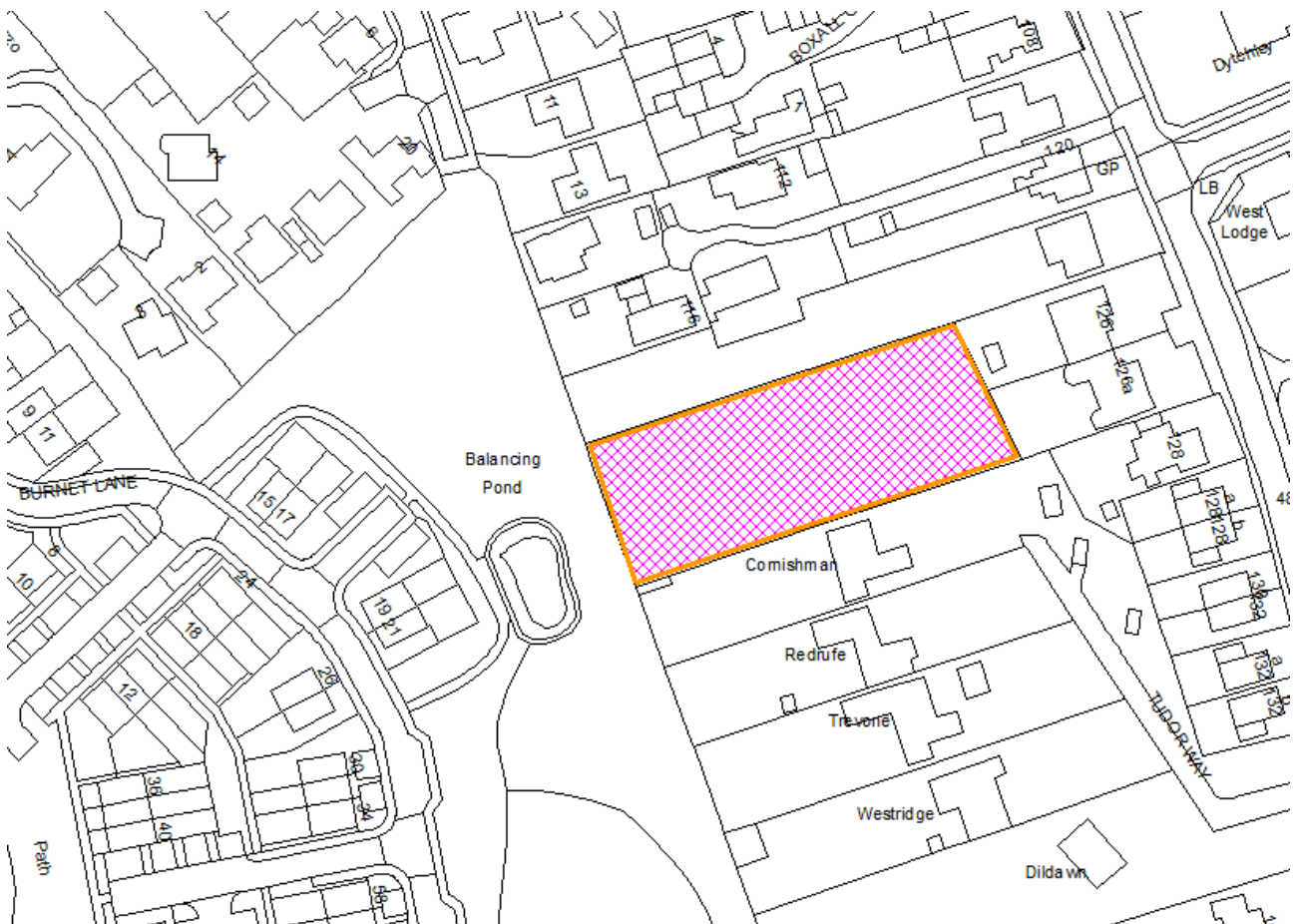


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 22/00819/FUL
Proposal Description: Development of seven dwellings and the formation of a new vehicular access (AMENDED PLANS)
Address: Land To the East Of Burnet Lane Kings Worthy Hampshire
Parish, or Ward if within Winchester City: Kings Worthy Parish Council
Applicants Name: Mr Richard Wickins
Case Officer: Mrs Megan Osborn
Date Valid: 16 May 2022
Recommendation: Application Permitted
Pre Application Advice Yes

Link to Planning Documents

[Link to page – enter in reference number 22/00819/FUL](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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Reasons for Recommendation

The development is recommended for permission as it is considered that it will not result in a harmful impact on the character of the area or highway safety and would not harm neighbouring residential amenity and is in accordance with the development plan.

General Comments

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

Amendments to Plans Negotiated

This application has been amended a couple of times due to ecology updates. These plans are the final submitted amended plans:

7930_D01_Rev N - Proposed Site Plan
7930_D02_Rev C – Proposed Site Sections
7930_D03_Rev D – Plot 01 and 02 Floor Plans
7930_D04_Rev A – Plot 01 and 02 Roof Plan
7930_D05_Rev D – Plot 01 and 02 Elevations
7930_D06_Rev B – Plot 03 and 04 Floor Plans
7930_D07 – Plot 03 and 04 Roof Plan
7930_D08_Rev B – Plot 03 and 04 Elevations
7930_D09_Rev C – Plot 05 Floor Plans
7930_D10_Rev A – Plot 05 Roof Plan
7930_D11_Rev D – Plot 05 Elevations
7930_D12 – Plot 05 Garage
7930_D13_Rev A – Plot 06 Floor Plans
7930_D14_Rev A – Plot 06 Roof Plan
7930_D15_Rev A – Plot 06 Elevations
7930_D16 – Plot 07 Floor Plans
7930_D17 – Plot 07 Roof Plan
7930_D18_Rev A – Plot 08 Elevations
7930_L01 – Location Plan
722-102 Landscape Plan

The amendments were submitted on the 26th September and re advertised to the same neighbours for the full statutory period.

The amendments were made to allow for the ecological requirements needed for this site. The Ecology Officer has now raised no objections to the revised plans, subject to a legal agreement and conditions.

Site Description

The site is located within the village of Kings Worthy. The site is accessed from Burnet Lane, which is a development that was permitted in 2019 (19/00048/FUL) for 35 affordable housing units. There is an area of open space located to the south and west of this housing development that is used as public open space that has a number of public footpaths leading to the Watercress Way and the rest of Kings Worthy.

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The application site is located to the east of the Burnet Lane application. The site would be accessed from the end of a small section of road from the development. Surrounding the site are dwellings accessed from Springvale Road to the north and east and the houses on Tudor Way to the south.

The existing site is covered in vegetation and is not currently easily accessible.

Proposal

The proposal is for seven dwellings. Four of these are proposed to be semi detached properties and 3 detached dwellings. The dwellings will be a mix of 2x2 bedroom units, 2x3 bedroom units and 3x4 bedroom units.

The access to the site is from the housing development to the west and the access road runs to the north of the housing with a turning head approximately halfway up the site.

Relevant Planning History

This site has no specific planning history for this application site. There are a number of planning applications that have been permitted and built out or are pending surrounding the site.

An application was permitted in 2013 for the residential development for 25 no. affordable dwellings including associated roads, parking area and landscaping 12/01912/FUL for the area that is called Blackberry field at the beginning of Burnet Lane. This has been built.

A further application was permitted in 2019 for the development of 35 units, including infrastructure and the open space provision associated with the development area. Provision of remaining open space, (change of use from agricultural, to publicly accessible recreation land). Diversion of Public Right of Way (ROW/3189777), in addition to a minor diversion of one of the three claimed Rights of Way (19/00048/FUL). This is the development on Burnet Lane and it has been completed.

An application has been submitted and is still pending a decision for Tudor Way for the redevelopment of the site to provide 20 dwellings (21/02410/OUT).

Consultations

Service Lead for Community and Wellbeing (landscape)

No objections

Service Lead for Community and Wellbeing (Trees)

No objections, subject to conditions 21 – 25.

Service lead for Community and Wellbeing (Ecology)

A holding objection was made to this application requesting further information. Further information has been submitted, which is acceptable as set out below.

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Hazel dormouse

Sufficient mitigation and compensations measures are now proposed. This includes a 5m buffer around the majority of the development (although there are a couple of sections where the buffer is reduced to 3m) and a dormouse bridge to maintain connectivity.

Improvement of dormouse habitat off-site (to the south) to compensate for loss of habitat on site. The proposed compensation measures are above and beyond the actions listed in the existing off-site management plan and crucially will not impact any of the previously agreed mitigation/compensation. This will need to be secured via a S106 and a monetary contribution is expected for the landowner to deliver the actions in the LEMP.

A European Protected Species Licence for dormice will need to be obtained before any vegetation clearance or works can take place on site.

BNG

Metric 3.1 has been completed showing a 74.95% biodiversity net gain (BNG) in habitat units and a 100% gain in hedgerow units.

It should be acknowledged that there is an overlap between the proposed dormouse mitigation and BNG. It is understood that when 10% BNG becomes mandatory in January, delivery of habitat creation/enhancement for protected species mitigation could contribute up to a point equivalent to no net loss but not beyond. To achieve the required biodiversity unit uplift beyond no net loss to meet the BNG requirement, there must be habitat provision or enhancement beyond the minimum requirements for the dormouse mitigation.

Overall, the metric demonstrates that the proposal will be beneficial to biodiversity and is in accordance with CP16 & NPPF.

Conditions 13, 14 and 17 and a legal agreement are recommended for this site to secure the mitigation included in the ecology report and the off-site mitigation is carried out.

Service Lead for Environment (Contamination)

No objections, subject to condition 19.

Service Lead for Engineering (Drainage)

No objections, subject to a condition 11.

Hampshire County Council: Highways Authority.

Comments were made on the 22nd June 2022 with a holding objection requesting further information.

Following further information received additional comments were received on the 9th August 2022. No objections were raised, subject to condition 16 for the CMP.

Hampshire County Council: Rights of Way

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Comments made on the 19th December 2022 raising an objection to the access crossing the existing Public Right of Way and the lack of acknowledgement of this on the submitted plans.

Following further information additional comments were received on the 4th April 2023. No objections were raised, subject to condition 20.

Natural England

No objections, subject to nutrient condition 12.

Representations:

Councillor Steve Cramoyson comments from the 13th June 2022

This site is adjacent to a site on the west known locally as Top Field. Top field was developed as a rural exception and completed in 2021. The work on the landscaping and public open space is being completed. There was substantial public resistance who formed a group known locally as Top Field Action Group (TFAG). Among the concerns raised was the impact on the ecology, and the congestion it would add to the junction of Hookpit Farm Lane and Springvale Rd "The Tesco junction."

Many in TFAG were persuaded to withdraw their objections when the Leader of the council at the time, Caroline Horrill, assured them in public meetings held in Nov/Dec 2018 that there would no more development on Top Field. While technically outside of the Top Field red line plan, the proposal to use an access onto Burnet Lane will cause more traffic to use the "Tesco junction".

Local people have a strong case to believe that WCC is failing to keep its promises. Addressing concerns about traffic congestion at the Tesco junction, the then leader also said it would look into delivering a layby to avoid cars parking on the highway. This has proved undeliverable. A development that adds more traffic would compound that issue.

Ecology

Currently the site is wild and supports a wildlife eco system that links through the ecology mitigation zones on Top Field allowing a corridor for wildlife through onto the open space. The proposed development will remove most of the undergrowth and wild areas that support the remaining wildlife habitat in the area. Further, the access to the site will cut through the Top Field ecology mitigation area. This will break the corridor for small animals to forage.

The Ecology reports claims that Government Biodiversity Net Gain Metric was applied to the site with a plan to achieve 15.61% Biodiversity Net Gain by enhancing retained habitat and creating new habitat on site, and by creating new habitat off site. I cannot see how developing this site will create a net gain in biodiversity. The report does not explain exactly how nor where, this will happen. If the location is offsite, it begs the question of "where"? If offsite the local community will not experience that net benefit.

The report appears to claim some gain on the Top Field area. Gains on the Top Field area are already accounted for as ecology damage mitigation for the Top Field development. This should not be double counted for this site.

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Highways

The proposed route onto the site, via Burnet Lane, Hookpit Farm Lane and Springvale Road. HCC refused to adopt Burnet Lane due to the steepness of the access road. It is a poor route for additional traffic, and especially for the large vehicles that will be needed during the stages of preparing the ground works and construction.

Access onto the site from Burnet Lane will be via a steep drive which will be a hazard in icy weather for any vehicles accessing, including the waste collection HGV's.

The Highways statement understates the distance from the proposed development through to various amenities.

Most traffic leaving Hookpit Farm Lane onto Springvale Road, turns right, to head south towards Winchester, or for other amenities. It is likely that this will be the same for any residents of houses built.

In a direct line, it is less than 100 metres from the lower corner of the site to Springvale Rd, whereas the proposed access route leads to a 1Km drive to get to the same place, and the same back. Most journeys to or from the site will be 1.8Km longer than they need to be, contributing additional CO2 than if the access was via the direct route.

This will add to journey times for any emergency services vehicles accessing the site. Planners should encourage the developers (Shorewood) of this site, the adjacent site in Tudor Way (Fortitudo) and the existing site known as Driftwood, to reach an agreement for a sustainable access via an improved Tudor Way. This will reduce the risk of a 4year old house on Springvale Road being demolished, as well as the CO2 damage of the long route.

Should the development take place, planners should require that permeability be established for pedestrians, and cycling through the site onto Top field.

The vehicle movement data uses TRICS data for England & Wales. The numbers estimated do not pass common sense assessment. These properties will most likely be family houses with a considerable number of vehicle movements of adults, visitors and deliveries, every day. While the TRICS data may be average for England and Wales, it is not a good proxy for a semi-rural community such as Kings Worthy which have a much higher dependence on cars and vans.

Flooding risks

The current wild area of the site, act like a sponge in the event of rainstorms. The development will significantly reduce the amount of land available for absorption of rainfall, increasing the risk of flash floods.

Kings Worthy Parish Council

The parish supports this application

Neighbour comments

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This application has been amended since the first submitted application and therefore further consultations were sent to neighbours.

45 Objecting Representations received in total from different addresses citing the following material planning reasons:

- We shouldn't be building on countryside
- Kings Worthy school is already over subscribed
- This would impact on the nature of the area
- The increase of dwellings would put pressure on local infrastructure
- There are drainage and flooding problems in this area
- Impact in terms of overlooking, loss of light and overbearing to residents on Springvale Road
- Light pollution
- Impact on ecology
- Impact from construction lorries
- Electricity grid is overloaded
- Trees will be lost
- There will be a detrimental increase of traffic
- There should be no development in this gap
- Object on ecology and sustainability ground
- Inadequate vehicle turning
- Impact of additional traffic on the Tesco junction

Comments made on re-consultation April 2023 (11 in total, 7 commented previously)

- This is not an improvement
- Any form of development on this site is unacceptable
- The access cuts through the public footpath

Comments made on re-consultation Nov 2023 (6 in total all commented previously)

- Still impact on terms of ecology
- The highways report doesn't considered effect of traffic on Burnet Lane
- The access cuts through the ecology mitigation agreed by WCC.
- The increase in the number of bedrooms means an increase in traffic/school places etc.
- There is insufficient parking proposed

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

National Planning Practice Guidance

Climate Change

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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). DS1 – Development Strategy and Principles

Policy DS1 – Development Strategy and Principles
Policy MTRA1 – Development strategy market towns and rural area
Policy MTRA2 – Market Towns and Large Villages
Policy CP2 – Housing mix and provision
Policy CP3 – Affordable housing provision on market led housing
Policy CP10 - Transport
Policy CP11 – Sustainable Low and Zero Carbon Built Development
Policy CP14 – The effective use of land
Policy CP13 – High Quality Design
Policy CP16 – Biodiversity
Policy CP17 – Flooding, Flood Risk and the Water Environment
Policy CP20 – Heritage and Landscape Character

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

DM1 – Location of New Development
DM2 – dwelling sizes
DM15 – Local Distinctiveness
DM16 – Site Design Criteria
DM17 – Site Design Principles
DM18 – Access and Parking

Supplementary Planning Document

National Design Guide 2019
High Quality Places 2015
Kings Worthy and Abbots Worthy Village Design Statement 2007
Springvale Road Local Area Design Statement 2007

Other relevant documents

Climate Emergency Declaration Carbon Neutrality Action Plan 2020 – 2030
Statement of Community Involvement 2018 and 2020
Landscape Character Assessment December 2021
Biodiversity Action Plan 2021
Position Statement on Nitrate Neutral Development – March 2022

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.

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The site is located within the area of Kings Worthy. Kings Worthy has its own settlement boundary where the principle of development for housing is considered acceptable. This site is located within this boundary and the proposals are in accordance with policy DM1 of the Local Plan Part 2. The access into the site is located outside the settlement boundary, this is acceptable to access the site.

Policy CP2 of the Local Plan Part 1 considers housing mix. The policy requires that there should be a majority of 2 & 3 bed dwellings, unless local circumstances indicate an alternative approach should be taken.

This application is for 7 dwellings, 2x2 bed, 2x3 bed and 3x4 bed. This provides over 50% 2 and 3 bedrooms.

It is therefore considered that this proposal would sufficiently meet the criteria of policy CP2 of the Local Plan Part 1.

The proposals would not need to make a contribution towards affordable housing as it is not for major residential development (residential schemes are major development if they are of 10 dwellings or more). The proposal is therefore in accordance with policy CP3 of the Local Plan Part 1.

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.

Historic Environment

No Impact, the works do not affect a statutory Listed building or structure including setting; Conservation Areas, Archaeology or Non-designated Heritage Assets including setting.

Impact on character and appearance of area

The proposal is for a mix of dwelling types and sizes, with parking for all dwellings and a landscape buffer surrounding the site. The housings are in a liner form, with the semi-detached dwellings to the front of the site and leading down to the detached properties to the rear.

The surrounding area is residential, with dwellings immediately to the north, east and south with the application site sharing its boundary with domestic gardens. There is a buffer of landscaped land to the west in between the proposed housing on this site and the houses on Burnet Lane.

The proposed layout is considered acceptable in relation to the character of the surrounding area and there is a significant amount of landscaping and space surrounding the dwellings, which result in a well-spaced out development.

The design of the dwellings is a traditional form, which would not appear out of place within the surrounding area.

The Kings Worthy Village Design Statement and the Springvale Road Character Area Statement discuss the importance of the views in and out of Kings Worthy. It is considered that the removal of the vegetation and the development of this site for housing

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would not result in a significant harm to the wider views in that it is located within an already built up area and it integrates into the existing built form. The Village Design Statement also restricts new buildings within the existing village envelope, that are well designed to create attractive, sociable spaces and a sense of place. This site is located within the development boundary of King Worthy and therefore in the existing village envelope. It is considered that the proposal is well designed and would not result in an incongruous form of development in relation to the character of the surrounding area. This proposal is therefore in line with these design statements.

The proposals have been assessed by officers and the developers have worked with the council and propose a scheme that is considered acceptable in relation to the character of the surrounding area and would therefore not result in a detrimental development.

Therefore it is considered that the proposal complies with the Kings Worthy Village design statement and the Springvale Road Area design statement and policies CP13 of the LPP1, DM15,16 and 17 of the LPP2 and the supplementary planning document High Quality Places in that the design, layout, mass and bulk of the proposed dwellings is acceptable.

Landscape/trees

The site is covered in scrub and young trees but doesn't contain many trees worthy of protection.

Tree loss would be confined to low grade trees and would in any case be mitigated by the planting of new semi mature trees.

A Landscape Plan has been submitted (722-102) which shows both retained mature trees (mainly Sycamore and Birch) and several new trees. There would be negligible harm to the rural character of the area.

The proposal includes an access from the newly completed Burnet Lane development. Again there is no objection to this. The Topfield area of open space which is outside the settlement boundary is now legally available as public open space and the land is under the councils ownership (June 2022). This has only been made possible by the local authority permitting some development on Topfield. It is considered that this proposed link would not dilute the appeal of the Topfield area of Public open space as it is located at a discrete low point of the Topfield site. The existing hawthorn scrub would be maintained either side of the link.

The dwellings will be viewed in the wider context from longer views from Springvale Road and further up the other side. The dwellings will have either clay or slate roofs and with the natural materials, it is considered that the dwellings would not result in visual harm from these view points when viewed in relation to the surrounding properties in this area.

Therefore it is considered that the proposals are acceptable in relation to policies CP20 of the LPP1 and DM23 of the LPP2.

Development affecting the South Downs National Park

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2021. The Circular and NPPF confirm that National Parks

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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.

The application site is located 1 km from the South Downs National Park within a built up area and in this context it is not considered that the development would affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

Neighbouring amenity

The proposal is for seven dwellings, located with an area of existing dwellings.

There are dwellings to the north of the site, that are accessed from Springvale Road. Plots 1, 2, 3 and 4 have their frontages to the north and bedroom windows at first floor on this elevation. There is a distance of approximately 20m from the elevations of the new dwellings to the rear elevation of 116 Springvale Road. Similarly, plot 5 has front windows looking towards 118 Springvale Road, there is a distance of approximately 19.7m between the two elevations. It is therefore considered that due to the distances between these dwellings, an overlooking, overshadowing and overbearing impact would be avoided.

Plot 7 also fronts to the north of the site, however looks towards the rear garden of 122 Springvale Road. This dwelling has a raised parking area to the rear and therefore this dwelling would be looking towards this and this would not result in any material planning harm in terms of overlooking towards private amenities.

Plot 7 backs onto dwellings 124 and 126 Springvale Road, there are now windows on this first floor side elevation of the dwelling and therefore this would not result in any overlooking harm.

The rear of Plot 5 backs onto Cornishman on Tudor Way. There is a distance of approximately 18.5m from elevation to elevation.

Given the above assessment, it is considered that the proposed development would not result in any material planning harm in terms of overlooking, overshadowing or overbearing on any surrounding residential amenities.

Therefore it is considered that the proposal complies with policy DM15, DM16 and DM17 of the LPP1.

Sustainable Transport

The revised plans address the previous highway concerns made on the 23rd June 2022.

The amended plans made changes to:

- Widened footways to 2m
- Internal layout changes
- Speed calming measures
- Visibility splays shown
- Re-run swept paths

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The applicant has submitted drawing NCJ-001 in the revised highway technical note and a revised proposed site layout drawing (7930_D01_Rev N) which shows that the footway has been widened to 2m, suitable speed calming measures implemented, suitable visibility splays from the parking bays and suitable swept paths can all be accommodated within the site and therefore the Highway Authority is satisfied that the previous comments have been addressed.

Therefore, there are no objections from the Highway Authority to the proposals.

In terms of parking, the applicant has provided the proposed site plan drawing (7930_D01_Rev N) which shows that each dwelling will provide multiple parking provisions. There are no objections to the proposed parking.

Condition 20 requires the Applicant to submit details for approval of how public footpaths are to be acceptably accommodated with the new access road to ensure the future safe and convenient availability of public access.

Therefore it is considered that the proposal complies with policy CP18 of the LPP2.

The site is outside the Air Quality Policy area and therefore no Air Quality assessment is required for this development.

Ecology and Biodiversity

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 required as the proposal is for overnight accommodation affecting Nitrates and Phosphates. Therefore an appropriate assessment was carried out and concluded;

There is a net increase of 7.No dwellings on urban land and therefore, it is likely that there will be an impact from nutrients associated with the proposed development entering the Solent (26.58 Kg/N/year nitrates made and 0.86kg/TP/year). Winchester City Council has adopted a Grampian condition which requires a mitigation package addressing the additional input to be submitted to, and approved in writing by, the LPA.

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 to Nitrates and Phosphates 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 12 complies with this strategy and would result in nitrate neutral development. The applicant has demonstrated that there is a viable scheme for the mitigation of the impact of additional phosphates. The LPA will secure details of this agreement.

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It can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above in this regard.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, 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.

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

The site consists of a small area of scrub with some semi-mature trees. The loss of an area of this habitat (0.27 Hectares) to the development will be compensated by enhancing up to 1.2 Hectares of scrub on the open space to the west and managing this accordingly. The scheme has been designed to retain a buffer area, protected during construction and enhanced with a new native hedgerow. This will be managed to ensure that wildlife corridors are maintained through the site. Some of the hazel stools will also be translocated to the buffer area. The use of the mitigation land will be set out in a legal agreement.

The adjacent development, at Top Field has records of dormice and a dormouse licence was granted for this site. Habitat creation and enhancement works are still underway as part of the proposal. A dormouse survey was carried out on this site and a hibernating dormouse was recorded. A European Protected Species licence will be required to proceed with any clearance works on the site, if planning permission is granted. The creation and protection of new habitat within the buffer area and on the land to the west will provide an enhancement in the long terms at a local level.

Bat activity surveys during the active bat season recorded at least 6 species of bats within the vicinity of the site. An area of habitat will be retained, including a managed buffer at the boundary of the existing site will ensure flightline are protected on site and enhancing the habitat on the open space land to the west will ensure there is no net loss of foraging habitat locally.

The requirement for developments to provide Biodiversity Net gain is not yet in force but the applicant has supported the proposals with an Ecological Assessments report which sets out how biodiversity will be protected and enhanced through the development. Mitigation for bat, reptiles and nesting birds will be ensured through condition 14 which requires the recommendations and measures within the Ecological Assessment report to be carried out.

The proposals will result in the loss of a number of trees and hedgerows on site. However, it is acknowledged that 1.2 hectares of scrub enhancement will be undertaken on the land the west of this site.

Overall, the avoidance, mitigation and compensation measures included in Section 5.0 'Requirements and Recommendations' of the Ecological Assessment by Peach Ecology

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(29th September 2023, issue 14, report number 0481) are acceptable, provided they can be secured via a Planning (Conditions 13 and 14).

There are no other issues affecting this legislation or the SPA and SAC, therefore it is considered that the proposal complies with policy CP16 of the LPP1.

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. Conditions 9 and 10 secures the submission of design-stage data prior to the commencement of development to ensure this is complied with.

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

Sustainable Drainage

The proposed site is in FZ1 and has a very low risk of flooding from surface water. Therefore no objections as raised to this proposal on flood risk grounds.

The site is served by southern waters foul mains and the site can connect to this. A condition is recommend asking for details of foul and surface water to ensure the provision of an adequate and sustainable drainage system. (Condition 11)

Therefore, the proposal complies with policy 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

The applicant has worked with officers, and it is considered that the resulting scheme can be supported. The proposal for 7 dwellings in this location is acceptable and not out of character to the spatial characteristics of the surrounding area. The proposal will be visible from the neighbouring properties but will not have an unacceptable adverse impact on residential amenity. There are no highway objections to the proposal.

Overall, the scheme is well designed and will create a distinctive addition to the local area. Other planning considerations, such as landscape, ecology drainage, water, construction and waste management have been addressed appropriately. The application is therefore considered acceptable.

Planning Obligations/Agreements

In seeking the planning obligation and financial contributions for the mitigation of the land, the Local Planning Authority has had regard to the tests laid down in para 204 of the NPPF which requires the obligations to be necessary; relevant to planning; directly related to the proposed

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development; fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

Recommendation

Application Permitted subject to the following S106 Legal Agreement and conditions:

Legal Agreement – Heads of Terms

S106 to secure the delivery of off-site mitigation for dormice. This includes long term management and monitoring.

This mitigation is required to meet the 3 tests under the Conservation of Habitats and Species Regulations.

Conditions

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.

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

2. The development hereby permitted shall be carried out in accordance with the plans listed below unless otherwise agreed in writing by the local planning authority:

7930_D01_Rev N - Proposed Site Plan
7930_D02_Rev C – Proposed Site Sections
7930_D03_Rev D – Plot 01 and 02 Floor Plans
7930_D04_Rev A – Plot 01 and 02 Roof Plan
7930_D05_Rev D – Plot 01 and 02 Elevations
7930_D06_Rev B – Plot 03 and 04 Floor Plans
7930_D07 – Plot 03 and 04 Roof Plan
7930_D08_Rev B – Plot 03 and 04 Elevations
7930_D09_Rev C – Plot 05 Floor Plans
7930_D10_Rev A – Plot 05 Roof Plan
7930_D11_Rev D – Plot 05 Elevations
7930_D12 – Plot 05 Garage
7930_D13_Rev A – Plot 06 Floor Plans
7930_D14_Rev A – Plot 06 Roof Plan
7930_D15_Rev A – Plot 06 Elevations
7930_D16 – Plot 07 Floor Plans
7930_D17 – Plot 07 Roof Plan
7930_D18_Rev A – Plot 08 Elevations
7930_L01 – Location Plan
722-102 Landscape Plan

Reason: For the avoidance of doubt, to ensure that the proposed development is carried out in accordance with the plans and documents from which the permission relates to comply with Section 91 of the Town and Country Planning Act 1990.

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3. No development shall take place above DPC level until details and samples of the materials to be used in the construction of the external surfaces 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking and re-enacting that order, with or without modification), no windows other than those expressly authorised by this permission shall, at any time, be constructed in the side elevations of the first floor elevations and roofs of the dwellings hereby permitted.

Reason: To protect the amenity and privacy of the adjoining residential properties.

5. All bathroom windows in the dwellings hereby permitted shall be glazed with obscure glass which achieves an obscuration level at least equivalent to Pilkington Obscure Glass Privacy Level 4, unless otherwise agreed in writing by the local planning authority, and the glazing shall thereafter be retained in this condition at all times.

Reason: To protect the amenity and privacy of the adjoining residential properties.

6. A detailed scheme for landscaping and landscaping management, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development above damp proof course level commences. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To improve the appearance of the site in the interests of visual amenity.

7. No development above damp proof course level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the development hereby permitted is occupied. Development shall be carried out in accordance with the approved details.

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

8. No development, or works of site preparation, shall take place until details, including plans and cross sections of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto, have been submitted to and approved in writing by the Local Planning Authority.

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Reason: To ensure a satisfactory relationship between the new development and adjacent buildings, amenity areas and trees.

9. 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 2018 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

10. Prior to the occupation of the dwelling 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 an 'as built' stage SAP calculation and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval. The development shall be occupied in accordance with the approved details.

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.

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

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

12. The development hereby permitted shall NOT BE OCCUPIED until:

- a) A water efficiency calculation which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to and approved in writing by the Local Planning Authority
- b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European sites by the development and be implemented in full prior to first occupation and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
- c) All measures forming part of that mitigation have been secured and submitted to the Local Planning Authority.

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Reason: To accord with the Conservation of Habitats and Species Regulations 2017, and Policy CP11, CP16 and CP21 of the Winchester District Local Plan Part 1.

13. The recommendations within the Landscape Ecological Management Plan (Peach Ecology, 27 October 2023) and in accordance with the landscaping plan (722-102) shall be adhered to throughout all phases of the development. The 30 year Management Plan shall be implemented prior to the development coming into its intended use and thereafter.

Thereafter, the compensation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To provide adequate mitigation and enhancement for protected species.

14. Development shall proceed in accordance with the 'requirements and recommendations' set out in Section 5 of the Ecological Assessment by Peach Ecology (29 September 2023), unless varied by a European Protected Species (EPS) license issued by Natural England. Thereafter, the buffer mitigation and enhancements (Appendix H) shall be permanently maintained and retained in accordance with the approved details.

Reason: To safeguard protected species and to comply with CP16 of the LPP2.

15. Details of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The lighting scheme should be in accordance with Guidance Note 08/23 produced by the Bat Conservation Trust and Institute of Lighting Professionals. This information shall include a horizontal illuminance contour plan as well as an explanatory document detailing the specification of each luminaire. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and protected species from light pollution.

16. Prior to work commencing on the site a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include the following details:

- Development contacts, roles and responsibilities
- Construction parking
- Public communication strategy, including a complaints procedure.
- Dust suppression, mitigation and avoidance measures.
- Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
- Use of fences and barriers to protect adjacent land, footpaths and highways.
- Details construction traffic management measures including the provisions to be made for the parking and turning on site of operative and construction vehicles during the period of development
- Details of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway

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- Avoidance of light spill and glare from any floodlighting and security lighting installed.
- Pest Control
- specifically consider the implications for and management of Kings Worthy Public Footpath 507 and any other Public Footpaths or claimed Public Footpaths during construction.

Works shall be undertaken in accordance with the approved details and remain in force for the duration of the construction period.

Reason: To ensure that all demolition and construction work in relation to the application does not cause materially harmful effects on nearby land, properties and businesses.

17. A Construction Method Statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This should outline how construction will avoid, minimise or mitigate effects on surrounding habitats. This shall include fencing, normal working hours only (to minimise noise and lighting disturbance), storage of any equipment, machinery, materials or chemicals away from where spills could enter surrounding habitats, measures to control dust and litter.

Reason: To safeguard protected species and to comply with CP16 of the LPP2.

18. An electric vehicle charging point (EVCP) in accordance with the Air Quality SPD Appendix F - Electric Vehicle Infrastructure Specification shall be installed prior to the commencement of the parking or any other ancillary or incidental use of the garage hereby approved, and thereafter maintained and kept in good working order for the lifetime of the permission.

Reason: To ensure a satisfactory standard of development which meets the needs of current and future generations, and in accordance with WCC Air Quality SPD and LPP1 Policy CP13 which requires measures to minimise carbon emissions and promote renewable energy.

19. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before a site assessment has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details. NB - potentially contaminated ground conditions include infilled ground, visual evidence of contamination or materials with an unusual odour or appearance.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants.

20. The Applicant must submit a specification to the Hampshire County Council Countryside Service for its approval prior to commencement for the Applicant, at its cost, to deliver works to create the new access road including acceptable accommodation of Kings Worthy Public Footpath 507 and any other Public Footpaths or claimed Public Footpaths that are to cross the access road.

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Reason: in order to ensure the future safe and convenient availability of public access.

21. Protective measures, including fencing and ground protection, in accordance with the Arboricultural Impact Appraisal and Method Statement reference AIA/AMS-KC/SH/Burnet 001/ Revision A written by Kevin Cloud of Technical Arboriculture Ltd and submitted to the Local Planning Authority shall be installed prior to any demolition, construction or groundwork commencing on the site.

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

22. The Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with AIA/AMS-KC/SH/Burnet 001/ Revision A. Telephone 01962 848403.

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

23. No Arboricultural works shall be carried out to trees other than those specified and in accordance with the Arboricultural Impact Appraisal and Method Statement AIA/AMS-KC/SH/Burnet 001/ Revision A.

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

24. Any deviation from works prescribed or methods agreed in accordance with the Arboricultural Impact Appraisal and Method Statement AIA/AMS-KC/SH/Burnet 001/ Revision A 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

25. 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.

Informatives:

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01. In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

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

In this instance the applicant was updated of any issues after the initial site visit.

02. This permission is granted for the following reasons:

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

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

Local Plan Part 1 - Joint Core Strategy: DS1, MTRA1, MTRA2, CP2, CP3, CP10, CP11, CP12, CP13, CP14, CP16, CP17 and CP20

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

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

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

06. 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.

For further advice on this please refer the Construction Code of Practice

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

07. The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works

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can commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with. If works commence on site before all of the pre-commencement conditions are discharged then this would constitute commencement of development without the benefit of planning permission and could result in Enforcement action being taken by the Council.

The submitted details should be clearly marked with the following information:

The name of the planning officer who dealt with application

The application case number

Your contact details

The appropriate fee.

Further information, application forms and guidance can be found on the Council's website - www.winchester.gov.uk.

08. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

09. Replacement of trees is enforceable in law and failure to comply with the condition could result in the issue of a tree replacement notice and prosecution if the local planning authority believes that the criteria of the condition has not been met. Trees make an important contribution to the character of the landscape, creating a green environment which we all enjoy. Winchester City Council encourages the planting of new trees to replace any that are felled in order to maintain the positive benefits that trees provide.