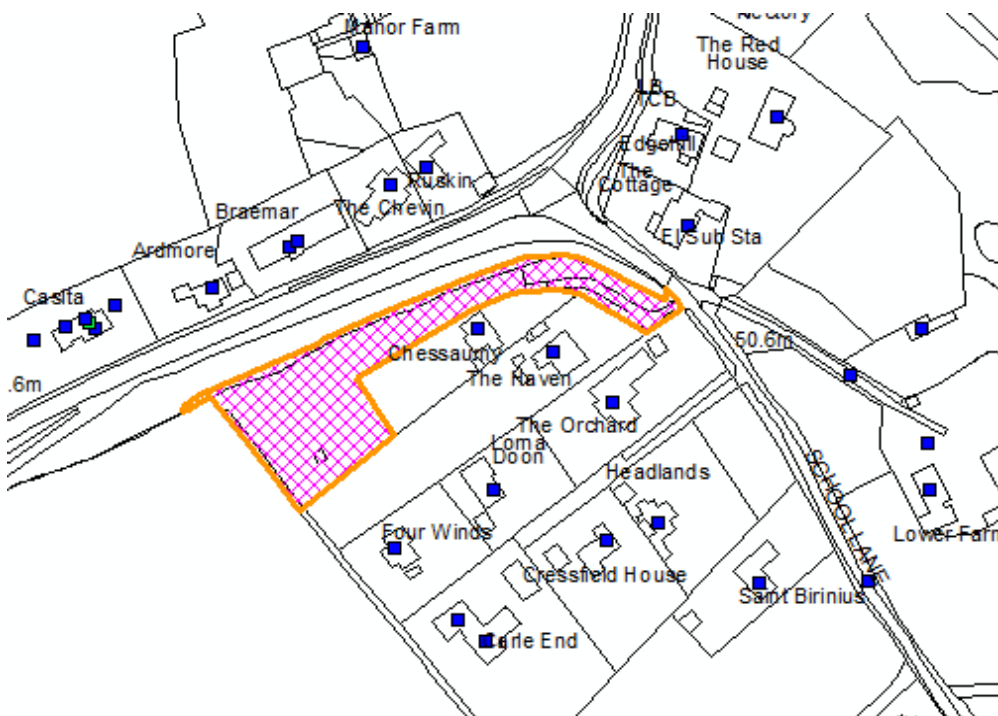


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 22/01617/FUL
Proposal Description: Erection of detached two storey four bedroom dwelling, and associated access and landscaping
Address: The Alpines, School Lane, Headbourne Worthy, Hampshire, SO23 7JX
Parish: Headbourne Worthy
Applicants Name: Mr Senna
Case Officer: Mrs Megan Osborn
Date Valid: 20 July 2022
Recommendation: Application Refused
Pre Application Advice Yes

Link to Planning Documents

[Link to page – enter in reference number 22/01617/FUL](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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Reasons for Recommendation

The development is recommended for refusal as this site is located within land classified as countryside and Settlement Gap under the Winchester Local Plan and therefore would be contrary to planning policy MTRA 3 and CP18 of the Winchester District Local Plan Part 1.

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General Comments

The application is reported to Committee because of the number of representations of support received contrary to the Officer's recommendation.

This application is a resubmission of a previously refused application (19/02840/FUL) for a new dwelling in the same location. This submission changes the design and scale of the proposed dwelling.

Amendments to Plans Negotiated

None

Site Description

The site is in the rear garden of a dwelling formally known as Chessaumy, which is currently under construction. Chessaumy is of Nordic timber frame design with large areas of glazing and replaced a single storey bungalow that was previously on this site.

The rear garden of Chessaumy lies to the south west of the house and slopes up to the application site to the rear that backs on to public open space which has been designated as part of the Kings Barton development. There are informal footpaths around this field, but these are not public rights of way.

The site is significantly higher than Wellhouse Lane to the north with a very steep bank down to the road with a large amount of vegetation on the slope.

To the south of the site there are other residential dwellings. The site immediately to the south is the rear garden of 'The Haven' and then further south of this are the dwellings 'Four Winds', and 'Lorna Doon', which are both further back off School Lane than the neighbouring dwelling and accessed from a driveway off the Lane.

Proposal

The proposal is for a full planning application for the erection of a detached dwelling in the rear garden of Chessaumy (now known as The Alpines).

The application is located within the rear garden of a dwelling that is currently under construction following the grant of planning permission for a replacement dwelling (19/02002/FUL).

A more recent application (19/02840/FUL) for the construction of a new dwelling in the rear garden of this property was submitted and refused for the following reasons:

1. The proposal fails to accord with Policy MTRA3 of the Local Plan Part 1 (Joint Core Strategy) as it does not represent the infilling of a site within a continuously developed road frontage. As a result, the proposal results in undesirable additional dwellings for which there is no overriding justification in an area of countryside, contrary to policy MTRA4 of LPP1.
2. The proposal is contrary to policy CP18 of the Winchester District Local Plan Part 1 and policy DM23 of the Local Plan Part 2 as the development would result in the

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loss of an important gap between developments, resulting in unacceptable intrusion to the detriment of the rural character of the area.

3. Insufficient information has been provided within the application to allow the Local Planning Authority to determine the presence, or otherwise, of protected species in the form of protected species at the site. Without a suitable survey of the site, and where appropriate an assessment of the developments impact on the protected species, and any mitigation strategy/compensation measures, the proposal fails to take account the advice contained in the National Planning Policy Framework. The proposal is therefore contrary to the NPPF and policy CP.16 of the Winchester District Local Plan Pat 1: Joint Core Strategy 2013.
4. The proposed dwelling is contrary to policy CP16 of the LPP1 in that the application has failed to demonstrate that it's Nitrate Neutral and therefore the council are unable to assess whether there is a surplus, deficit or neutral balance based upon existing and proposed land uses and proposed method of waste water disposal.
5. The proposal is contrary to policy CP20 of the Local Plan Part 1 and policy DM23 and DM24 of the Local Plan Part 2 in that no Arboricultural Impact Assessment has been submitted to support this application and therefore the impact cannot be fully assessed and the proposed works may result in unacceptable harm on surrounding trees.

Relevant Planning History

19/02002/FUL - Demolition of existing dwelling house and construction of new house with associated landscaping. Permitted 5th November 2019.

19/02840/FUL - Construction of new dwelling and associated landscaping. Refused 26th March 2020.

22/00853/PRE - The proposal is for a single detached dwelling. Advice required regarding design, scale, massing, siting, materials. Advise given 16th May 2022.

Consultations

Consultee:

Service Lead for Community - Landscape

Comment - The site is well screened from public view points, but lies in a designated gap between Headbourne Worthy and Winchester and therefore development within this area should be refused. However the policy does state that 'Within these areas only development that does not physically or visually diminish the gap will be allowed'.

Service Lead for Community - Trees

Objection - There is a dense line of trees on the northern boundary, further information is needed before the impact to the trees can be fully assessed.

Hampshire County Council – Highway Authority

Comment - The principle of using the existing access from School Lane for another dwelling is acceptable. However, this highway authority is concerned regarding the disposing of surface water onto the highway. Further information would be required regarding the surfacing of this access drive.

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Service Lead for Community - Drainage Engineer

No objection subject to a condition if this is approved.

Southern Water

No objections

Representations:

Cllr Cramoysan, Worthy's Ward:

"The planning application is for a building to be built in an area that is defined in the local plan as Countryside and which is a part of a settlement gap between Winchester Town and Headbourne Worthy Village. The local plan defines policies for planning purposes. For this area, the policy is like for like replacement not to extend the footprint of the developed area. I believe the proposal would be contrary to Policy CP18 of the Winchester District Local plan Part 1 and Policy DM23 of the Local plan part 2.

In addition, the proposal does not comply with policy MTRA3 of the local plan part 1 as it does not represent infilling of a site within a continuously developed road frontage.

The local plan is arrived at by a democratic process, updated periodically. It is currently in the process of being updated. The outcome is that policies are defined for each area of the district based on the democratic wishes of the local populations, taking account of top-down policies from both national and local government. The local plan should be complied with and be seen to be complied with.

If the applicant, and supporters of the application, feel unhappy with the local plan policy, the correct mechanism to use is to influence the local plan when it is updated.

Should officers, or the planning committee, be minded to approve this planning application, which is clearly contrary to the local plan policies, they should do so acknowledging that other potential applicants elsewhere in the district could legitimately point to this as setting a precedent that WCC planning will not enforce the policies agreed through a local plan process. This will have the effect of opening up other areas of local settlement gaps and undermining public trust in the local plan.

In addition, other conditions should be placed to better qualify the risks to wildlife, especially bats, and to ensure that conditions are placed that will enhance such wildlife."

Headbourne Worthy Parish Council – Objection – This is on land classified as countryside and Local Gap, request this to go to committee.

5 Objecting Representations received from different addresses citing the following material planning reasons:

- Object to the visual impact of the building from neighbouring sites and Wellhouse Lane.
- The new access will result in more vehicle movements, which would result in impact.
- Impact from lighting associated with the house.

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- Impact from the construction of the development.
- Impact on the local gap and countryside, contrary to planning policy.
- This would set an unwelcome precedent
- This would negatively alter the character of school lane and Headbourne Worthy.

10 Supporting Representations received from different addresses citing the following material planning reasons:

- Great architecture
- Better one house than two or three
- This would be in keeping with School Lane.
- Add to housing stock of the area.

Relevant Government Planning Policy and Guidance

National Planning Policy Framework

Section 2 Achieving Sustainable development

Section 4 Decision Making

Section 5 Delivering a sufficient supply of homes

Section 11 Making effective use of land

Section 12 Achieving well designed places

Section 15 conserving and enhancing the natural environment

National Planning Practice Guidance

Appropriate Assessment

Climate Change

Consultation and pre-decision matters

Design: process and tools

Environmental Impact Assessment

Flood risk and coastal change

Light Pollution

Natural Environment

Open space, sports and recreation facilities, public rights of way and local green space

Planning Obligations

Use of planning conditions

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1). DS1 – Development Strategy and Principles

MTRA3 – Other Settlements in the market towns and rural area

MTRA4 – Development within the Countryside

CP1 – Housing Provision

CP10 – Transport

CP11 – Sustainable Low and Zero Carbon Built Development

CP13 – High Quality Design

CP14 – Effective Use of Land

CP15 – Green Infrastructure

CP16 - Biodiversity

CP20 – Heritage and Landscape Character

CP21 – Infrastructure and community benefit

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

DM1 Location of new development
DM2 – Dwelling Sizes
DM6 – Open Space Provision
DM15 – Local Distinctiveness
DM16 – Site Design Criteria
DM17 – Site Development Principles
DM18 – Access and Parking
DM23 Rural Character
DM24 – Special trees, hedgerows and ancient woodlands

Supplementary Planning Document

National Design Guide 2019
High Quality Places 2015
Air Quality SPD September 2021
Residential Parking Standards December 2009
Affordable Housing SPD February 2008 with amendment 2012

Other relevant documents

Climate Emergency Declaration, Carbon Neutrality Action Plan 2020 – 2030
Statement of Community Involvement 2018 and 2020
Landscape Character Assessment March 2004 and emerging LCA December 2021
Biodiversity Action Plan 2021
Waste Management Guidelines
Position Statement on Nitrate Neutral Development – February 2020

Planning Considerations

Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2021) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The development is not situated within a settlement boundary and is therefore located within land designated as countryside within the Winchester District Local Plan, where there is a presumption against development.

Policy MTRA3 allows for development within settlements, such as Headbourne Worthy that have no clearly defined boundary, provided the development would result in the 'infilling of a small site within a continuously developed road frontage'. This policy seeks to provide for limited infill development in a space in a built-up frontage rather than allowing for the consolidation of an area of scattered residential development in the countryside.

The existing dwelling (Chessaumy) is located to the east of this site and there are dwellings to the north of the site on the other side of Wellhouse Lane, however the land slopes down very steeply from the proposed dwelling to the dwellings on Wellhouse Lane and therefore they do not relate to this site visually due to this very steep vegetated slope.

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There are no dwellings to the west of the site and also to the immediate south of proposed dwelling. It is considered that the proposed new dwelling would not relate to any frontage due to the level changes to the north onto Wellhouse Lane and to long access driveway from the front of the existing dwelling, Chessaumy.

Therefore due to the location of the proposed dwelling, it does not infill a gap between properties and would therefore not constitute a continuously developed road frontage and would be contrary to the aims of policy MTRA3 of the Winchester District Local Plan Part 1 (LPP1).

This site is also located within the settlement gap between Kings Worthy and Abbots Worthy and therefore under policy CP18 of the Winchester District Local Plan Part 1 development for new dwellings will not be permitted where they would physically or visually diminish the gap. It is considered that the proposed dwelling physically diminishes the gap with a new dwelling in a location that was before garden land in the gap between Kings Worthy and Abbots Worthy. The land to the rear of this site is currently open fields and is part of the wider development of Kings Barton and used as a nature reserve. There are footpaths around the fields and one that runs along the rear boundary with this site. The rear of this garden along with the field provide a physical gap between the development of Kings Barton, Winchester and the village of Headbourne Worthy. Therefore this proposed dwelling would add development to an existing open area of land that provides a buffer between settlements and therefore is contrary to Policy CP18 as it would result in a development that would physically diminish the gap.

In addition this proposal is also contrary to policy DM23 of the Local Plan Part 2 in that it would result in a physical development that would detract from the special qualities of the place.

It is therefore considered that there is a fundamental objection in principal to the proposal as the proposal fails to accord with the criteria of Policy MTRA3, CP18 and DM23 in that it does not represent the infilling of a small site within a continuously developed road frontage and would result in a development that would physically diminish the gap between Kings Worthy and Kings Barton/ Abbots Barton.

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

The site is rural in nature and backs on to open fields to the rear. Although you can see other houses from this site there is a distance between these dwellings that means this property can be stand alone in terms of its design.

This dwelling has a large floor area, however it is designed so that it nestles down within the site. The result is a dwelling that, although would diminish the gap in terms of further development in the countryside, in terms of its mass and bulk is kept to a minimum and as such the overall design of this dwelling would not detract from the character of the surrounding dwellings and context of the area.

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This dwelling would be seen from the pathway to the rear even with the retention of vegetation along this boundary.

Therefore this proposed complies with policies CP13 from the LPP1 and DM15 and DM16 of LPP2.

Development affecting the South Downs National Park

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

However, the application site is located about 1km from the South Downs National Park and therefore the development will not affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

Neighbouring amenity

Due to the location of the dwelling in relation to the sun movements, the low nature of the design and the location of the windows on the first floor, this dwelling would not result in any material planning harm in surrounding residential amenities.

Therefore the proposal is considered to comply with policy DM17 of the Local Plan Part 2.

Sustainable Transport

The proposal would have no impact on the highways safety of the access point as a result of one further dwelling.

There is sufficient space on the site for the required number of parking spaces needed for a dwelling of this size.

Therefore the proposal complies with policy DM18 in LPP2.

Due to the topography of the site and the potential increase in impermeable surfacing, it is requested that further information is provided on the type of surfacing to be used for the access driveway and how the surface water will be prevented from entering the highway. As a result of this application being recommended for approval, a reason for refusal has been included to cover these concerns.

Trees

There are a number of tree and shrubs to the north of the site on the slope leading down to Wellhouse Lane. This leads around to the front of the site in an L shape to the east of the
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dwelling under construction at the front of the site. A number of trees on the site have already been removed previous to this application being assessed. The tree officer had concerns in relation to the impact on trees. The application has not been supported with an Arboricultural Impact Assessment and therefore the impact cannot be fully assessed. This is contrary to policy CP20 of the LPP1, DM23 and DM24 of the LPP2.

Appropriate Assessment

Excess levels of nitrates and phosphates can damage freshwaters and the marine environment by a process known as 'eutrophication', promoting excessive growth of algae that chokes other life and leading to harmful effects on the SPA. Development within Winchester District that would result in overnight accommodation or excessive amounts of nitrates or phosphates, such as dwellings, tourist accommodation or large leisure schemes require nitrate calculations to demonstrate a deficit, neutral or surplus of nitrates and phosphates being generated on site.

The developer has submitted information regarding nitrates and phosphates, which states that the total annual nitrate load to mitigate is 3.16kg TN/year and phosphates would be 0.11kg TP/year.

This demonstrates that a new dwelling would increase the level of eutrophication resulting in loss of feeding grounds and disturbance of bird species. The impacts of eutrophication (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as eutrophication can cause important habitat and feeding grounds to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by eutrophication and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of eutrophication can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

Therefore the recommendation proposes a reason for refusal as, although a calculation has been provided the proposal is not 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 and the Winchester City Council Position statement on nitrate and phosphate neutral development, a net increase in housing development is likely to result in impacts to the integrity of those sites through a consequent increase in eutrophication.

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.

Planning Balance and Conclusion

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The proposal fails to accord with policies MTRA4, MTRA3, CP16, CP18, CP20, DM23 and DM24 of the Development Plan in that it fails to accord with the criteria of Policy MTRA3 as it does not represent the infilling of a small site within a continuously developed road frontage and would diminish the gap between Kings Worthy and Abbots Barton and an Arboricultural Impact Assessment has not been submitted to assess the possible impact on surrounding trees.

The proposal also fails to comply with policy CP16 in that the proposal does not provide sufficient information with regards to possible impact on nitrate and phosphate emissions from the proposed dwelling.

Recommendation

Application Refused subject to the following conditions:

Reasons:

1. The proposal fails to accord with Policy MTRA3 of the Local Plan Part 1 (Joint Core Strategy) as it does not represent the infilling of a site within a continuously developed road frontage. As a result, the proposal results in an undesirable additional dwelling for which there is no overriding justification in an area of countryside, contrary to policy MTRA4 of LPP1.
2. The proposal is contrary to policy CP18 of the Winchester District Local Plan Part 1 and policy DM23 of the Local Plan Part 2 as the development would result in the loss of an important gap between developments, resulting in unacceptable intrusion to the detriment of the rural character of the area.
3. 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 mitigation in regard to increased nitrates and phosphates into the Solent SPAs contrary to the Solent Recreation Mitigation Strategy. 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.
4. The proposal is contrary to policy CP20 of the Local Plan Part 1 and policy DM23 and DM24 of the Local Plan Part 2 in that no Arboricultural Impact Assessment has been submitted to support this application and therefore the impact cannot be fully assessed and the proposed works may result in unacceptable harm on surrounding trees.
5. The proposal is contrary to policy CP17 of the LPP1 in that it fails to provide any details in relation to the surface details of the driveway/access road leading from School Lane to the site and on the site itself. This may result in a significant harm in terms of the impact of the surface water runoff from this site towards School Lane and surrounding development.

Informatives:

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In accordance with paragraphs 186 and 187 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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

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

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

Local Plan Part 1 - Joint Core Strategy: DS1, MTRA3, MTRA4, CP11, CP13, CP20, CP21

Local Plan Part 2 - Joint Core Strategy: Development Management and Site Allocations: DM15, DM16, DM17, DM18, DM23, DM24.