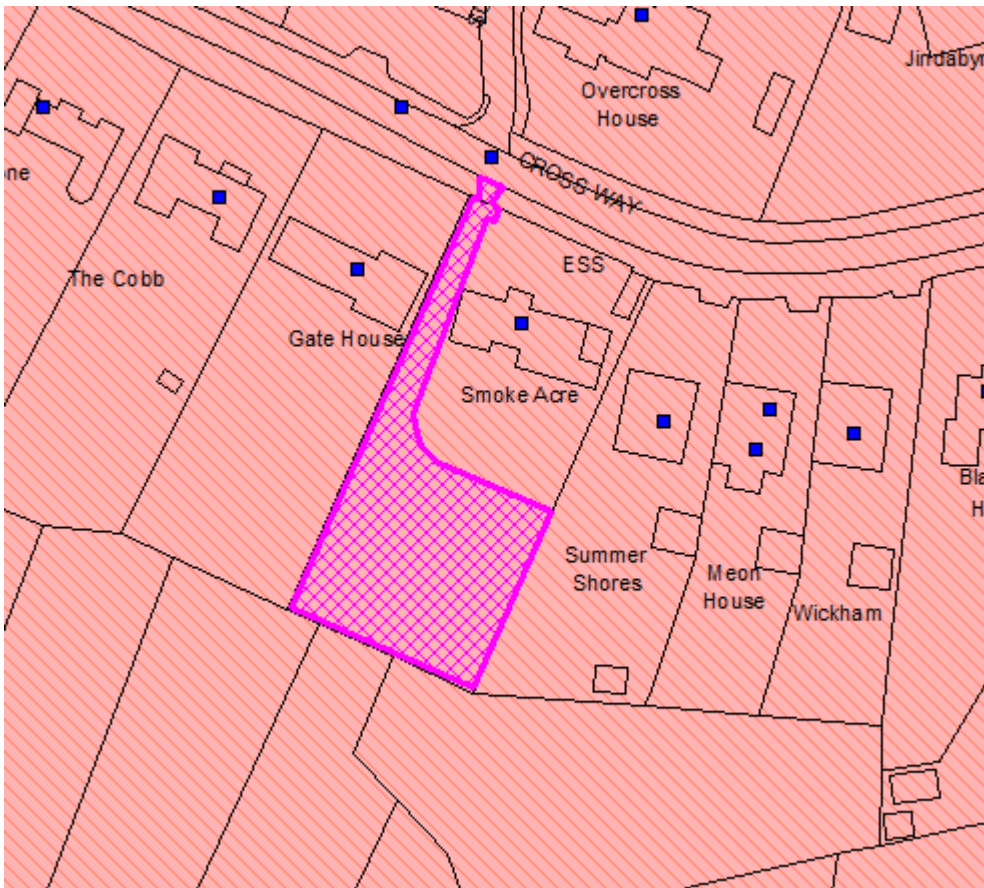


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**Case No:** 21/02899/FUL  
**Proposal Description:** Erection of a C3 Dwellinghouse with associated works.  
Demolition of a single storey side extension to facilitate a new access  
**Address:** Smoke Acre Cross Way Shawford Winchester Hampshire  
**Parish, or Ward if within Winchester City:** Compton And Shawford  
**Applicants Name:** Mr And Mrs Luke And Sarah Robison  
**Case Officer:** Sean Quigley  
**Date Valid:** 10 November 2021  
**Recommendation:** Application Permitted  
**Pre Application Advice** Yes.

**Link to Planning Documents** <https://planningapps.winchester.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>



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### Reasons for Recommendation

The development is recommended for permission as it is in an area identified in the local plan where proposals for redevelopment will be supported, will not have a significant detrimental impact on the character and appearance of the area or on the amenities of the

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neighbouring occupiers, and will contribute to the achievement of the need for additional dwellings in the district. The proposal is in accordance with Local Plan Part 1 Policies MTRA3, CP11 and CP13; and Local Plan Part 2 Policies DM1, DM15, DM16 and DM17, the High Quality Places Supplementary Planning Document (2015), and The Compton and Shawford Village Design Statement 2011.

### **General Comments**

The application is reported to Committee because of the number of objections received contrary to the Officer's recommendation. In addition, Councillor Warwick has requested that the application be determined by the planning committee (see Appendix 1). The proposal before the committee has been amended from that originally submitted in response to concerns raised regarding the impact of the development.

A previous application for the same development (21/01125/FUL) was subsequently withdrawn because the application form failed to indicate that the application site included land not owned by the applicant. The current application is for the same development as the original proposal, although it has been revised in response to representations received.

### **Amendments to Plans Negotiated**

The amended design (submitted in October 2021) reduced the size of the proposed house in order to reduce its visual impact. These plans were re-advertised in October 2021 by writing again to the original neighbour consultation list.

### **Site Description**

The site, a house known as Smoke Acre, is located in Southdown, an established residential enclave to the east of Shawford. The area is characterised by large two-storey detached houses of a variety of ages and architectural styles, set in their own grounds. The area is of low residential density with a wide variety of plot and dwelling sizes. Southdown itself comprises a small number of residential roads mainly to the east of Otterbourne Road. The site extends to 0.13 Hectares and is on Cross Way and is currently occupied by a large detached house towards the front of the plot. The site is enclosed along the road frontage by laurel hedging and a high timber gate across the vehicular access. There is a grass verge, approximately 8m deep, between the hedge and the road, which is owned by the Highway Authority. There is a mature tree on the grass verge, which is also owned by the Highway Authority, close to the western boundary of the site. Cross Way has a sylvan character with open grass verges between the edge of the highway and the front boundary of properties. Front gardens are typically delineated with mature hedges. A number of front gardens also accommodate mature trees. There are few pedestrian footways and little street lighting.

### **Proposal**

The application is for the subdivision of the existing plot and the erection of a detached 2 storey contemporary dwelling located at the rear of the existing house. A new access will be created on the western boundary of the site between the host dwelling and the adjacent property known as Gate House. This will involve the demolition of the extension to the western elevation of Smoke Acre. The proposed dwelling will include an integral garage and three parking spaces.

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## Relevant Planning History

An application for the same development was received on 27.4.21 (21/01125/FUL) and later withdrawn as the applicant did not indicate that part of the site was not in the applicant's ownership. The application was immediately resubmitted.

## Consultations

### Service Lead – Community – Natural Environment and Recreation (Trees):

The Council's Tree Officer's indicated that he was opposed to the loss of the tree on the verge which would need to be removed to facilitate the proposed new access. The tree Officer considers that the tree is of significant amenity value and makes a valuable contribution to the character of the area.

### Service Lead – Environmental Services (Drainage):

The site is in Flood Zone 1 and is at very low risk of surface water flooding and any permission should be conditioned to require the submission to and approval by the local authority of the details of the disposal of foul and surface water before the commencement of the development.

### Hampshire County Council (Highway Authority)

The Highways Authority Arboricultural Officer commented as follows: "The tree report (on the planning application) makes mention of the fact there is a highway tree that could be removed as part of the proposal but, as is often the case, makes no mention that planning consent does not give the applicant permission to remove a highway tree. Permission will need to be sought from HCC for any highway tree loss to facilitate private development and, subject to the tree, its condition and value (amenity, ecological and monetary) permission may not be given. In the event it was agreed that the highway tree could be removed, this would require a compensation based on an industry recognised valuation methodology (CAVAT) in order that the tree could be satisfactorily mitigated by replacement planting.

No other highway-related issues have been identified.

### Natural England

No objection subject to mitigation. Nitrate calculations have been submitted and reviewed by Natural England. It is Natural England's view that in this case, provided the Council as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

## Representations:

23 representations objecting to the application were received from different addresses citing the following material planning reasons:

- the proposal is contrary to Policy DM15 in that it does not respect the qualities, features and characteristics that contribute to the distinctiveness of the local area;

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does not conserve or enhance the key characteristics of the area including trees and hedgerows which contribute to local distinctiveness.

- the proposal is contrary to Policy DM16 in that does not respond positively to the existing character of the area in terms of its design, scale and layout, and will increase traffic and noise to the detriment of the area including that to pedestrians and other road users
- the proposal is contrary to Policy DM17 in that it would have an unacceptable adverse impact on adjoining land, uses or property by reason of overlooking, overshadowing, by being overbearing and causing the loss of sunlight.
- the proposal will require the removal of a tree on the grass verge which is owned by the Highway Authority. The tree is the only street tree on Cross Way and is of significant amenity value. The council's tree officer has objected to the loss of the tree.
- the proposal will create a precedent for this form of development
- the development is contrary to aspects Compton and Shawford Village Design Statement 2011
- the proposed access coincides with access roads to other infill developments in this is part of Cross Way to the detriment of road safety and to the detriment of the character of the area.
- the amended plans do not deal with any of the previous objections to the development

13 representations supporting the application were received from different addresses citing the following material planning reasons:

- the development is not detrimental to the character of the area (it cannot be seen from Cross Way)
- it is of an appropriate design
- the market requires new housing of this type
- the development will support the local community and businesses in the area
- the amended design responds positively to the issues identified with the original submission
- similar infill development has been successfully accommodated in the area

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

- the development will reduce the value of existing houses in the area
- the applicants have previously objected to similar development proposals

### **Relevant Government Planning Policy and Guidance**

#### National Planning Policy Framework 2012 (and subsequently updated)

Para 7 - the proposal meets the test of sustainable development including the economic, social and environmental objectives.

Para 47 - Planning law requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

Para 60 - to support the Government's objective of significantly boosting the supply of homes, to ensure a sufficient amount and variety of housing land can come forward where it is needed. Windfall housing sites are a significant part of the council's strategy

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Para 119 - planning decisions should promote the effective use of land in meeting the need for homes and other uses while safeguarding and improving the environment and ensuring safe and healthy conditions.

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1).  
Policies DS1, MTRA3, CP11, CP13, CP16 and CP21

Winchester District Local Plan Part 2 – Development Management and Site Allocations  
DM15, DM16, DM17 and DM18.

Supplementary Planning Documents  
High Quality Places - SPD (2015).  
Compton and Shawford Village Design Statement 2011

## **Planning Considerations**

### **Principle of development**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and Paragraph 47 of the NPPF requires that applications for planning permission must be made in accordance with the development plan unless material considerations indicate otherwise. The development site is located with the defined settlement boundary of Southdown where the local plan indicates that development and redevelopment opportunities will be supported in principle. It is significant that the council's strategy for the provision of additional housing over the plan period relies on "windfall" housing sites coming forward. The application site is an example of such a windfall site.

### **Assessment under 2017 EIA Regulations.**

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

### **Impact on character and appearance of area**

Whilst there are a range of material considerations in relation to the assessment of this proposal, the main issue is the impact of the development on the character and appearance of the area. The majority of the objections received refer to the potential detrimental visual impact of the development on the established character of the area and the cumulative impact of similar development in the future.

Southdown is a distinct residential area comprising a small number of roads accommodating a hundred or so dwellings, nearly all large, two-storey detached houses in their own grounds, in a variety of architectural styles. The pattern of development in the area, particularly in the vicinity of the application site, is linear, with houses set back from the road, often behind mature hedges and trees. A wide grass verge separates front garden boundaries from the road. The character of this part of Southdown Road derives mainly from large detached dwellings in large grounds, with properties set back from the road behind deep front gardens.

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Whilst a significant number of objections highlight the impact of the development on the character and appearance of this part of Cross Way, in fact, the proposed house will be virtually invisible from the road. Although the new vehicular and pedestrian access onto Cross Way will be visible, its impact on the street scene will not be significant, notwithstanding that there a number of other drives in the vicinity. Because the proposed house will not be visible from the public domain, any objection based on the visual impact on the character and appearance of the area cannot be justified.

Similarly, whilst the proposed house will marginally increase the density and change the grain of development in the area, this will not be apparent from the public domain and therefore the purported harm to the character of the area will not be significant.

Whilst private views of the new house will be available from the rear of neighbouring houses on Cross Way, Grove Road and Southdown Road to the south, these will be limited and predominantly distant and will not have a significant impact on the character and appearance of the area.

A number of comments refer to the loss of the existing tree on the highway verge which will need to be removed to facilitate the proposed access. Whilst the tree contributes positively to the character of Cross Way and the council's tree officer has objected to its loss on the grounds of its amenity value, the case officer's assessment is that its loss is justified. It is noted that the arboricultural report submitted with the application indicates that the tree is of poor quality (Category C - multi-stemmed from 2m, poor form and structure, with poor quality crown reduction). Importantly, any permission will be conditioned to ensure that if the highway authority's agreement to the removal of the tree is secured by the applicant, compensatory tree planning will be undertaken to mitigate the loss of the existing tree, either on the site boundary or on the highway verge.

Therefore the proposal complies with policies CP13 and MTRA3 of LPP1 and DM15, DM16, DM17 and DM18 of LPP2.

The Compton and Shawford Village Design Statement 2011 (CSVDS)

A number of objections to the application contend that the proposal is contrary to the policies of the CSVDS. The relevant parts of the CSVDS cited are summarised below;

- the existing form of linear development should be maintained
- new development should take into account density and plot sizes and should not appear disproportionate to the plot size relative to neighbouring properties. Plots should be adequate in size to retain important trees.
- planning applications should show in the accompanying design and access statement how the development will conserve the leafy character of the Parish, which is one of its principal defining characteristics. Trees are essential to the internal character of built development of the Parish and in assimilating the settlements into the wider landscape.

The CSVDS is a material consideration in the assessment of planning applications in the area covered by it, and to which appropriate weight is accorded. Although the CSVDS is a material consideration, the starting point for the consideration of planning applications is the local plan. To some extent, the policies of the CSVDS have been superseded by relevant local plan policies which, in accordance with planning law, have significantly

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greater weight, having been the subject of public examination. That notwithstanding, the following paragraphs comment on the assessment of the proposal in the context of the CSVDS.

The existing pattern of development

A number of objectors have pointed to the CSVDS's characterisation of Southdown Road as having a linear form – ie existing houses are aligned parallel to the roads, and that development is one plot deep. Whilst the proposed development would be form of tandem development resulting in 2 plot depth from the road, because the new dwelling would be hidden from view, the impression from the road would be that the linear form of development has been preserved. In fact, the “hidden” plot has no meaningful impact on the character of the area.

Density and plot size

The CSVDS indicates that plot sizes and the corresponding density of development should not appear disproportionate relative to neighbouring properties. Whilst the proposed development would result in 2 smaller plots, and an increase in density as compared with neighbouring properties, this would not be disproportionate in comparison with the Southdown area as a whole. In addition, the impact of this aspect of change would not be perceptible from the public domain which is the most important consideration. It is significant that the CSVDS is more prescriptive in this regard than the local plan, to which greater weight must be given.

Conservation of the leafy character of the Parish

Whilst the proposed development will result in the loss of the tree on the highway verge, any permission will be conditioned to ensure that compensatory tree planting, either on the site boundary or on the verge itself, will be secured. In this way the site will continue to contribute to the leafy character of the area as a whole.

**Neighbouring amenity**

The proposed detached house will occupy an area of what is now open space, albeit a private rear garden. The proposed house will be visible from the rear elevations and gardens of the neighbouring properties on the south side of Cross Way. Whilst this is perceived by the occupiers of those properties as detrimental to their residential amenities, this impact will not be significant and would not justify the refusal of planning permission. The proposed development will also be visible from the rear elevations and gardens of properties to the south, fronting Grove Road and Southdown Road. However these views are limited and distant (70m+) and often interrupted by existing vegetation and trees.

The proposal therefore complies with policy DM17 of the Local Plan Policy Part 2 criteria vii which confirms that new development will be permitted if it does not have an unacceptable adverse impact on adjoining land, uses or property by reason of overlooking, overshadowing or by being overbearing.

**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  
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development within Winchester District is likely to result in impacts to the integrity of those sites through a consequent increase in Nitrates. New residential accommodation in the Winchester district is therefore obliged to submit a nutrient budget and provide details of any mitigation that will be employed to offset the release of nitrates from the development which would adversely affect the Solent. In this instance, the development will generate 3.1kg of total nitrate per year. This can be offset by the purchase of suitable land which can be removed from an agricultural use or alternatively, nitrate credits can be purchased from an agreed landowner. A Grampian condition has been adopted by the council in order to ensure the mitigation is secured in perpetuity.

### **Development affecting the South Downs National Park (SDNP)**

The application site is located approximately 400m from the SDNP. Due to the scale and design of the proposed development and its distance from the SDNP, it is concluded that the development will not affect any land within the park and is therefore in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

### **Historic Environment**

The works do not affect a statutory listed building or structure or its setting; conservation areas, archaeology or Non-Designated Heritage Assets or their setting.

### **Sustainable Transport**

The proposal will have no material impact on highway safety, traffic generation or air quality. The design of the new access from Cross Way into the site and the likely level of traffic generation can be successfully accommodated in this location. In accordance with the highway authority standing advice, vehicles entering and exiting the application site can do so in a forward gear.

Whilst the proposed access to the new dwelling will result in the loss of a portion of the front garden of the host dwelling, that property's existing parking area and drive are unaffected and provides sufficient vehicle parking to meet the council's requirements in this regard.

The proposals are therefore considered to be acceptable in highways terms and in accordance with policies CP10 and DM18.

### **Ecology and Biodiversity**

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. New residential accommodation in the Winchester district is therefore obliged to submit a nutrient budget and provide details of any mitigation that will be employed to offset the release of nitrates from the development which would adversely affect the Solent. In this instance, the development will generate 2.9 Kg/N/year of total nitrate per year. This can be offset by the purchase of suitable land which can be removed from an agricultural use or alternatively, nitrate credits can be

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purchased from an agreed landowner. A Grampian condition has been adopted by the council in order to ensure the mitigation is secured in perpetuity.

Concerns have been raised regarding the impact of the proposed development on ecology. However, the site has no notable existing ecological value, and the proposed development will not have a significant detrimental impact on the ecological value of the site or the area in general.

The proposal therefore complies with LPP1 Policy CP16.

### **Appropriate Assessment**

In the absence of avoidance and mitigation measures, the application will have a likely significant effect on European and Internationally protected sites as a positive contribution of 2.9 Kg/N/year is made. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Winchester City Council Position Statement on nitrate neutral development and the guidance on Nitrates from Natural England.

The authority's Appropriate Assessment is that the application, coupled with a mitigation package secured by way of a Grampian condition, complies with this strategy and would result in nitrate neutral development. It can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above in this regard.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and Article 6 (3) of the Habitats Directive, and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of Ramsar sites is a matter of government policy set out in the National Planning Policy Framework.

Under Reg 63(4) of the Habs Regs the Council considers that it is not appropriate to take the opinion of the general public, and have not therefore further advertised the Appropriate Assessment.

### **Sustainable Drainage**

The proposed dwelling is in an area of low flood risk and will not give rise to any issues relating to flood or surface water drainage. Any permission will have a condition attached requiring the submission of the details of foul and surface water arrangements to and approved by the local planning authority.

The proposal complies with LPP2 Policy DM17 in this regard.

### **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

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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.

### **Planning Balance and Conclusion**

Whilst the proposed development will have an impact on the character and appearance of the area, this will be limited to the private views of a limited number of properties in the immediate vicinity of the application site - on the south side of Cross Way, and to a lesser extent, properties further south on Grove Road and Southdown Road. The proposed development has been assessed in the context of local plan policies which seek to protect and preserve the character of the area, as identified in the CSVDS.

Although the proposed house will occupy what is currently private open space, introducing built development where there was previously none, the impact on the character and appearance of the area will not be significant as the dwelling will not be visible from the public domain. The resulting decrease in plot size and increase in density which objectors have referred to will not be meaningfully perceptible from the road, which will retain its existing character.

Whilst the development will require the removal of a mature tree on the highway verge to facilitate the property's vehicular access, the tree is of low quality and has been assessed to have a relatively limited life. The applicant has agreed to mitigate the loss of the tree with the planting of at least two additional trees either on the host property's boundary with the verge, or on the verge itself, subject to the agreement of the Highway Authority. Relevant conditions attached to the permission will ensure that this mitigation is secured.

Finally, a number of objectors have highlighted the issue of precedent, arguing that if allowed, the proposed development will result in similar development in the area, to the detriment of its character. However, planning law requires each application to be determined on its own merits, and should subsequent proposals be submitted, each will be assessed in the context of the local plan and other material considerations, including the cumulative impact of development which is specifically included in LPP2 Policy DM15.

### **Recommendation**

APPROVE subject to the following conditions:

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

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

2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall be as specified in Section 5 of the submitted application form.

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

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

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South and East Elevations - 200101 – 030 – P04  
North and West Elevations - 200101 – 031 – P04  
Proposed Floor Plans - 200101 – 020 – P04  
Site Sections - 200101 – 41 – P06  
Proposed Roof Plan - 200101 – 021 – P04

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.

4. No development shall take place until details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development or as otherwise agreed in writing by the Local Planning Authority. These details shall include the following, as relevant:

- the planting of 3 extra heavy standard trees on the northern boundary of the site in positions to be agreed in writing with the planning authority
- details of all trees, hedges and other planting to be retained
- planting plans
- written specifications and schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate:
- implementation programme

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

The soft landscaping shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner.

If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of the amenities of the locality

5. 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

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

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Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2021 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy

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

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2021 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy

8. 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.

9. Details of measures to be taken to prevent mud from vehicles leaving the site, during construction works being deposited on the public highway shall be submitted to, and approved in writing by the Local Planning Authority and fully implemented before, development commences. Such measures shall be retained for the duration of the, construction period. No lorry shall leave the site unless its wheels have been cleaned, sufficiently to prevent mud being carried onto the highway

Reason: In the interests of highway safety

10. Details of provisions to be made for the parking and turning on site of operative and construction vehicles during the period of development shall be submitted to and approved in, writing by the Local Planning Authority and fully implemented before development, commences. Such measures shall be retained for the construction period.

Reason: In the interests of highway safety.

11. 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

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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.

12. A biodiversity enhancement plan shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. These shall be sited prior to the development coming into its intended use and retained thereafter.

Reason: To safeguard protected species and maintain biodiversity.

**Informatives:**

1. This permission is granted for the following reasons:

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

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

Local Plan Part 1 Joint Core Strategy: Policies MTRA3, CP11, CP13, and CP16.

Local Plan Part 2: DM1, DM15, DM16 and DM17 of Local Plan Part 2.

The High Quality Places Supplementary Planning Document (2015)

The Compton and Shawford Village Design Statement 2011.

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. To facilitate the proposed access to the development site, the applicant/subsequent owner will need consent from the Highway Authority to gain access over the Highway Authority-owned verge for the construction of the access and for the removal of the tree on that land. Such consent is separate from the planning permission.

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

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

**Appendix 1**

**Parish Councillor's request that a Planning Application be considered by the Planning Committee**

<b>Request from Councillor:</b> Cllr Jan Warwick
<b>Case Number:</b> 21/02899/FUL
<b>Site Address: Smoke Acre Cross Way Shawford Winchester Hampshire</b> SO21 2BZ
<b>Proposal Description: Erection of a C3 Dwellinghouse with associated works. Demolition of a single storey side extension to facilitate a new access</b>
<b>Requests that the item be considered by the Planning Committee for the following material planning reasons:</b>  <b>The proposed development will have a detrimental impact on the character and appearance of the surrounding area</b>  <b>The impact of the proposed development on the neighbouring amenity space, in particular in terms of overlooking and loss of privacy is unacceptable.</b>  <b>Impact on Trees and Ecology has NOT been assessed.</b>