking for the school and church, and open space to the east.

The outline information is in relation to the 23 dwellings and associated development with all matters reserved excluding access and layout.

Relevant Planning History

88/01205/OLD - Erection of 2 dwellings and garages – refused 13.05.1988
97/01663/OUT - Erection of 2 no dwellings (OUTLINE) – withdrawn 15.09.1997
98/00684/OUT - Detached dwelling (OUTLINE) – permitted 04.08.1998
98/00799/CHU - Change of use from agricultural land to manège – permitted 29.06.1998
99/01036/REM - Detached four bedroom dwelling with double garage and new access (Details in compliance with W08765/04) – refused – 29.07.1999
99/01123/FUL - New vehicular access – permitted 14.12.1999

Consultations

HCC SWM:

No objection subject to conditions requiring details of infiltration testing, ground water assessments and a long term management programme for surface water removal.

HCC Highways:

No objection subject to conditions requiring construction of the internal road, highways works and access works completed prior to commencement, the submission of a CEMP for approval prior to commencement. Further conditions for the provision and retention of parking prior to occupation were also suggested.

Case No: 21/00910/OUT

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Should the application have been considered acceptable these would have been included.

Service Lead for Environment Services Environmental Protection and Contaminated Land:

No concern regarding contaminated land subject to conditions for a site investigation report and a remedial strategy to be submitted prior to commencement.

Concerns have been raised regarding the use of the proposed class E/F building in regulation to the range of uses accepted under these use classes. An acoustic report should be submitted to assess the impact of this in relation to hours of use and machinery. However, this can be conditioned with further information submitted via condition once an end use has been identified. Conditions are recommended. For noise reports, details of any required changes to be approved prior to commencement, details of external lighting, in relation to the business building. A further condition requiring a construction management plan was also recommended.

Should the application have been considered acceptable these would have been included.

Service Lead for Environment Services Urban Design:

Raised objections. The overall scheme is a good starting point however the proposed Design Code lacks overarching principles to secure a high quality sense of place and would result in a development that lacks distinctive character to the detriment of the surrounding character of the area.

Service Lead for Environment Services Historic Environment:

Key issues

The preservation of the special architectural / historic interest of the listed building and its setting (S.66 P(LBCA) Act 1990; Policies DM29 & DM30 of the Winchester District Local Plan Part 2 Adopted 2017; Policies CP19 & CP20 Winchester District Joint Core Strategy; NPPF Section 12).

The preservation, conservation, investigation and recording of archaeological interest (Policy DM26 Winchester District Local Plan Part 2; Policy CP20 Winchester District Joint Core Strategy; NPPF Section 16).

No objection

Service Lead for Environment Services Landscape:

No objection subject to conditions requiring a better layout for the public open space.

Service Lead for Built Environment Strategic Planning:

Raise objection. The proposal would not comply with the requirements of MTRA3 or MTRA4. The Council can demonstrate in excess of a 5 year housing land supply and the evidence presented is not sufficient to outweigh the development plan.

Service Lead for Environment Services Ecology:

Concerns were raised in relation to Biodiversity Net Gain and missing reptile reports. These have been submitted for assessment. Further details will be included in the update sheet.

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Service Lead for Built Environment: Urban Design:

The site layout is generally acceptable however the design code is missing overarching principles and parameters that would tie the site together as a whole. It is noted that the proposal is for custom build dwellings however, the Design code should be informed by a contextual analysis of the area and have key parameters to enhance the site and make a cohesive whole when complete.

HCC Countryside Services:

No objection

HCC Education Services:

No comment received.

Southern Water

No objection

Representations:

Durley Parish Council

- No housing allocation for Durley at present time
- Not considered to be infill development under MTRA3
- Additional houses not needed in Durley
- If affordable housing is required will be led by the PC
- Consultation questionnaire considered bias
- Proposal does not meet MTRA4
- Existing infrastructure insufficient to serve so many additional houses
- If existing business is unviable, why are they advertising for more workers?
- There is a need for equestrian uses in the area
- Class E/F building not required and unviable
- Proposed parking not required
- Proposed crossing not required and would be dangerous
- Loss of bus layby would be dangerous to highways users
- Construction noise, dust and traffic
- Proposed gym not required
- Concerns over statement of community involvement
- Self/custom build not affordable housing
- Large developments on the boundary of Durley, buffer needed to separate developments
- Loss of jobs
- Outbuildings may be used to enlarge properties resulting in neighbour impacts
- Footpath upgrades not needed
- Any new housing in the area will be agreed as part of the forthcoming Local Plan.

52 letters received from 44 addresses objecting to the application for the following reasons:

- Questionnaire was misleading
- Larger developments in the village should be locally lead
- Parking for church and school not needed

Case No: 21/00910/OUT

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

- Insufficient infrastructure in place
- Overdevelopment of the site
- Loss of gap between settlements
- WCC have over 5 years housing land supply
- Unsustainable location
- Contrary to policy
- Custom build is not genuine affordable housing
- No community support
- Impact on ecology
- Proposed crossing would be dangerous
- Proposed class E/F building not needed or viable
- Parking would be too far from school and church to be useful
- Loss of jobs
- Increase in traffic
- Roads not suitable for HGVs
- Proposed parking will just be overflow parking for future residents
- Flooding
- Self-build can be incorporated into allocations in new local plan
- Encroachment into countryside
- Incoherent design would be an 'eyesore'
- Loss of local facility
- Overlooking
- Would become 'hub for anti-social behaviour'
- Contrary to NPPF
- Impact on street scene
- Would move the footpath
- Loss of greenspace
- Loss of tranquillity
- Lack of consultation
- Construction disturbance
- Dust
- Increase in carbon emissions
- Drainage/flooding
- No information regarding maintenance maintainance of parking and open space.
- No provision within local plan for housing in Durley
- Not on the brownfield list
- Not a brownfield site

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

- Equestrian centre is viable
- Would set a precedent
- Support comments not from locals.
- General area is overdeveloped
- Slow internet will get worse

23 letters of support received.

- More affordable option
- Would benefit local area

Case No: 21/00910/OUT

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

- Provides opportunities to work from home
- Design can help reduce carbon emissions
- Helps younger demographic live in rural areas
- Innovative concept
- Would allow for flexible/multi-generational living
- Community benefits
- 'would be able to live where I grew up'
- Sustainable location
- Would improve the landscape/views
- Would help WCC meet self/custom build targets
- Complies with NPPF
- Small scale
- Would meet a need
- Good design code
- Better quality homes
- Homes would be more environmentally friendly
- Parking good for the school
- Footpath improvements welcomed
- Open space would be beneficial

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy

MTRA3, MTRA4, CP1, CP2, CP3, CP4, CP6, CP7, CP9, CP10, CP11, CP13, CP15, CP16, CP17, CP20, CP21

Winchester Local Plan Part 2 – Site Allocations and Development Management

DM1, DM2, DM6, DM15, DM16, DM17, DM18, DM21, DM23

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Supplementary Planning Guidance

Bishops Waltham Design Statement 2016

Planning Considerations

Principle of development

Paragraph 47 of the NPPF (July 2021) requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The development is not situated within a settlement boundary therefore countryside policies apply.

Policy MTRA3 allows for limited development within settlements with no defined boundary, of which Durley is one such settlement. Development consisting of small infill within a continuously developed road frontage; that support a settlements role and function or to

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

meet a community need demonstrating clear community support are likely to be considered acceptable under this policy.

The proposal is not considered to be small site within a continuously developed road frontage.

The applicant has made an argument in favour of the principle of the scheme, being that the scheme would meet a community need for custom build dwellings in the area.

To support this a statement of community involvement has been submitted indicating that a questionnaire was circulated around Durley (approximately 450 households) where 55 households responded. Of these responses the majority objected to the scheme with approximately 20% (approximately 11 households) indicating some support.

The application has received a number of objections from the local community, as indicated above, including from the Parish Council. Previous appeals have stated that in order for a scheme to be considered to benefit the role and function of the community it should be delivered through the Parish Council, Neighbourhood Plan or another such document. As demonstrated in appendix 1 the Parish Council is not supportive of the proposal and Durley does not have an adopted Neighbourhood Plan.

The applicant has gone further to indicate that there is a demonstrated need for self and custom build properties in the area by citing the self and custom build register held by Winchester city council. The Strategic Policy Officer has commented on the requirement for self and custom build in the Durley area. The register currently has 11 entries for people looking for a site within Durley on part one of the register (people with a local connection to Durley). The Policy Officer went on to comment that of the 88 required self and custom build plots required approximately 140 self build exemptions have been received through the CIL exemption process. In the government's Planning Practice Guidance (PPG) paragraph 038 states that CIL exemptions can be used as a mechanism for recording self and custom build permissions in line with the Self-build and Custom Housebuilding Act 2015 (as amended). The council has met the need for the first 2 base periods as required by the legislation. It is acknowledged that the council will need to consider how to meet the requirements of future base periods and this is being addressed through the emerging local plan.

It is noted that how the Council manages its Self and Custom Build register has been questioned.

The Policy Officer has confirmed that base period data cannot be amended after it has closed however some people have requested to be removed from the register after the local connection test was introduced in 2019. The Council have a duty to remove entries to the register within 28 days of receiving the request to remove them from the Register. This is done whilst the base period is still live and not after. The council undertakes an annual update of the Register to ensure that those on it still wish to be and wish to be contacted should any plots become available. This is good practice and ensures that the register is as accurate as possible.

Self-build and Custom Housebuilding Act 2015 (as amended) requires that data submitted should only be related to current base periods and should not be a cumulative total. It is noted that the current system for counting SCB by the council only includes CIL except

Case No: 21/00910/OUT

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

serviced plots and so are potentially underestimating the numbers of CSB plots permitted in the district and it has been confirmed by the Task Force that additional plots could be counted in the future provided they are adequately evidenced.

The legislation also requires that councils publicise the SCB register. This council has recently undertaken a call for sites 15th Feb to 12th April 2021 which specifically requested sites being promoted for CSB which it also did in previous calls for sites.

The Council has a self and custom build web page which houses the application form for inclusion on the Register and other relevant information including any sites that the council may be disposing of which could be suitable for custom and self-build and links to other useful organisations including the South Downs National Park which has its own register, the National Custom and Self Build Association, Buildstore and the Self Build Portal. The council also engages with groups and individuals in respect of self and custom build and has a dedicated inbox to deal with inquiries.

It is therefore considered that the council is meeting its duty in relation to the Self-build and Custom Housebuilding Act 2015 (as amended).

It is also of note that there are approximately 263 sites on the brownfield register that could be made available for self or custom build projects. The application site is not on the brownfield register however it is considered to be previously developed land.

It is therefore considered that the proposal would not meet a local need, nor has it been demonstrated that the scheme benefits from community support. As such it is not considered that the proposal would meet with policy MTRA3 of the Local Plan part 1.

Policy MTRA4 allows for restricted development for rural requirements, such as equestrian and agriculture, tourism and affordable housing exemption sites in line with policy CP4.

Policy CP4 allows for exemption sites within the countryside for affordable housing to meet a community need. These are usually delivered through the Parish Council or through a Neighbourhood Plan. As mentioned above, Durley currently does not have an adopted Neighbourhood Plan.

The applicant has also made the argument that the proposal would provide more affordable housing than standard market dwellings. However, as the proposal would result in market housing it is not considered that the proposed dwellings would be genuinely affordable to meet a local need. Affordable housing exemption sites are usually indicated through a neighborhood plan or other community lead project through the local Parish Council. In this case it is clear that the parish do not support the scheme and Durley do not have an adopted neighborhood plan and therefore the proposal would not meet the requirements for MTRA4 or CP4.

It is noted that paragraph 64 of the National Planning Policy Framework identified self and custom build as a type of affordable housing. However, as discussed above, it is not considered that there is a demonstrable need in the area for this type of housing. Nor is the proposal supported by the local community or the Parish Council.

It is therefore considered that there is a fundamental objection in principle to the application.

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Design/layout

The application has included a site plan, and Design and Access statement incorporating a design code for the site.

The site would be laid out around a central road with a modest open space to the west and a larger open space to the east of the site. The buildings are focused on the area of the site that has existing development ensuring that the green spaces would remain though in a different format. The open space is discussed further below.

The proposed principle elevations would all address the road which is considered to be acceptable.

The proposed business building would present an end vista from the access point while the principle elevation would address the eastern road which is considered to be acceptable. This building would be of modern design with proposed materials of red brick and grey metal roofing, a small flat roof section would have a sedum roof. These are within the design code and are considered to be acceptable however, should the application have been considered acceptable in other respects, a materials condition would have been recommended to include window and door finishes to ensure a high quality finish.

There is a large parking area proposed to the eastern side of the developed area to serve the school with an alteration to the existing foot path (footpath 12) to create a pedestrian link to the school. While not unacceptable the Urban Designer raised concerns regarding the distances from the school to the parking area. This has been explored further below. The proposed communal parking element of the proposal would be constructed on green space rather than brownfield land. It is considered that this would present a hard edge to the development that would contrast with the rural characteristics of the area, however, should the application have been considered acceptable in other areas a condition would have been included to secure additional landscaping to soften the relationship between the parking and the wider countryside.

Further concerns have been raised regarding the proposed Design Code. The Urban Designer raised the forthcoming National Model Design Code, the document sets out a range of guidance on creating design codes with involvement from the public and local authorities to help inform the final code and increase public involvement. However, as the document is not formally adopted at this time limited weight can be afforded to it.

The proposed design code is broad with a large selection of finishing materials and a range of housing styles and details. While it is noted that the proposal is for custom build dwellings there are concerns that this presents too broad a pallet with little overarching framework to support the design and resulting character of the site as a whole.

Each plot would have a 'plot passport' detailing specific requirements, such as building height, principle elevation and buildable area. The plot sizes are in general smaller than others existing in the immediate area however this is considered to be acceptable. Notwithstanding this, concerns have been raised in relation to the size of amenity spaces and the proposed outbuildings. It is noted that the proposed outbuildings are considered an optional extra however these are considered large in some cases where a smaller size dwelling is proposed.

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

It is considered that while the proposals offer an acceptable starting point in terms of the overall layout the proposed design code is not sufficient to ensure a high quality sense of place to the site as a whole once complete.

The comments from the agent regarding the nature of self and custom build are noted. However, as stated above, it is considered that while custom build would allow some flexibility when considering finishes and design, the design code that dictates these should be fully informed by a firm design code with overarching principles that would result in a cohesive development. It is considered that the proposal would result in development that is not cohesive or in keeping with the character of the area contrary to policies CP13 of the Local Plan Part 1 and DM16 and DM17 of the Local Plan Part 2.

Impact on character of area and neighbouring property

The site is located to the rear of the existing line of development. This area of Durley has a linear form of development with limited agricultural and equestrian development located behind the lines of residential development. The site is currently used as an equestrian centre with buildings covering approximately half of the site with the rest given over to grazing space. The site is visible in glimpsed views between housing from Durley Brook Road and from the access point. The site is also highly visible from the foot path that runs through the site to the north and in glimpses from Church Lane.

There is an existing level of built form that presents an imposing mass in the street scene and in long and medium views of the site. It is considered that the proposal would reduce the impact of built form within the street scene and views into the site from the wider area as the proposed would have a reduced mass and scale to the existing buildings. The proposal would also limit the built form to areas of the site that are already built on (brownfield) and convert the existing grazing areas into open space with meadow and tree planting, thereby reducing the amount of existing clutter.

The Landscape Visual Impact Assessment has been reviewed and is considered to be accurate. The Landscape Officer has stated that the site has a low landscape designation and that, due to the land form in the area, the proposal would likely have a lesser impact on the surrounding roads and footpaths to the benefit of the area.

A site plan has been submitted indicating that 12 of the 23 proposed dwellings would be restricted to 2 or 3 bedrooms. Policy CP2 requires that a majority of dwellings on development sites are of 2 and 3 beds and therefore it is considered that the proposal meets the criteria of this policy.

As previously mentioned the site is located to the rear of the existing line of development. Plots 3-7 would back onto the existing dwellings. It is considered that the proposed buildings would be significantly less overbearing than the existing buildings.

Concerns have been raised regarding overlooking. It is considered that the proposed building area for plot 7 would be approximately 2m from the boundary at its closest, however the orientation of this building would result in approximately 30m between the elevations and the neighbouring buildings to the rear. Other building spaces for plots 3-6 are between approximately 9m and 13m from the boundary and upwards of 20m from the neighbouring dwellings. It is noted that the ancillary buildings would be substantially closer, should the application have been considered acceptable in other areas, conditions requiring that the ancillary buildings not have windows in the southern elevations would have been recommended.

Case No: 21/00910/OUT

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

It is not considered that the proposal would result in loss of light to the neighbouring residences.

It is considered that the proposal would accord with policies DM15, DM16 and DM17 in this regard.

Landscape and trees

The proposal would see a large area of open space to the east of the site that would include improvements to footpath 12 that runs through the site. The open space includes meadow wildflower and tree planting as well as a swale. The landscape architect has made comments regarding the design of the swale and the layout of trees to a more natural configuration with species that would prefer a wet soil as the area is likely to become wet in the winter months. As such it is considered that, should the application have been considered acceptable in other respects that a condition for further details of the swale and tree planting would have been recommended via condition.

The proposals also change the route of footpath 12 to link with the proposed parking. The Highways officer has raised concerns regarding the suitability of the existing bridge over the watercourse. It is considered that details of the improvements to the public right of way would be secured through the further application process with Hampshire Countryside Management Team, should the proposal have been considered acceptable.

The Countryside Planning Officer at HCC raised no objection subject to informatives regarding further applications to be made for the path improvements and closure of the path while improvements are made.

Highways/Parking

The site benefits from an existing access from Durley Brook Road with a footpath into the village on the opposite side of the road. As mentioned above, footpath 12 is also accessible from the site with pedestrian links to the school and church. There is a bus service within 300m of the site that runs hourly on week days between Southampton and Eastleigh. Hedge End train station is approximately 2.7km from the site though it is noted that the roads leading to the site are not appropriate for cyclists.

The existing access would be realigned marginally to the west to accommodate appropriate visibility splays of 2.4m x 61m and 2.4m x 52m. These are considered acceptable given the traffic speed data provided within the transport assessment. As well as visibility splays a swept path analysis has been submitted showing that cars and larger vehicles can enter and egress easily from the access.

The transport assessment also explores trip rates. This has been raised as a concern from local residents. The Highways Engineer has conducted an assessment and found that the proposed use would result in an increase of vehicle movements however this is considered to be to an acceptable degree and would not have detrimental impacts on the existing road network.

Each plot passport ensures that the parking would comply with the Residential parking standards which is considered to be acceptable. Should the application have been considered acceptable a condition would have been recommended to secure this.

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

The site currently functions as an unofficial parking area for parents with children at Durley School. It is proposed that a dedicated parking area for 30 cars would be provided to the east of the site to link with footpath 12 to the school through the proposed open space. The proposed park and stride would reduce the distance travelled by approximately 130m. It is noted that Durley School have commented in support of the scheme and a draft Section 106 legal agreement has been proposed to secure a transport plan in relation to the park and stride.

The proposal includes a new uncontrolled pedestrian crossing opposite the school. This would require moving the bus layby opposite the school. Visibility splays have been submitted for the crossing of 1.5m x 43m both east and west which is considered to be acceptable. The Highways officer raised no objections subject to conditions regarding parking, construction management and phasing and construction access. Should the application have been considered acceptable these would have been recommended.

Historic Environment

Key issues

The preservation of the special architectural / historic interest of the listed building and its setting (S.66 P(LBCA) Act 1990; Policies DM29 & DM30 of the Winchester District Local Plan Part 2 Adopted 2017; Policies CP19 & CP20 Winchester District Joint Core Strategy; NPPF Section 12).

The preservation, conservation, investigation and recording of archaeological interest (Policy DM26 Winchester District Local Plan Part 2; Policy CP20 Winchester District Joint Core Strategy; NPPF Section 16).

The site is linked to Holy Cross Church by footpath 12, there is also a Grade II listed barn to the south west of the site. The site is a considerable distance from both these Heritage Assets and therefore it is not considered that the proposal would have a detrimental impact on the setting of these buildings.

An archaeological desk based assessment has been submitted which has concluded that the site has low potential of archaeological remains. The proposed developed area would be for the most part over land that is currently built on and therefore has a low potential for remains. The proposed parking would be greenfield land however would have minimal dig depth that would not result in harm to any potential remains below ground.

Ecology

An ecological appraisal and reptile survey have been submitted that make recommendations for biodiversity enhancement. The site is considered to be of low potential for protected species. A Biodiversity Net Gain Calculation in line with the forthcoming Environment Bill has also been submitted. It is considered that the legislation has not yet been adopted and that the proposal would result in grazing land being converted into meadowland with additional tree planting. The BNG calculation demonstrated a significant uplift in biodiversity.

The application is considered to be acceptable in this regard. Should the application have been considered acceptable in other areas conditions would have been recommended to secure recommendations within the reports.

Other Matters

Nitrates

Case No: 21/00910/OUT

WINCHESTER CITY COUNCIL PLANNING COMMITTEE

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 be nitrate neutral and therefore mitigation is not required.

Recreational Disturbance on the Solent Special Protection Areas

The Solent coastline provides feeding grounds for internationally protected populations for overwintering waders and wildfowl, and is also extensively used for recreation. Natural England has concluded that the likelihood of a significant effect in combination arising from new housing around the Solent cannot be ruled out. Applications for residential development within 5.6 km of the Solent SPAs will need to propose measures to mitigate the direct impacts of their development on the Solent SPA. This can be done by the provision of a financial contribution either before planning permission is granted or by entering into a s106 agreement before planning permission is granted with an undertaking that the payment will be made before the development is implemented. The proposal would provide 23 dwellings with no context of room numbers requiring a payment of £604 per dwelling (£13892) to comply with policy CP16 as it has failed to mitigate the recreational harm to the Solent SPAs. The applicant has not made this payment, though has submitted a draft S106 that would secure the payment. As the S106 has not been agreed it is not considered that the mitigation has been secured resulting in a reason for refusal.

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.

Planning Balance

The scheme would provide 23 custom build dwellings within the countryside. The scheme would provide formal parking for Durley School, improvements to footpath 12, open space for the village and a business unit for community use. The proposal would reduce the mass and scale of buildings reducing the visual impact in the landscape. The proposal is not supported in the local community and it is not considered to meet the criteria of MTRA3 to meet Durley's role and function. The council can demonstrate in excess of a 5 year housing land supply and therefore paragraph 11(d) of the NPPF is not triggered. The council is also able to demonstrate that it is meeting the current requirements for self and custom build. There are concerns regarding the design code of the scheme and would not be in keeping with the linear character of development in the village.

Case No: 21/00910/OUT

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

It is considered that while there are benefits to the scheme they would not outweigh the harm found to the character of the area and the in principle objection contrary to policies MTRA3 and MTRA4.

Conclusion

The proposal is contrary to development plan policies MTRA3 and MTRA4 of the Local Plan Part 1 in that it would result in additional dwellings in the countryside with insufficient justification.

The proposal would also be contrary to policies CP13 of the Local Plan Part 1 and DM16 and DM17 of the Local Plan Part 2 in that the Design Code is insufficient to ensure an acceptable overall design for the scheme that would comply with the character of the area.

The proposal is also considered to be contrary to policies CP15 and CP16 of the Local Plan Part 1 in that it fails to protect and enhance biodiversity across the District by failing to make appropriate provision for the Solent Disturbance and Mitigation Charge Zone.

Recommendation REFUSE

For the following reasons:

Reasons:

01 The proposal is contrary to policies MTRA3 and MTRA4 of the Winchester District Local Plan Part 1 - Joint Core Strategy in that it would result in additional dwellings in the countryside without suitable justification.

02 The proposal is contrary to policy CP13 of the Winchester District Local Plan Part 1 - Joint Core Strategy and policies DM16 and DM17 Winchester District Local Plan Part 2 – Development Management and Site Allocations in that the design code is insufficient to provide a high quality development resulting in a development that would be contrary to the design characteristics of the area.

03 The proposed development is contrary to Policy CP15 and CP16 of the Winchester District Local Plan Part 1 - Joint Core Strategy, in that it fails to protect and enhance biodiversity across the District by failing to make appropriate provision for the Solent Disturbance and Mitigation Charge Zone. As a result, it is considered that the proposed development would result in significant harm to the Special Protection Area (SPA) and the species that it supports, therefore contravening the legal requirements of the Wildlife and Countryside Act 1981, the Habitat Regulations.

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Appendix 1

Comments:

Durley Parish Council Object to this Application for the following reasons:

At the present time in the Local Winchester District Plan, Durley has no housing allocation, and this proposal does not fall within a settlement boundary. This is not a small site therefore it should not be classed as an infill development. We feel that it does not fit the criteria for policy MTRA3.

Durley Parish Council is not supportive of such a large development, and although we have listened to the proposal from the developer it was made quite plain to the developer at the outset that any development in Durley parish would be Parish Council and community led, not developer led. Ignoring the wishes of Durley Parish Council the developer went ahead and asked Action Hampshire to carry out a consultation of their behalf. Fortunately, Action Hampshire did not carry out the consultation, but the developer still persisted and asked another Company to carry out a consultation. This is not working with Durley residents or the Parish Council it is trying to give the impression to residents that a development at this site is a "done deal". Many residents felt that the consultation was biased towards the developer and the questions were misleading.

Durley Parish Council does not feel that this development comes under Policy MTRA4 as it does not fulfill the criteria of providing development in the countryside for a local need, agricultural workers or as an exception site for affordable housing.

Durley parish does not have the infrastructure to cope with such a large development as we do not have a frequent bus service, we have slow broadband and limited services.

**WINCHESTER CITY COUNCIL
PLANNING COMMITTEE**

The applicant states that the present business is unviable, but Councillors question why there has been a recent post stating that there is a vacancy for someone to work at the Centre. Also, there are other planning applications within the area asking for permission to use land as an Equestrian Centre to provide the same facilities, so obviously there is still a need for this sort of business. (Reference 20/01769/FUL Barnhurst, Alma Lane and 21/00723/FUL Trullingham Farm,

Wintershill, Durley).

The additional amenities that the applicant is trying to provide is not what Durley residents necessarily need nor want to offset against large development. Durley Parish Council has been working for many years with Durley Primary School to achieve a school crossing point at Quob Stables, and this has now been achieved so we do not need the proposed crossing. The proposed Crossing is also in a more dangerous location to the current one. It was also felt that cars will not use the car park which is proposed, as it is not close enough to the School. It is also too far away from Holy Cross Church to be any advantage to Church users. Moreover, the proposal to turn the bus stop layby opposite the School into a pavement would create a significant traffic hazard whenever a bus has to stop at this bus stop.

Additional HGV traffic when constructing a new development of this size would be a safety concern, especially as the location is near to a Primary School. The building work could take some years, and this would cause disruption as well as dust and pollution for those around the development area, along with Primary School children.

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Councillors anticipate that a community shop would not be viable as it would not get enough trade – as proven by the last shop to close in Durley. The proposed “pump funding” would only be for a very short period and would not create a level of regular business that a shop would require. The applicant refers to a gym which was an aspiration of residents and which Durley Parish Council has followed up from the Durley Parish Plan. This is highlighted in Appendix 2 in the extract from the Durley Parish Council Minutes. We have ordered the gym equipment and installation is being planned for 21st June at Durley Recreation Ground, so it was agreed that we do not need so much gym equipment in Durley

The Statement of Community Involvement says that 78% of Durley residents are not in favour of the development. In the Durley Parish Plan Questionnaire that was recently circulated to all Durley residents the response regarding development was 83% stating they do not want to see development in Durley.

Custom build homes are no different to any other development – it is still housing. It is still taking away countryside from a beautiful village. Disruption will also be caused to the wildlife in the development area.

Eastleigh Borough Council are continually building on the Durley boundary. 3,278 homes have been built in the last 3 years on the Durley boundary. We need to keep strategic gaps of countryside between these large developments otherwise all the developments will roll into one mass housing sprawl. Councillors have noticed that there are a large number of comments supporting this Application from outside of the Winchester City Council and Durley parish boundary. Durley Parish Council will support the residents who actually live and work in Durley and feel that it is unfair to expect Durley to cope with unwanted development to accommodate shortfalls in other Boroughs or Districts.

The number of houses proposed is 23 and this is a large number for a small village like Durley. There is no need for this number of houses within a small village.

Concern was also expressed about the loss of jobs if the Equestrian Centre is closed, and this will affect the employment opportunities within the rural community.

There is also concern about the potential to build an annexe to each property which it was felt

**WINCHESTER CITY COUNCIL
PLANNING COMMITTEE**

would be added onto the property and immediately make a larger home which would be less affordable. This is supported by a Hampshire Community Housing Partnership Questionnaire regarding Self and Custom Build where only 13% of respondents said they wanted no more than 2 bedrooms and 57% wanted at least 4 bedrooms and 19% want 5 or more bedrooms. These figures clearly indicate that Self and Custom Build housing is used to meet the larger property market. Some of the landscaping is also very near to neighbouring properties which would have an adverse affect on the enjoyment of their properties.

Upgrading the Footpath is mentioned as an additional feature, however this Footpath used to be a very well maintained Footpath when years ago the coffins used to be taken up to Holy Cross Church, so reinstating it to its former state would only be putting something back to the community which has been taken away.

If Durley has a housing allocation in the New Winchester Local Plan when it is formally adopted by Winchester City Council, then Durley residents and Durley Parish Council will decide where, and what sort of development suits Durley, along with any infrastructure benefits that those living in Durley agree will enhance the village, for the benefit of all. Durley Parish Council included this in their recent Parish Plan Questionnaire and initial indications are that it is small "first home" style properties were needed from 82% of the 17% who answered "yes" to some development.

Councillors agreed that an objection would be made as Durley has no housing allocation at the present time and this proposal is not providing affordable housing in Durley and it is not a community-led scheme with Parish Council support. The proposal does not also fall within Policies MTRA3 or MTRA4 of the current Winchester Local Plan.

Request for application to be considered by Committee:

(NB: Case Officer to forward form to Head of Planning Management if this section completed)

Durley Parish Council requests that this Planning Application goes to the full Planning Committee.