

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 22/00979/FUL
Proposal Description: Erection of replacement dwelling with associated hard and soft landscape works.
Address: Fir Trees, Furzeley Corner, Denmead, Hampshire, PO7 6TS
Parish, or Ward if within Winchester City: Denmead Parish Council
Applicants Name: Mr and Mrs Watterson
Case Officer: Jordan Wiseman
Date Valid: 9 May 2022
Recommendation: Permit
Pre Application Advice: No

Link to Planning Documents

Link to page – enter in reference number 22/00979/FUL
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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Reasons for Recommendation

The development is recommended for permission as it is considered that it will not result in adverse impact upon the character and appearance of the existing site and surrounding area, neighbouring amenity, sustainable transport, sustainable drainage, building sustainability, ecology and biodiversity.

General Comments

The application is reported to Committee due to a request from Denmead Parish Council whose response is included in Appendix 1.

Amendments to Plans Negotiated

None

Site Description

The application site comprises a plot of land consisting of approximately 0.19 Hectares. The site currently hosts an existing disused single storey agricultural building with extant permission for conversion into a residential dwelling under Class Q of the General Permitted Development Order (GPDO). The site is bound on all of its boundaries by mature vegetation with a mixture of mature trees and hedging. The character of the area is rural which is demonstrated by the sparsely located built development along with open green paddocks and arable fields, dense vegetation and mature trees which surround the site. The site sits at the end of a short row of 4 residential dwellings which are in the form of chalet bungalows.

Proposal

Erection of replacement dwelling with associated hard and soft landscape works.

Relevant Planning History

- 20/02677/PNACOU – Approved - Notification for prior approval for a proposed change of use of agricultural building to form one dwellinghouse - agricultural building at Fir Trees, Furzeley Corner, Denmead, Waterlooville.
- 78/01213/OLD – Refused - Erection of dwelling and garage
- 89/00513/OLD – Refused - Dwelling

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Consultations

Service Lead for Community and Wellbeing (Trees) – No objection subject to conditions

Service Lead for Community and Wellbeing (Landscape) – No objection

Service Lead for Engineering (Drainage) – No objection subject to conditions

Environment Agency – No objection subject to conditions

Representations:

Denmead Parish Council (Appendix 1)

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

- New residential development in the countryside
- Flooding

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

- Design of building
- Accounts for possibility of flooding

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Relevant Government Planning Policy and Guidance

National Planning Policy Framework

Section 2 Achieving Sustainable development

Section 4 Decision Making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change

Section 16 of the National Planning Policy Framework 2021

National Planning Practice Guidance

Climate Change

Consultation and pre-decision matters

Design: process and tools

Environmental Impact Assessment

Flood risk and coastal change

Planning Obligations

Use of planning conditions

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1).

Policy DS1 – Development Strategy and Principles

Policy MTRA1 – Development Strategy Market Towns and Rural Areas

Policy MTRA2 – Market Towns and Larger Villages

Policy MTRA3 – Other Settlements in the Market Towns and Rural Area

Policy MTRA4 – Development in the Countryside

Policy CP1 – Housing Provision

Policy CP2 – Housing Provision and Mix

Policy CP4 – Affordable Housing on Exception Sites to Meet Local Needs

Policy CP10 – Transport

Policy CP11 – Sustainable Low and Zero Carbon Built Development

Policy CP13 – High Quality Design

Policy CP14 – The Effective Use of Land

Policy CP15 – Green Infrastructure

Policy CP16 – Biodiversity

Policy CP17 – Flooding, Flood Risk and the Water Environment

Policy CP18 – Settlement Gaps

Policy CP20 – Heritage and Landscape Character

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

Policy DM1 – Location of new development

Policy DM2 – Dwelling Sizes

Policy DM3 – Small Dwellings in the Countryside

Policy DM15 – Local Distinctiveness

Policy DM16 – Site Design Criteria

Policy DM17 – Site Development Principles

Policy DM18 – Access and Parking

Policy DM23 – Rural Character

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Denmead Neighbourhood Plan

Policy 1 (A Spatial Plan for the Parish)

Policy 2 (Housing Site Allocations)

Policy 3 (Housing Design)

Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Residential Parking Standards December 2009

Other relevant documents

Climate emergency declaration carbon neutrality action plan 2020-2030

Statement of Community Involvement 2018 and 2020

Biodiversity Action Plan 2021

Historic England Guidance

Constructive Conservation in Practice 2008

Constructive Conservation Sustainable Growth for Historic Places 2013

Conservation Principals Policies and Guidance 2008

Historic Environment Good Practice Advice in Planning: Published 30 June 2020

Winchester Future 50 Conservation Area Project 2018-2020

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 application site is situated off of Furzeley Corner, Denmead. The site is located outside of a defined settlement boundary and as such is on land classed as designated countryside where, as per policy MTRA4 of the WD LPP1, the principle of new residential development is not accepted.

Policy MTRA4 sets out several circumstances where development may be permitted in the countryside, but none of these apply in this case as the proposal is for redevelopment of an existing building and involves market housing rather than commercial uses. Policy CP4 may provide for affordable housing to be permitted exceptionally on sites outside current policy, to meet specific local needs, but this proposal is not for a rural housing 'exception' scheme and seeks what would be considered market housing.

Similarly, national planning policies (NPPF) generally seek to resist isolated housing development in the countryside unless it meets one of 5 defined circumstances. These circumstances do not apply in this case, again because the proposal is for the redevelopment of the site for what is considered market housing and is not for an essential rural worker (WDLPP2 DM11) etc. with any other needs or exceptions cited, or for reuse of the existing building for employment or community use.

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Whilst it is accepted that the development plan along with national planning policy seeks to resist residential development within the countryside, it is contested within the application submission that the consented prior approval under application reference number 20/02677/PNACOU, which sought the conversion of the existing agricultural building on the site into a residential dwelling under Class Q of the GPDO, acts as a 'fall-back' position should this current application be refused.

In order for this previous prior approval consent to be considered a 'fall-back' position for the current application being considered, relevant case law indicates that there must be a realistic prospect of this being implemented should the current application be refused. In this instance Class Q of the GPDO allows developers the right to convert existing agricultural buildings into a residential dwelling providing the relevant criteria have been met. As part of this section of the GPDO, the developer is obliged to submit a prior notification to the local planning authority for a determination as to whether prior approval is required or not. In this case, the developer submitted an application for prior notification for the conversion of the existing building into a residential dwelling whereby it was deemed prior approval was required and was then subsequently approved as the development proposed accorded wholly with the criteria set out under class Q of the GPDO. The applicant can therefore introduce a dwelling onto the site using permitted development rights.

In conclusion, as the developer has successfully obtained prior approval for the creation of a residential dwelling in this location, it is considered that the developer has every intention of developing the site and therefore it is considered that there is a very realistic prospect that the site will be developed as such even in the absence of obtaining full planning permission.

Based on this, the principle of development on this site is accepted provided the development accords with all other policies of the development plan and unless material considerations indicate otherwise.

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 application site is situated within a site that is located in the designated countryside. The character of the area is rural which is demonstrated by the sparsely located built development along with open green paddocks and arable fields, dense vegetation and mature trees which surround the site. There is one existing building on the application site which is the building to be replaced as part of this application. This building as existing is not considered to be of any architectural value and does not make any particular contribution to the surrounding area. The site sits at the end of a short row of 4 residential dwellings which are in the form of chalet bungalows.

The proposal would see the erection of a new 3 bedroom chalet style dwelling, along with the creation of a larger residential curtilage within the existing site boundaries, providing a garden for the property. The proposed dwelling is 1.5 stories in height with bedrooms in the loft space served by traditionally styled dormer windows.

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Due to the dwelling being only 1.5 stories in height, the design provides a looser grain of development which is expected to be found within a countryside setting. The dwelling proposed is larger than the existing building with extant permission for conversion into a residential dwelling, both in terms of its foot print, height and general mass. However, whilst a larger building than the existing, there is only a modest increase in floor space between the existing building (99.16sqm) and the proposed dwelling (123.89sqm), resulting in a difference of 24.73sqm which is no greater than the 25% increase allowed under policy DM3 of LPP1 and thus the development retains the stock of small dwellings in the countryside. It is also considered to be in keeping with the size, scale and massing of other residential dwellings within the immediate vicinity, follows the pattern of development and is proportionate in terms of its size in relation to the size of the plot.

Externally the dwelling is to be constructed with a brick plinth along with flint and red brick elevations, oak frame timber porch and Tudor roof tiles; the use of brick and flint on the exterior walls ensures that the proposed dwelling will be sympathetic visually within the rural area. Given the sensitive location of the development site, a condition is included requesting samples of the proposed materials to be submitted to the local authority prior to the development surpassing the DPC level and this is in order to ensure that the materials used are of a high quality, and so that the LPA can be confident that the new dwelling successfully integrates within its surroundings (condition no.3).

As the land is classed as designated countryside, due regard must be given to policy DM23 of the WD LPP2 which seeks to preserve the rural character of the area. The proposal will be visible from Furzeley Corner through the existing access into the site, however views are largely obscured by boundary treatment in the form of a mixture of various vegetation and mature trees. Whilst the proposed development may be visible from the surrounding area, the proposed development is considered to be sympathetic and will not result in an incongruous feature within the character of the area. The council's Landscape officer has also been consulted upon the proposed development to which no objection has been raised.

The application site is located with a defined settlement gap between Denmead and Waterlooville. Policy CP18 of the LPP1 seeks to retain the open and undeveloped nature of the gap. The proposal is on land already containing built form which has permission to be converted into a residential unit. The revised proposal does not physically or visually diminish the gap and complies with policy CP18.

Based upon the above assessment it is considered that no significant adverse impact is demonstrated upon the character and appearance of the existing site and surrounding area. The development therefore accords with policies DS1, CP13, CP20 of LPP1 and DM1, DM15, DM16, DM23 of the LPP2.

Development affecting the South Downs National Park

The application site is located 2.8km from 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

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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.

Due to the intervening distance and built form there is no harm to the National Park, its statutory purposes or status as a Dark Skies reserve.

In conclusion 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.

Historic Environment

There are no designated heritage assets in close proximity to the site.

The proposed development does not affect a statutory listed building or structure including its setting. The application site is not situated within a conservation area and does not impact any archaeology or Non-designated Heritage Assets including their setting.

Neighbouring amenity

Brookside is the residential property situated adjacent to the north west of the application site and is the only residential property which could potentially be impacted by the proposed development.

Due to the modest 1.5 storey height of the proposed development and its modest scale more generally along with its siting within the plot, it is not considered that any significant additional adverse impact can be demonstrated upon residential amenity in terms of overshadowing and overbearing. There are two new windows proposed on the north western elevation of the proposed dwelling at ground floor level which will look immediately out on to existing boundary treatment in the form of mature hedging. There are no new windows at first floor level on this side of the dwelling. The windows at first floor level to the rear will overlook the site's own residential garden and as such, no significant additional adverse impact can be demonstrated via overlooking.

There are no adverse residential amenity impacts demonstrated on other surrounding properties.

Based upon the above assessment, it is considered that no significant additional adverse impact can be demonstrated upon residential amenity by way of overlooking, overshadowing and overbearing. The development proposed therefore accords with policy DM17 of the WD LPP2.

Sustainable Transport

The application site utilises the existing vehicular access into the site off of Furzeley Corner and this access is not going to be altered as part of this development. The proposed development provides sufficient parking in accordance with the council's parking standards SPD within the residential curtilage of the site.

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Based upon the above assessment the proposed development does not result in any adverse impact upon highway safety and parking. The development therefore accords with policy DM18 of the WD LPP2.

Trees

There are a number of mature trees on site. This application is supported by an arboricultural report which makes a number of recommendations. Conditions 8-12 ensure that mature trees on the site are adequately protected.

The proposal therefore complies with policy DM24 of the WD LPP2.

Ecology and Biodiversity

The application is not in close proximity to a designated or protected site, the closest being Pipers Hill Wood SINC located over 200m to the north. The proposal is for overnight accommodation affecting Nitrates.

The development site is outside of the River Itchen Catchment Area and Phosphate mitigation is not required.

The application will have a likely significant effect in the absence of avoidance and mitigation measures on European and internationally protected sites as a positive contribution of 1.01Kg/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.

The development therefore complies with The EU Habitats Directive and Conservation of Habitats & Species (Amendment) Regulations 2011 and contains an Appropriate Assessment as Competent Authority (if required).

This site is within 5.6 km of the Solent coastline. Tens of thousands of birds come to the Solent coast for the winter and there are three Special Protection Areas (Chichester & Langstone Harbours; Portsmouth Harbour; and Solent & Southampton Water) to safeguard them. The protection afforded by the SPA designations has particular consequences. Under the Habitats Regulations, any plan or project can only lawfully go ahead if it can be shown that the development, either on its own or in combination with other plans or projects, will have no adverse effect on the integrity of the SPAs.

New housing around the Solent will lead to more people visiting the coast for leisure with the potential to cause more disturbance to the birds. Research shows that additional disturbance will affect the birds' survival unless mitigation measures are put in place. Bird
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Aware Solent provides a means to deal with the potential impacts along the coastline resulting from housing developments. The initiative is run by the Solent Recreation Mitigation Partnership (SRMP), which is made up of 19 organisations (local authorities and conservation bodies) including Winchester City Council, and is funded by financial contributions from new dwellings and other forms of residential developments within 5.6km of the SPAs. The measures implemented by the Partnership provide a means for developers to mitigate the effects of their schemes so that obligations under the Habitat Regulations can be met and planning permission granted.

The planned mitigation measures are set out in the Interim Solent Recreation Mitigation Strategy. The main one is a team of rangers to help coastal visitors and communities understand the importance of the different bird species and the impact of disturbance. Additional work is taking place to encourage responsible dog walking and visits to less sensitive parts of the coast. This work is particularly important as research shows that around 40% of bird disturbance occurs as a result of interactions with dogs. In addition the Bird Aware Solent team have secured Local Growth Deal funding which has been spent on creating or enhancing alternative local green spaces for some people who would have otherwise visited the coast. The effectiveness of the Strategy's measures are also being monitored.

The Council's Supplementary Planning Document relating to the SRMP states that Developments of one or more dwellings within a 5.6km radius of the SPA will be required to provide financial contributions towards the SRMP in order to prevent additional disturbance to the SPA/ Ramsar site. In this instance the requisite contribution to mitigate the harm caused to biodiversity in the affected area as set out above has been paid.

An Appropriate Assessment has been completed and is available on the public file. 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, 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 the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2018.

Sustainability

Developments should achieve the lowest level of carbon emissions and water consumption which is practical and viable. Policy CP11 expects new residential developments to achieve Level 5 for the Energy aspect of the Code for Sustainable Homes and Level 4 for the water aspect. Condition 4 secures the submission of design-stage data prior to the commencement of development to ensure this is complied with.

Condition 5 then requests as-built data prior to the occupation of the unit to ensure that the requirements have been met.

The proposal is not in the Air Quality Catchment Area.

The proposal therefore complies with policy CP11 of the Local Plan Part 1.

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Sustainable Drainage

The application site is located within flood zone 3 and as such is assessed as being at high risk from surface water flooding. This application is supported by a flood risk assessment (FRA) which makes a number of recommendations based upon the site's high flood risk. The submitted flood risk assessment along with its recommendations are considered acceptable and therefore condition number 6 requires the proposed development to be carried out in accordance with the FRA; this ensures that finished floor levels are set no lower than 33.09 metres Above Ordnance Datum and the inclusion of flood resilience and resistance measures as detailed in section 8 of the submitted FRA. These measures are expected to be in place prior to the proposed dwellings occupation. A further condition is included (condition 7) requesting details with regard to how surface water drainage is to be dealt with as part of the new development as well as foul drainage to ensure that appropriate measures are put in place.

Both the council's drainage engineer and the Environment Agency have been consulted on the proposals to which no objection is raised subject to the above measures being secured via condition.

The proposal therefore complies with policy CP17 of the LPP1 and DM17 of the LPP2.

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

In conclusion, whilst it is acknowledged that the proposed development does not wholly comply with the development plan, explicitly policy MTRA4, as demonstrated within the principle of development section of this report, a fall-back position has been demonstrated which is a material planning consideration and is therefore accepted in this instance. This is an accepted process which follows case law.

No adverse impact is demonstrated upon the character and appearance of the existing site and surrounding area, neighbouring amenity, sustainable transport, sustainable drainage, building sustainability, ecology and biodiversity.

The proposed development is therefore considered to be acceptable and accords with the following policies DS1, MTRA4, CP1, CP2, CP11, CP13, CP16, CP20 of WDLPP1 and DS1, DM3, DM15, DM16, DM17, DM18, DM23 of WDLPP2 and The High Quality Places SPD.

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Recommendation

Permit subject to the following condition(s):

Conditions

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

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

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

Site Location Plan - RUR003028 GA-01 REV A
Existing Site Plan - RUR003028 GA-02 REV A
Proposed Site Plan - RUR003028 GA-03 – REV B
Proposed Ground Floor Plan - RUR003028 GA-10 REV A
Proposed First Floor Plan - RUR003028 GA-11 REV A
Proposed North Elevation - RUR003028 GA-12 – REV A
Proposed South Elevation - RUR003028 GA-13 – REV A
Proposed West Elevation - RUR003028 GA-14 – REV A
Proposed East Elevation - RUR003028 GA-15 – REV A
Proposed Section - RUR003028 GA-16 – REV A
Proposed Roof Plan - RUR003028 GA-17 – REV A
Proposed Street Elevation - RUR003028 GA-18

Reason: In the interests of proper planning and for the avoidance of doubt.

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

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

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

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2012 and to accord with the

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requirement of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

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

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

6. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (by Paul Waite Associates, ref: 22009-PWA-00-XX-RP-C-1000, dated August 2020) and the following mitigation measures it details:
 - Finished floor levels shall be set no lower than 33.09 metres Above Ordnance Datum (mAOD).
 - The inclusion of flood resilience and resistance measures as detailed in section 8 of the submitted FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

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

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

8. Protective measures, including fencing and ground protection, in accordance with the Arboricultural Impact Assessment and Method Statement ref:- Arboricultural Statement dated 18th October 2022 written by David Paginton of Land Arb Solutions Ltd and submitted to the Local Planning Authority shall be installed prior to any demolition, construction or groundwork commencing on the site.

The Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and

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deemed appropriate and in accordance with the Arboricultural Impact Assessment, Arboricultural Method Statement, ref:- Arboricultural Statement dated 18th October 2022 and Tree Protection Plan Ref:- LAS 514 Telephone Tree Officer. 01962 848360

Reason: to ensure protection and long term viability of retained trees and to minimise impact of construction activity.

9. Arboricultural works shall be carried out to trees other than those specified and in accordance with the Arboricultural Impact Assessment and Method Statement Ref:- Arboricultural Statement dated 18th October 2022. Any deviation from works prescribed or methods agreed in accordance with the Arboricultural Impact Assessment and Method Statement Ref:- Arboricultural Statement dated 18th October 2022: shall be agreed in writing to the Local Planning Authority.

Reason: to ensure protection and long term viability of retained trees and to minimise impact of construction activity.

10. No development, or site preparation prior to operations which has any effect on compacting, disturbing or altering the levels of the site, shall take place until a person suitably qualified in arboriculture, and approved as suitable by the Local Planning Authority, has been appointed to supervise construction activity occurring on the site. The arboricultural supervisor will be responsible for the implementation of protective measures, special surfacing and all works deemed necessary by the approved arboricultural method statement. Where ground measures are deemed necessary to protect root protection areas, the arboricultural supervisor shall ensure that these are installed prior to any vehicle movement, earth moving or construction activity occurring on the site and that all such measures to protect trees are inspected by the Local Planning Authority Arboricultural Officer prior to commencement of development work.

Reason: to ensure protection and long term viability of retained trees and to minimise impact of construction activity.

11. Details on storage and access to and from the site will be submitted to and agreed in writing with the Local Authority prior to any operations for development taking place.

Reason: to ensure protection and long term viability of retained trees and to minimise impact of construction activity.

12. A pre-commencement meeting must be held on site before any of the site clearance and construction works begins. This will be attended by the site manager, the Arboricultural consultant and the LPA tree officer.

Reason: to ensure protection and long term viability of retained trees and to minimise impact of construction activity.

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Informative:

1.

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

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

In this instance a site meeting was carried out with the applicant.

2.

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

Local Plan Part 1 - Joint Core Strategy: DS1, MTRA4, CP1, CP2, CP11, CP13, CP16, CP20

Local Plan Part 2 - Development Management and Site Allocations: DM1, DM2, DM15, DM16, DM17, DM18, DM23

High Quality Places SPD

3.

This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out above, 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.

4.

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.

Flexibility of hours may be acceptable due to the Covid-19 emergency in line with the Business and Planning Bill 2019-21 <https://services.parliament.uk/Bills/2019-21/businessandplanning.html>

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. Where construction site working hours are limited by a planning condition you can apply under Section 74B of the Town and Country Planning Act 1990 which provides a temporary fast track to vary existing conditions.

<https://www.gov.uk/government/publications/construction-working-hours-draft-guidance/draft-guidance-construction-site-hours-deemed-consent>

5.

Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

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For further advice, please refer to the Construction Code of Practice

<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

6.

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

7.

It is strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

<https://www.gov.uk/guidance/flood-risk-and-coastal-change>).

Further guidance on flood resistance and resilience measures can also be found in:

Government guidance on flood resilient construction

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

CIRIA Code of Practice for property flood resilience

https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience.aspx

British Standard 85500 – Flood resistant and resilient construction

<https://shop.bsigroup.com/ProductDetail/?pid=00000000030299686>

8. Please note that this development and the associated works on the site may require a permit under the Environmental Permitting (England and Wales) Regulations 2016 from us for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Mead End river, designated as a main river. This type of permit is called a 'Flood Risk Activity Permit'.

Further details about Flood Risk Activity Permits can be found on the gov.uk website using the following link –

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

The Applicant should note that a permit is separate to and in addition to any planning permission granted. The granting of planning permission does not necessarily lead to the granting of a permit.

To enquire about the permit application process, the Applicant should contact our National Customer Contact Centre on **03708 506 506** (Monday to Friday 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. We would advise the Applicant to contact us at the earliest opportunity.

WINCHESTER CITY COUNCIL
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Appendix 1



Winchester
City Council

**Development
Management**

City Offices
Colebrook Street
Winchester
Hampshire
SO23 9LJ

tel 01962 840 222

fax 01962 841 365

telephone calls may be recorded

website www.winchester.gov.uk

PARISH CONSULTATION LETTER

From: Planning – Development
Management

To **Denmead Parish Council**

Date Valid: 9 May 2022

Case No: 22/00979/FUL

Closing Date **4 July 2022**
for comments:

Case Officer: Jordan Wiseman
01962 814 928

Location: Fir Trees, Furzeley Corner Denmead Hampshire PO7 6TS

Proposal: Erection of replacement dwelling with associated hard and soft landscape works.

13 June 2022

I am writing to advise you we have received a planning application in respect of the above development.

Documents relating to this application are available to view on line. via the following link, and then searching using case reference **22/00979/FUL**. Any comments can be submitted on line using the same link and should be submitted by **4 July 2022**

<http://planningapps.winchester.gov.uk/online-applications/search.do?action=simple&searchType=Application>

If you wish the application to be considered by Planning Committee, please complete and return the attached form via email to jwiseman@winchester.gov.uk with the reasons for your request. The reasons must be material to planning. Your reply will be reproduced in full

Case No: 22/00979/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

From: **Denmead Parish Council Parish**

Case No: **22/00979/FUL**

Location: Fir Trees, Furzeley Corner Denmead Hampshire PO7 6TS
Proposal; Erection of replacement dwelling with associated hard and soft landscape works.

Comments

After further discussion, the Parish Council of Denmead raised **A STRONG OBJECTION with a majority of 6:2**, with a request that the proposal is put before Winchester City Council Committee, on the following grounds:

- Class Q - Agricultural Buildings to Dwellinghouses Permitted Development
- “Development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule. Development is not permitted by Class Q if the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point, or the development under Class Q (together with any previous development under Class Q) would result in a building or buildings having more than 450 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.” This proposal is a new development to which Class Q does not apply.
- WCC Local Plan Part 1 - Policy MTRA4 – Development in the Countryside
“Dwellings in the countryside will only be permitted where there is an operational need for a countryside location, such as for agriculture, horticulture or forestry”. The proposal is contrary to this Policy as no such need has been identified.
- WCC Local Plan Part 2 – Policy DM23 – Rural Character
“Outside defined settlement boundaries, development proposals which accord with the Development Plan will be permitted where they do not have an unacceptable effect on the rural character of the area, by means of visual intrusion, the introduction of incongruous features, the destruction of locally characteristic rural assets, or by impacts on the tranquillity of the environment”. The proposal is contrary to this Policy as it falls outside the defined settlement boundary.
- WCC Local Plan Part 1 – Policy CP19 – Settlement Gaps
“The Local Planning Authority will retain the generally open and undeveloped nature of the following settlement gaps:....Denmead-Waterlooville.....within these areas only development that does not

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

physically or visually diminish the gap will be allowed. Development which would threaten the open and undeveloped character of this area will be resisted and the land should be managed to secure the long-term retention of its rural character.”

Request for application to be considered by Committee:

For the reasons stated above, Denmead Parish Council wish this application to be considered by Committee.

Signed: *Jo Hollingshead*

Date: 27 June 2022