

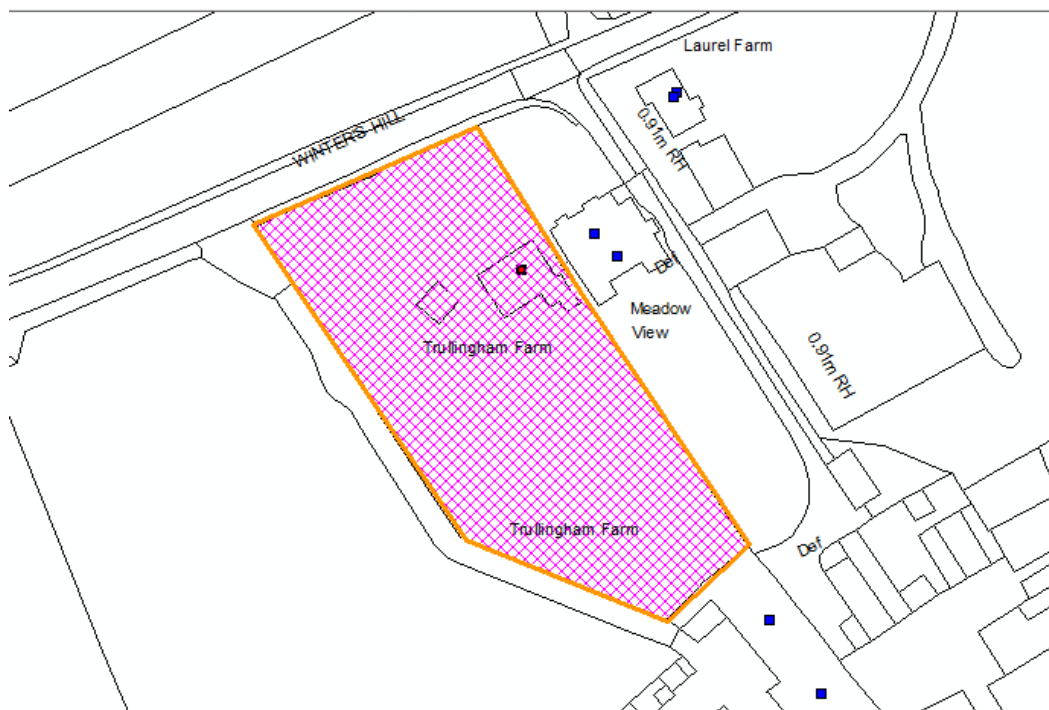
WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 23/01042/FUL
Proposal Description: Change of use of part of existing dwelling to a day care nursery for children (use Class E(f)); Single storey rear extension; Roof Extension: Parking provision and associated works
Address: Trullingham Farm, Wintershill, Durley Hampshire SO32 2AH
Parish: Durley Parish Council
Applicants Name: Mr and Mrs Russell Churcher
Case Officer: Liz Young
Date Valid: 05 June 2023
Recommendation: Refuse
Pre Application Advice No

Link to Planning Documents

23/01042/FUL

<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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Reasons for Recommendation

The development is recommended for refusal because it would result in the introduction of a use with the potential to give rise to a significant increase in noise levels and activity which would in turn impact upon both the amenities of neighbouring residents and the rural character and tranquillity of the countryside contrary to LPP2 Policies DM17, DM20 and DM23 of the Winchester District Local Plan Part 2 – Development Management and Site Allocations and paragraph 185 of the NPPF.

General Comments

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

Amendments to Plans Negotiated

None

Site Description

This application site comprises a detached 1.5 storey property and detached outbuilding located within a spacious plot within rural surroundings. The house and garage are set well back from the road behind the driveway and parking area. There are two vehicular access points from the highway. The west and south boundaries are adjoined by grazing land and buildings which form part of an equestrian establishment. The eastern boundary is adjoined by a residential property. The site sits on relatively flat ground and extends to approximately 0.5 hectares. A gravel driveway lies to the front and the majority of the rest of the site consists of open lawns and a number of mature trees. In terms of background, consent has recently been granted to extend the main house and also to enlarge the existing detached garage by adding first floor accommodation (consent 22/00506/HOU) although these works have not yet been implemented.

Proposal

Consent is now sought to change the use of part of the existing dwelling to a day care nursery for children (use Class E(f)), to build a single storey rear extension and roof extension and to provide additional parking spaces. The design and form of the extensions to the main house would broadly replicate those which were previously permitted in 2022 (planning consent 22/00506/HOU). The additions would comprise an extension to the ridge line of the main house, changing the hipped roof to cropped hip to form additional accommodation at first floor level and also an enlargement to the existing flat roofed rear extension (the design for this element differing from the approved scheme which proposed a wider extension).

With regards of the proposed change of use, the retained dwelling would be occupied by the owners of the childcare establishment. The nursery use would occupy an overall floor area of just over 140m². The proposed outdoor play area (to be located immediately rear of the main house) would occupy a further 64m². Information which accompanies the application indicates that the nursery use is likely to have between 15 and 18 children originating from areas including Bishops Waltham, Boorley Green, Botley, and Horton Heath. Staff work patterns would reflect the opening hours which would run between 7am

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to 6pm Monday to Friday. The plans also include a proposal to install 2 electrical vehicle charging points. The number of staff has not been specified.

Relevant Planning History

Single storey rear extension, extension of main roof and removal of side dormer. Side extension to garage and raising of roof to provide storage and external staircase to first floor (22/00506/HOU) Application permitted 13.06.2022

New access with gate and track from Trullingham Farm onto Winters Hill (RETROSPECTIVE) (08/02534/FUL) Application permitted 16.12.2008

Consultations

Highways Authority – No objections but request further information
Environmental Protection – Objection raised

Representations:

Durley Parish Council - Does not object to the Change of Use, but do have concerns about the additional traffic this day care nursery will have on Durley.

9 letters of support received citing the following reasons:

- Nursery places are at a premium and there is a community need for this development (and also to serve new residential development in the area)
- Outdoor setting would be beneficial
- Many existing nurseries are closing or are at capacity
- Employment benefits to local community

2 letters of objection received citing the following reasons:

- A children's day nursery generates considerably more activity than a family home
- Proposed use would be directly on the boundary with Meadowview Farm
- Increased traffic will give rise to increase pollution
- Increased noise resulting from outdoor play in quiet area
- The use should be located in an alternative location better served by local transport
- Harmful impact upon local residents
- There is no pedestrian access to the site and all visitors would need to access the site by car
- There are currently already 35 day nurseries for children within a 5 mile radius of Durley
- The planning application states 20 parking spaces whereas the plans only show 15
- The application incorrectly states that the property is served by a mains sewer

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Relevant Government Planning Policy and Guidance

National Planning Policy Framework (2021) (NPPF)

Chapters 2, 6, 9 and 15

National Planning Practice Guidance

Noise (July 2019)

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1) (2017)

Policy DS1 - Development Strategy and Principles

Policy MTRA1 - Development Strategy Market Towns and Rural Area

Policy MTRA 4 - Development in the Countryside

Policy CP6 - Local Services and Facilities

Policy CP11 - Sustainable Low and Zero Carbon Built Development

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

Policy DM15 – Local Distinctiveness

Policy DM16 – Site Design Criteria

Policy DM17 – Site Development Principles

Policy DM18 – Access and Parking

Policy DM20 – Development and Noise

Policy DM23 – Rural Character

Supplementary Planning Document

Hampshire Parking Strategy and Standards (2002)

Landscape Character Assessment 2022

High Quality Spaces SPD (2015)

Other relevant documents

CLIMATE EMERGENCY DECLARATION CARBON NEUTRALITY ACTION PLAN 2020 – 2030

National Design Guide (2021)

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) require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Policy DS1 of the LPP1 is consistent with the NPPF which states in paragraph 11 that decisions should apply a presumption in favour of sustainable development and that for decision taking this means approving development proposals that accord with an up to date development plan without delay.

LPP1 Policy CP6 (Local Services and Facilities) supports proposals for the development of new, extended or improved facilities and services in accordance with the development strategies set out in Policies WT1, SH1 and MTRA1.

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The supporting text to LPP1 Policy CP6 recognises the dispersed nature of the District and acknowledges that the provision and retention of local services and facilities is important.

LPP1 Policy MTRA 4 supports proposals for the reuse of existing rural buildings for community use subject to ensuring the building is of permanent construction and capable of use without major reconstruction. Paragraph 6.31 of the supporting text to this policy indicates that in such cases it is anticipated that development would be focused upon buildings which are no longer in use and others which are occupied by existing users or businesses which may need to expand. However the policy itself does not explicitly rule out introducing alternative uses to existing dwellings and in this case the residential use would remain (albeit with a more modest floor area). The proposal would therefore not result in the loss of a residential use. Whilst extensions are proposed to the dwelling in order to facilitate the development, these alterations are of a more modest scale than those recently approved. The dwelling is of permanent construction and there would be no requirement for re-construction. Having regard to this (along with the fact that the occupants of the retained dwelling would be connected with the proposed community use) it is concluded that the general principle of the development is supported by both local and national policy, subject to the proposal being in accordance with the development plan as a whole.

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

Planning policy acknowledges that when considering the character of the area it is necessary to have regard to both visual impacts alongside wider impacts upon tranquillity (such as noise and light pollution). These factors are recognised (by LPP2 policy DM23 in particular) as essential components of rural character.

LPP1 Policy MTRA4 is also relevant in that it seeks to ensure proposals should not cause harm to the character and landscape of the area or neighbouring uses, or create inappropriate noise/light and traffic generation.

With regards to the development pattern of rural settlements including Durley, LPP1 Policy MTRA 3 states that the scale and design of development should conserve each settlement's identity, countryside setting, and local features, particularly as identified in Village Design Statements and the Winchester District Landscape Character Assessment (2022) (the LCA). The LCA places the application site within Landscape Character Area 23 (Durley Claylands) which it describes as a '*varied landscape of arable and pasture agriculture, copses (including ancient woodland) and scattered settlement*' and '*tranquil in areas away from urban influences*'. Wintershill itself fall within one of the areas of parliamentary enclosure where the roads are straight with wide verges and clipped hedges with standard oaks. These identified characteristics highlight the predominantly rural nature of the location.

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The main house currently sits comfortably within its plot and is set well back from the highway with a driveway area, lawns and trees to the front. The expansive lawns, trees and overall spacious layout, along with the relatively open frontage enabling views into the site contribute to the rural character of the area. The wider street scene along Winters Hill is characterised by a mix of rural dwellings set back from the road within spacious plots and mature gardens, equestrian / agricultural development and open fields. Background noise and external lighting levels in the area are low.

Due to the modest overall scale of the extension and the fact that the house is set well back from the highway, the proposed additions would not be harmful to the character of the existing building or its surroundings. They would reflect the roof form and scale of the house and would not significantly increase its overall prominence in the wider area as required by LPP2 Policies DM16 and DM23.

As highlighted in the supporting text to LPP2 Policy DM23, the introduction of urban elements, such as significant areas of hard landscaping can detract from the special qualities of the countryside. This policy also highlights that noise and lighting pollution may be more noticeable in rural areas due to the relative tranquillity of the surroundings. Traffic intrusion may adversely affect the character of the area due to numbers of trips. With regards to parking provision, paragraph 5.44 of the High Quality Spaces SPD states that proposals should ensure that vehicular parking has the least impact possible on the aesthetics of the proposed development, especially in relation to the public realm and when the development is viewed from key vantage points. It advises (in paragraph 5.47) that parking should be to the side of the buildings, which reduces the impact on the street scene and allows more space for planting to the front. This closely reflects guidance on page 24 of the National Design Guide which states that proposals should provide well-designed parking is attractive, well landscaped and sensitively integrated into the built form so that it does not dominate the development or the street scene.

As highlighted in third party comments received, the site is not readily accessible on foot or by public transport and it is therefore likely that all those accessing the site would arrive by car, giving rise to the potential for a significant increase in vehicle movements. The proposal seeks to provide additional parking to the front of the site to accommodate this. However this aspect of the development, in combination with the associated vehicular activity to and from the site and increased levels of activity and noise in the site during the day, would significantly alter the overall character of the site including views from the highway. The proposal would therefore introduce a use which is uncharacteristic of the area as it would be at odds with the prevailing pattern of development identified within the LCA which describes the area as consisting of numerous farms and loosely connected dwellings.

With regards to visual impacts, the additional parking provision would alter the balance between greenspace and hard landscaping. Furthermore, the increased levels of activity associated with the proposed use would not be reflective of the domestic and grazing uses which prevail in the immediate locality (uses which are not typically associated with significant areas of parking or vehicular activity). The proposal would therefore erode the open nature of the site reducing the positive contribution the space makes to the character of the area.

Overall, it is considered that the proposal would be contrary to the requirements LPP2 Policy DM23 which seeks to ensure proposals do not result in the introduction of elements
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that detract from the special qualities of an area, or have an unacceptable effect on rural character, by means of visual intrusion, or loss of tranquillity.

The proposal would therefore fail to accord with LPP1 Policies MTRA 3, MTRA4 and CP13, LPP2 Policies DM15, DM16, and DM23 and also guidance contained within the National Design Guide and High Quality Spaces SPD. These policies seek to ensure that development preserves rural tranquillity, provides sensitive parking, responds positively to the distinctive character and appearance of the area and conserves green spaces and trees that contribute to the special setting of buildings and local distinctiveness.

Development affecting the South Downs National Park

The application site is located just under 0.5km from the South Downs National Park which lies to the north east. The relatively flat topography of the site and the existence of residential development to the east are such that there would be no intervisibility between the two areas. The nature of the use is such that it would not give rise to additional recreational impacts upon the National Park designation.

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.

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

The proposed development would not affect a statutory Listed building or structure including setting; Conservation Areas, Archaeology or Non-designated Heritage Assets including setting. Not detrimental impacts upon the historic environment would result from the development.

Neighbouring amenity

In considering direct impacts towards neighbouring residents, the proposed extensions (which have previously been approved in a slightly different form) would not result in the introduction of additional first floor windows orientated towards the boundary with the neighbouring property. The relatively modest scale of the additions (which would not encroach any closer towards the boundary with the neighbour) would not give rise to a harmful overbearing impact in terms of overbearing impact or loss of light as required by LPP2 Policy DM17.

The nature of the proposed use, however, is such that it would give rise to the potential for increased noise levels resulting both from the noises of children (particularly when playing outdoors) and also the increased number of vehicle movements to and from the site from

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both staff and parents. The proposal will have the potential to have up to 18 children playing outside at one time. This is a particularly significant issue given the rural context and low background noise levels, alongside the proximity to neighbouring residential properties.

NPPF paragraph 174 seeks to ensure planning decisions prevent new and existing development from contributing to, or being put at unacceptable risk from noise pollution (amongst various other things). Paragraph 185 states that new development should be appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions. LPP2 policies DM17 and DM20 reflect these requirements and state that proposals should not cause unacceptable levels of pollution to neighbours by means of noise and would not have an unacceptable impact on human health or quality of life. Policy DM20 also requires noise generating proposals to provide an assessment to demonstrate how it prevents, or minimises to an acceptable level, all adverse noise impacts. The applicant has not submitted any details regarding likely noise impacts or provided any mitigation controls.

The impact of the development will be particularly noticeable from the rear garden area of the immediate neighbour, Meadow View, given that the boundary between the application site and this property lies less than 2 metres from the proposed outdoor play area. As acknowledged by the Environmental Protection Officer, when new children's day care facilities are located in residential areas, Environmental Protection will often receive noise complaints.

The amount of noise typically generated from a children's nursery is also very difficult to control and the layout of the site is such that making changes to the proposal are unlikely to mitigate the potential for increased noise levels whilst still ensuring satisfactory operational space for the proposed use. The additional impacts of vehicular traffic arising from the use would also remain a concern regardless of any changes to the layout of the site or attempt to mitigate noise levels resulting from the use.

Having regard to this impact, alongside the quiet residential character of the locality, it is concluded that the proposal would give rise to an unacceptably harmful noise impact on the local residential amenity contrary to LPP2 policies DM17 and DM20 and paragraph 174 of the NPPF.

Parking and Access

The application site lies in a rural area which is not well served by public transport and it is likely that the majority of those accessing the site would arrive by car. Notwithstanding this, the site currently benefits from an in / out access and lies on a relatively straight section of road. The Highways Authority have confirmed that they consider the existing access to the site to be suitable for the proposed use.

In terms of trip generation, assuming all children would arrive by car this could reasonably amount to approximately 18 two way movements occurring over each peak period (ie morning drop off and evening pick up). This would be alongside any associated staff arrivals and departures (for which numbers have not been specified). As indicated by the Highways Authority such movements in most cases are likely to be 'passby' trips as parents commute to work. Therefore, whilst this increased vehicular movement harms the

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character of this rural area, in a technical highway context it is considered that the use would not impact significantly upon the operation of the local highway network.

With regards to parking, the proposed provision of 15 parking spaces would meet the Hampshire County Council Parking Standards for commercial uses (which requires 1.5 space per 2 full time staff plus space for dropping off). Furthermore, the layout allows vehicles to enter, egress and manoeuvre in first gear and parents would only park for a short period whilst picking up and dropping off. On this basis 10 spaces is considered adequate for up to 18 drop offs and pick ups.

As indicated by Highways it is unclear how refuse vehicles would be accommodated within the site. However, this issue would not in itself necessary justify refusal given the existing access arrangements and circulation space within the site.

Overall, it is therefore considered that the proposed development would be in accordance with LPP2 Policy DM18 in terms of parking requirements.

Ecology and Biodiversity

The application site lies wholly within the residential curtilage and no notable ecological interests are likely to be present within the site. The proposal would not involve the demolition of any existing buildings and would not impact upon any roof areas with the potential to accommodate bats. The site is also not within close proximity to any notable ecological designations. Therefore in accordance with LPP1 Policy CP16 the proposed development would avoid adverse impacts upon biodiversity.

With regards to European sites, the proposal will have no impact as it is not Development within, bordering or in close proximity to a European Protected Site (I.e. River Itchen SAC, The Solent SAC, SPAs, Ramsar Sites) or is not overnight accommodation affecting Nitrates.

Due to the nature of the development and the distance between the application site and the European Protected Site of the Solent SAC and SPA and the River Itchen SAC, an Appropriate Assessment under the Conservation of Habitats & Species (Amendment) Regulations 2011 is not required.

Sustainable Drainage

Subject to the proposed additional parking being accommodated on permeable surfacing (as indicated on the submitted plans), the proposal will have no significant detrimental impact upon surface water drainage from the site. The site does not lie within or adjacent to a flood zone.

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

As highlighted in the supporting text to LPP2 Policy DM23, developments in or adjoining rural areas need to take account of their location and even where the principle of development is accepted the main consideration is the impact on the rural character. Having regard to this it is considered that the proposal would lead to the intensification of uncharacteristic use in the area and would also be at odds with the tranquillity and open, verdant character of the locality contrary to LPP2 Policies DM15, DM16, and DM23.

The increased noise levels associated with the use would also give rise to a harmful adverse impact upon the living conditions of neighbouring properties contrary to LPP2 Policy DM20.

It is acknowledged that nursery places across the wider area are at a premium and that this consideration would weigh in favour of the proposed development. However, the proposal would not primarily serve a need which originates from the immediate locality of Durley. The proposal would therefore not meet the overarching objectives of LPP2 Policy DM1 which makes it clear that in areas outside defined settlement areas, development should only be permitted where there is a particular need for it which cannot be met within a built-up area. In this case it has not been demonstrated that the use could not reasonably be accommodated in a location within a defined settlement area.

It is therefore recommended that planning permission should be refused.

Recommendation

Refuse for the following reasons:

1. The proposed change of use, associated parking and activity would result in an unacceptably harmful level of visual intrusion and loss of tranquillity. This would conflict with policy objectives of preserving rural character and local distinctiveness, particularly in relation to preserving tranquillity, conserving greenspaces and local distinctiveness. The proposal would therefore be contrary to LPP2 Policies DM15, DM16, and DM23.
2. The proposed change of use would result in a significant increase in noise levels in an area where background noise levels are very low and within close proximity to neighbouring residents. Having regard to this and the limited scope to manage any noise impacts associated with the use, it is considered that the proposal would have an unacceptably adverse impact upon the living conditions of neighbouring residents contrary to LPP2 policies DM17 and DM20 and paragraph 174 of the NPPF.

Informatives

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1. In accordance with paragraph 39 of the NPPF (2021), 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 further information was requested from the agent.

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

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1) (2017)

Policy DS1 - Development Strategy and Principles

Policy MTRA1 - Development Strategy Market Towns and Rural Area

Policy MTRA 4 - Development in the Countryside

Policy CP6 - Local Services and Facilities

Policy CP11 - Sustainable Low and Zero Carbon Built Development

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

Policy DM15 – Local Distinctiveness

Policy DM16 – Site Design Criteria

Policy DM17 – Site Development Principles

Policy DM18 – Access and Parking

Policy DM20 – Development and Noise

Policy DM23 – Rural Character

3. This permission is refused for the following reasons:

The development is not in accordance with the Policies and Proposals of the Development Plan set out above, and other material considerations 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 refused.