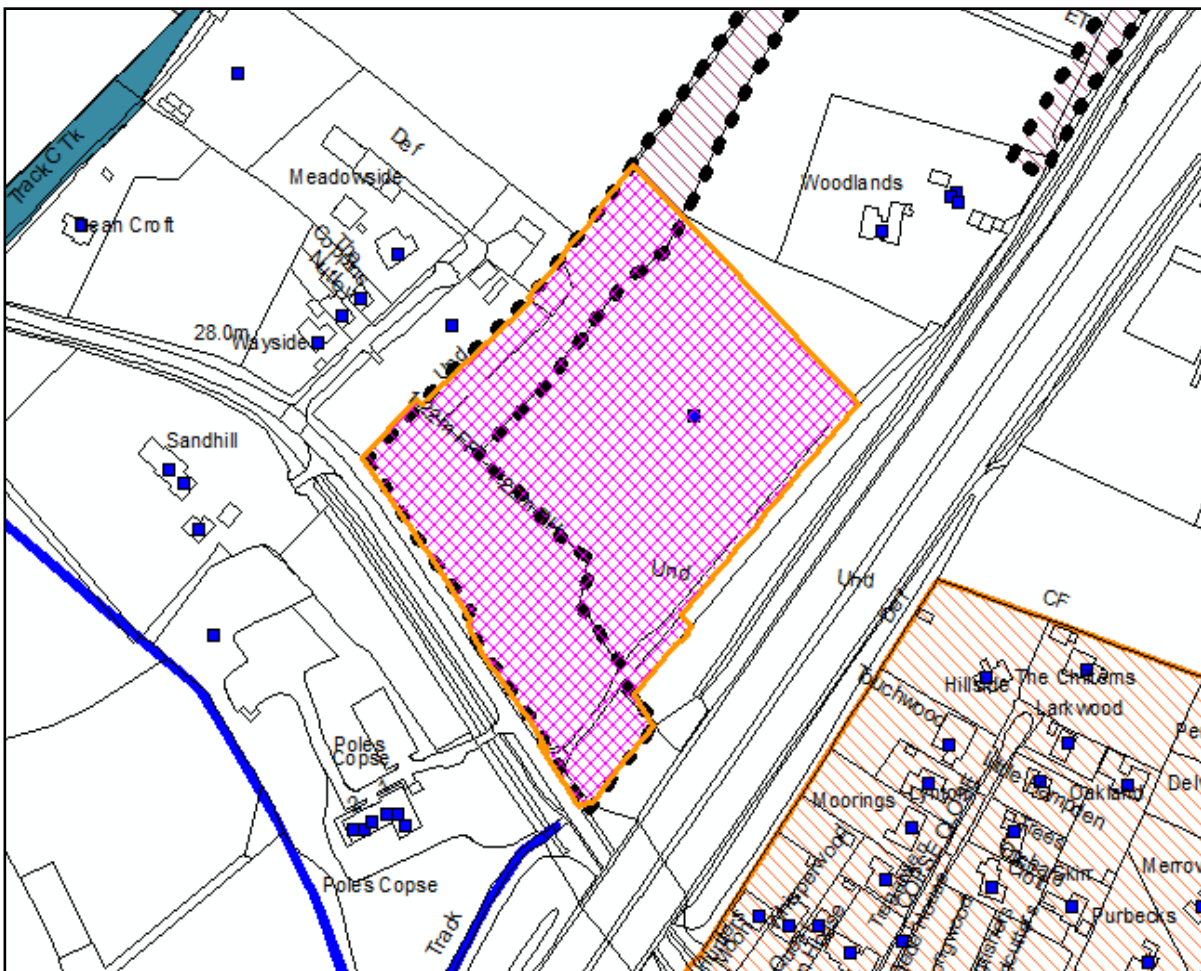


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Case No: 23/01079/FUL
Proposal Description: Construction of flexible incubation space for new businesses within a two storey, BREEAM Excellent, office building.
Address: Land To The South-West Of Woodlands Park, Poles Lane, Otterbourne, Hampshire
Parish, or Ward if within Winchester City: Compton And Shawford
Applicants Name: Mr G Scott-Welsh
Case Officer: Catherine Watson
Date Valid: 25 May 2023
Recommendation: Refuse
Pre Application Advice: Yes



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Reasons for Recommendation

The development is recommended for refusal as it is situated outside the settlement boundary of Otterbourne and is therefore contrary to policy MTRA4 of the LPP2. There are no material planning considerations that would outweigh the Development Plan in this case.

General Comments

The application is referred to committee because of the number of comments in support, contrary to the officer's recommendation.

Amendments to Plans Negotiated

None

Site Description

The site is situated on Poles Lane in Otterbourne and is just outside the settlement boundary. It consists of the extensive grounds of a single residential dwelling (Woodlands), laid to lawn. Woodlands is located to the north of the site. To the south-west and western boundaries of the site are a group of TPO trees. To the south-east of the site is the M3 motorway and its embankment. The site slopes gently upwards from the south-western boundary towards the M3.

Approximately 188m to the south-west of the site is the commercial site of Poles Copse (operated by Veolia). Approximately 152m to the west are the residential properties of Wayside, Nutley, The Coppins and Meadowside. Across the M3 to the south-east is the more intensively developed residential area which is within the settlement boundary.

Proposal

Construction of flexible incubation space for new businesses within a two storey, BREEAM Excellent, office building.

Relevant Planning History

None relevant.

Consultations

Service Lead for Community and Wellbeing (Landscape)

No objections

Service Lead for Community and Wellbeing (Ecology)

No objections

Service Lead for Community and Wellbeing (Trees)

No objections

Service Lead for Engineering, Transport and Special Maintenance: Drainage

No objections

Hampshire County Council (Local Lead Flood Authority)

No objections

Service Lead for Public Protection (Environmental Protection)

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No objections

Service Lead for Public Protection (Contaminated Land Environmental Health)

No objections

Service Lead for Built Environment (Strategic Planning).

It is not considered that the development proposed complies with MTRA4. Adopted policy CP8 seeks to support development in key economic sectors. At present the development strategy for employment land as set out in the adopted local plan is being delivered, and the work undertaken to inform the emerging local plan is not indicating a significant change in that strategy is required.

Service Lead for Economy and Tourism.

Support - The Economy and Tourism team at Winchester City Council would like to support this pre-application in principle as it is in line with the aspirations of the Council Plan 2020 to 2025 and the ten-year Green Economic Development Strategy.

Hampshire County Council (Highway Authority)

No objections.

Representations:

Otterbourne Parish Council

Comment. "Otterbourne Parish Council considers the concept to be forward thinking and imaginative. Whilst we are concerned that there will be some additional traffic through Otterbourne, our major concern is the site access and the speed of traffic at this point. The sight lines will need Highways consideration at the access. The 30-mph limit sign is currently east of the access at the M3 underpass and therefore traffic approaching from the west may pass the access at a speed of up to 60 mph. There have been many complaints from residents of Poles Lane in the past about the speed of traffic approaching the village. If the Case Officer is minded to approve the application, we would request it is with Condition that the 30-mph limit is moved west along Poles Lane prior to the bend at 'Sandhill Farm' (opposite the unmade lane to 'The Coppins', 'Little Hornby', etc) or even prior to the 'Veolia' site entrance".

3 objecting representations received citing the following material planning reasons:

- The location of the proposed access is on a 60mph road and there will cause speed safety and congestion issues
- There is a large number of car parking spaces proposed and these will, as a consequence, increase the number of cars using the junction
- Existing issues with surface water drainage will be exacerbated
- There are very few street lights in this area and the entrance to the site will be hazardous
- More appropriate sites within Winchester built up area.

11 supporting representations received citing the following material planning reasons:

- The availability of office space in this area is poor and space in city centres is costly
- Job opportunities
- Economic growth

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2 comments received from different addresses citing the following material planning reasons:

- The full length of the copse should be retained so it provides adequate screening
- Clear and visible signage should be provided on Poles Lane to identify the access to the site
- Increasing number of vehicles on Poles Lane – can speed restrictions with cameras be put on either side of the motorway bridge

Relevant Government Planning Policy and Guidance

National Planning Policy Framework

- 2. Achieving sustainable development
- 4. Decision-making
- 6. Building a strong, competitive economy
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

National Planning Practice Guidance

Climate change
Consultation and pre-decision matters
Determining a planning application
Effective use of land
Flood risk and coastal change
Healthy and safe communities
Natural environment
Noise
Renewable and low carbon energy
Travel Plans, Transport Assessments and Statements
Tree Preservation Orders and trees in conservation areas
Viability
Water supply, wastewater and water quality

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

DS1 – Development Strategy and Principles
MTRA3 – Market Towns and Larger Villages
CP8 – Economic Growth and Diversification
CP10 – Transport
CP11 – Sustainable Low and Zero Carbon Built Development
CP13 – High Quality Design
CP14 – The Effective Use of Land
CP16 – Biodiversity
CP17 – Flooding, Flood Risk and the Water Environment
CP20 – Heritage and Landscape Character

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

DM15 – Local Distinctiveness
DM16 – Site Design Criteria
DM17 – Site Development Principles
DM18 – Access and Parking
DM19 – Development and Pollution
DM20 – Development and Noise
DM21 – Contaminated Land
DM23 – Rural Character
DM24 – Special Trees, Important Hedges and Ancient Woodlands

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Supplementary Planning Document

National Design Guide 2019
High Quality Places 2015

Other relevant documents

Climate Emergency Declaration Carbon Neutrality Action Plan 2020 – 2030
Statement of Community Involvement 2018 and 2020
Winchester District Ten-Year Green Economic Development Strategy 2021
Winchester District Economic Development Strategy 2010-2020
Hampshire Economic Assessment
Landscape Character Assessment December 2021
Biodiversity Action Plan 2021
Waste Management Guidelines and Bin Arrangements

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) require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The site is situated outside the settlement boundary of Otterbourne. Policies DS1 of the LPP1 and DM1 of the LPP2 direct development to land within existing settlements.

Policy MTRA4 of the LPP1 allows for some types of commercial development under limited circumstances as set out in the policy.

The proposal does not fall within the following criteria which are listed in this policy:

- The proposed use is not one that has an operational need for a countryside location.
- The proposal is not for the reuse of a rural building.
- The proposal is not related to an established business on the site.
- The proposal is not for tourism purposes.

The proposed development therefore does not comply with MTRA4.

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Otterbourne is a settlement that falls under policy MTRA3 of the LPP1. The policy states that development and redevelopment opportunities will be supported within the defined settlement boundary. The proposal is outside the settlement boundary and therefore does not comply with this policy.

Policy CP8 of the LPP1 supports economic development and diversification across the District. The preamble to this policy states that the biggest growth sector for the local economy is business services. This includes knowledge-based and creative industries and the growth of these jobs would be dispersed across the District. However, the policy also states that development should be on previously developed land or allocated land in sustainable locations.

Policy DM10 of the LPP2 restricts development of essential facilities and services to that which has an operational need for a countryside location. Development may exceptionally be permitted where it complies with the Development Plan; and

- There is an identified need for the development within that area;
- A location in the countryside is essential for operational reasons; or
- There are no suitable sites for the proposed development within the built-up area of the settlement which the development is intended to serve;
- A landscape scheme is provided to minimise harmful impacts on landscape character and sense of place;
- Traffic issues can be addressed satisfactorily and a traffic management plan is secured, where necessary to make the development acceptable in planning terms.

The future need for employment land has been considered in both the adopted and emerging Plans. With regards to the quantum of employment land, the adopted LPP1 made provision for employment land on a range of sites to meet the need identified at that time of around 20 ha (detailed in policy CP8). Since the adoption of the Plan, delivery of employment land has been recorded in the Authority Monitoring Reports which have shown a net gain of 13,905 sqm of employment floorspace since then. It is therefore considered that satisfactory progress is being made in delivering the adopted development strategy.

Further evidence on the need for employment land was commissioned to inform the emerging Local Plan (The *Employment Land Study, April 2020* was prepared by Stantec and Aspinall Veri). When considering the existing supply of land that was allocated for employment purposes, this study concluded that the existing supply exceeded the identified need for employment land at a district level (para. 6.16). It states that additional allocations in the North/rural policy area should be supported only where a case has been made to address local demand or else land can be brought forward alongside new large residual allocations and justified to provide a mix of new employment opportunities in parallel (para. 5.102). The *Employment Land Study* has not identified start up units as a particular requirement to be addressed in the emerging plan.

Therefore, at present it is considered the development strategy for employment land as set out in the adopted local plan is being delivered, and the work undertaken to inform the emerging local plan is not indicating that a significant change in that strategy is required. The proposal is therefore contrary to policies CP8 and DM10.

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Paragraph 87 of the NPPF states main town centre uses (such as an office use) should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. In such circumstances the Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.

A detailed economic impact assessment of the proposal, as well as analysis of supply and demand, has been undertaken by the applicant (*The Need For and Economic Impact of Flexible Incubation Space at Otterbourne by Hardisty Jones Associated, March 2023*).

While this sets out an economic case for new small business accommodation in the District, there is no detailed explanation of the demand for office space in the rural part of the Winchester District that demonstrates compliance with the current local plan. The proposal is therefore considered to be contrary to Paragraph 87 of the NPPF.

Reference has been made to policy E9 of the emerging Local Plan, which states that proposals for new industrial and commercial development outside settlement boundaries that don't comply with certain criteria such as the redevelopment of existing employment sites, would not usually be permitted. Proposals may exceptionally be considered where:

- There is a recognised and demonstrable need within the locality, for the development proposed;
- Sequentially preferable sites are not suitable or available;
- And the site is well related to a nearby settlement and in a sustainable location.

Both the adopted plan and published evidence in 2020 that informed the Regulation 18 Local Plan do not identify a need for additional employment land, including startup units, in this location. It is therefore not considered that emerging policy E9 provides any justification for the proposal. The merits of it have been considered but notwithstanding that the emerging local plan is not yet advanced enough to afford any weight in decision making.

The applicant has referred to the council's Green Economic Development Strategy (GEDS) in support of their application. This is a 10 year Green Economic Development Strategy which will feed into the emerging local plan and focussed on reducing carbon emissions from transport. However, while this document advocates important sustainable strategies it does not provide any clear argument for allowing a commercial development outside of the settlement boundary. Furthermore, as planning consideration, it relates to the emerging local plan and has no material weight in assessing this current application.

Therefore, in summary, there is no compelling case for allowing the proposed development outside of the settlement boundary and no justification for a departure from the adopted Local Plan and the principle of development is not acceptable. The proposal is contrary to policies DS1, MRTA3, MTRA4 and CP8 of the LPP1 and DM1 and DM10 of the LPP2. The harm of un plan led development will be very high therefore will also set a considerable precedent for any other new build commercial development on the edge of settlements in the countryside.

Assessment under 2017 EIA Regulations.

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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 situated on Poles Lane in Otterbourne and is approximately 62m west of the settlement boundary, which is on the eastern side of the M3.

The site consists of the extensive grounds which lie within the curtilage of an early 20thC dwelling where the garden is laid to lawn. To the south-west and western boundaries of the site are a group of TPO trees. To the south-east of the site is the M3 motorway and its embankment which also contains a band of trees. The site slopes gently upwards from the south-western boundary towards the M3.

Approximately 152m to the west are the residential properties of Wayside, Nutley, The Coppins and Meadowside. Across the M3 to the south-east is the more intensively developed residential area within the settlement boundary.

The proposal is for an extensive 2 storey building in a courtyard arrangement. It will have a footprint of approximately 50 by 50m (including the courtyard). The building will have a pitched roof with sections which are stepped down in height on each wing to adjust to the change in levels of the land. The height to eaves level will be 6m and height to the ridge 10.2m. There is a covered deck area at first floor level on the 3 elevations facing the courtyard and external staircases on the 2 end wings providing access to these. The roof overhangs these decking areas. The external materials include dark grey standing seam metal cladding and horizontal timber cladding.

96 parking spaces are proposed around the NE and SE sides of the building, including 5 disabled (blue badge) parking spaces, 5 allocated priority car share spaces, 1 active EV charging space and 19 passive EV charging spaces. Cycle parking is proposed adjacent to the building entrance. The existing access is utilised although amended so that there is space for two-way traffic within the site, as well as safe turning.

The proposal is therefore for an extensive new commercial building in the countryside on an undeveloped area of land. The site, while generally well visually contained, is visible from Poles Lane near the entrance and in winter when the vegetation is not in leaf there would be additional glimpsed views of the development along the Poles Lane boundary of the site.

As one approaches and travels through the area, the size and level of activity of this new build complex will noticeably outscale the type and nature of the existing mixture of edge of settlement and edge of rural uses and activities. The design of the proposal in its appearance and courtyard layout in itself is not unacceptable and the wider impact of the complex has been assessed in respect of DM23 also. A level of harm is therefore identified regarding the scale, height, size and extent and spread of built form on this undeveloped piece of land in the countryside. However due to the minimal view that will be appreciated it is not considered that the visual intrusion arising from it would amount to a level that would be demonstrable in itself to warrant a reason for refusal in this context.

The proposals therefore are not in conflict with policies CP13 and CP20 of the LPP1 and DM15, DM16, DM17, DM23 of the LPP2. Notwithstanding this conclusion, the principle of
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development remains unacceptable. The countryside has an intrinsic value and so departing from a plan led system for managing large new commercial enterprises in principal therefore in principle gives rise to harm. Protecting our edges of settlement locations where there is a lot of pressure for encroachment into the countryside is key to Winchester's development strategy in Local Plan Part one.

Development affecting the South Downs National Park

The application site is located 1.1km 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 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.

Given the distance of the site from the National Park and the enclosed nature of the site, 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

No impact. The works do not affect a statutory listed building or structure including its setting; Conservation Areas, Archaeology or non-designated Heritage Assets including their setting.

Neighbouring amenity

There are no immediately adjoining residential properties, the closest being to the south-east on the opposite side of the M3. It is therefore not considered that there would be harm to neighbour amenity by means of overlooking, overbearing and overshadowing.

It is not considered that there would be any other significantly negative impacts on neighbour amenity.

Therefore, should the application have been recommended for approval, it would comply with policy DM17 of the LPP2.

Sustainable Transport

The site is directly accessible by pedestrians from the main thoroughfare in Otterbourne, along Poles Lane. The nearest bus stops can be reached via a 450m flat and level walk. There are 2 main bus services that run through Otterbourne. These are the Bluestar 1, which runs every 20 minutes between 6am – midnight Monday to Friday between Winchester and Southampton. The other bus route is the Stagecoach E2 services which runs 3 times a day between Winchester and Eastleigh.

Bicycle parking facilities will be included on site, along with a number of EV charging points. Bin collection areas will be provided within the site and tracking diagrams show that it is possible for refuse lorries to enter and leave the site in a forwards gear. A Travel Plan has been submitted with the application which details measures to encourage sustainable travel, including a bicycle user group, a noticeboard with local cycle routes,

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information about local bus services and car sharing benefits.

The highways authority have no objections with regards to impacts upon highway safety and the proposals do not conflict with policies DM16 and DM18 of the LPP2.

Ecology and Biodiversity

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) and is not overnight accommodation affecting nitrogen and phosphorous.

The wooded areas to the north and west will be retained with a fenced off 15m buffer. A woodland management plan has also been submitted. There will be a partial loss of amenity grassland, a blue atlas cedar and a Lawson Cypress tree however, wildflower meadow planting and a swale will be created as part of the development. A number of wildlife features, including dormouse and bat boxes, are proposed to be installed within the woodland and developed area.

If the application were acceptable, further information would be requested prior to determination such as details of the wildflower seed mix and improvements of the connectivity within the habitats on site.

The above is assessed in accordance with policies CP16 of LPP1 and DM15 and DM17 of LPP2.

Sustainability

Developments should achieve the lowest level of carbon emissions and water consumption which is practical and viable.

The development aims to be constructed to BREEAM Excellent standard which is considered to be the best practice in architectural design and construction. Energy efficiency and generation features will include solar panels, solar gain design, air and ground source heat pumps etc.

The site is outside of the AQSPD 1KM buffer zone around Winchester.

This would accord with policy CP11 of the LPP1.

Sustainable Drainage

The site is in Flood Zone 1 and is at very low risk of flooding from surface water.

A Flood Risk and Drainage Assessment details that SuDS will address surface water from the site by attenuating the flow with the use of permeable paving and a swale to hold water on site and regulate the rate of run off. This will ensure that no additional surface water will flow onto the highway as a result of the development.

The nearest watercourse is located approximately 1km to the south-east. Due to the intervening distance the accidental input of contaminants into the watercourse is not likely. A public sewer is available for the site's foul drainage and the applicant is proposing a connection to this.

The proposals are therefore in accordance with DM17 of LPP2.

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Other Matters

Minerals and Waste

The site is within a Hampshire County Council minerals and waste area and borders a safeguarded site.

In order to discharge the requirements of policy 26 of the adopted Hampshire Minerals and Waste Plan (2013), the applicant would need to demonstrate how the nearby safeguarded site has been considered, how operator comments have been taken into account and what impacts that had on the proposed development design. Mitigation measure recommendations would need to focus on impacts such as noise, dust, visual impact, odour and traffic movements.

These can take the form of landscape design, tree planting, barriers, building design etc. The appropriate mitigation measures would be best informed via direct discussions with the operator of the safeguarded site as they will be most aware of the operational requirements.

The proposed development has not taken the above into consideration and therefore, the development is contrary to policy 26 of the Hampshire Minerals and Waste Plan (2013), which is a material consideration in the determination of this application.

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

The proposed development is a commercial use situated outside the settlement boundary of Otterbourne. As such it is clearly contrary to policy MTRA4 which only allows essential development in the countryside and significant weight must be given to this policy in this case.

The applicant does not give justifiable reasons as to why a rural location is essential for their business, other than that their existing and proposed clients have requested this type of setting which is an argument which carries very little weight. The Local Plan does not identify a need for additional employment land, including startup units, in this location, neither has the applicant submitted a sequential test to support their proposal.

There are therefore no material planning considerations of any weight which demonstrate that policy MTRA4 or other relevant policies (DS1, MRTA3 and CP8 of the LPP1 and DM1 and DM10 of the LPP2) can be set aside in this instance, in favour of allowing the development.

In addition to this, the proposed development has not taken the status of the site as being within the buffer zone of a safeguarded waste site into consideration and therefore, the

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development is contrary to policy 26 of the Hampshire Minerals and Waste Plan (2013), which is a material consideration in the determination of this application.

The application is therefore recommended for refusal.

Recommendation

Refusal

1. The proposed development is outside the settlement boundary of Otterbourne and as such is contrary to policies DS1, MTRA3 and MTRA4 of the Winchester Local plan Part 1 (LPP1) and policy DM1 of the Winchester Local Plan Part 2 (LPP2) which seek to direct development within settlements and only allow essential development in the countryside. The Local Plan does not identify a need for additional employment land, including startup units, in this location and therefore the proposal also fails to meet the requirements of policies CP8 of the LPP1 and DM10 of the LPP2. In the absence of acceptable justification as to why the proposed business use needs to be located in this countryside site, a sequential test or any other material consideration of sufficient weight to outweigh the Development Plan the proposal is demonstrably harmful to the character of the countryside.

2. The proposed development has not taken the status of the site as being within the buffer zone of a safeguarded waste site into consideration and therefore, the development is contrary to policy 26 of the Hampshire Minerals and Waste Plan (2013).

Informatives:

1. In accordance with paragraph 38 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 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 – Development Strategy and Principles

MTRA3 – Market Towns and Larger Villages

CP8 – Economic Growth and Diversification

CP10 – Transport

CP11 – Sustainable Low and Zero Carbon Built Development

CP13 – High Quality Design

CP14 – The Effective Use of Land

CP16 – Biodiversity

CP17 – Flooding, Flood Risk and the Water Environment

CP20 – Heritage and Landscape Character

Local Plan Part 2 – Development Management and Site Allocations:

DM15 – Local Distinctiveness

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- DM16 – Site Design Criteria
- DM17 – Site Development Principles
- DM18 – Access and Parking
- DM19 – Development and Pollution
- DM20 – Development and Noise
- DM21 – Contaminated Land
- DM23 – Rural Character
- DM24 – Special Trees, Important Hedges and Ancient Woodlands

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Hampshire Minerals and Waste Plan (2013)