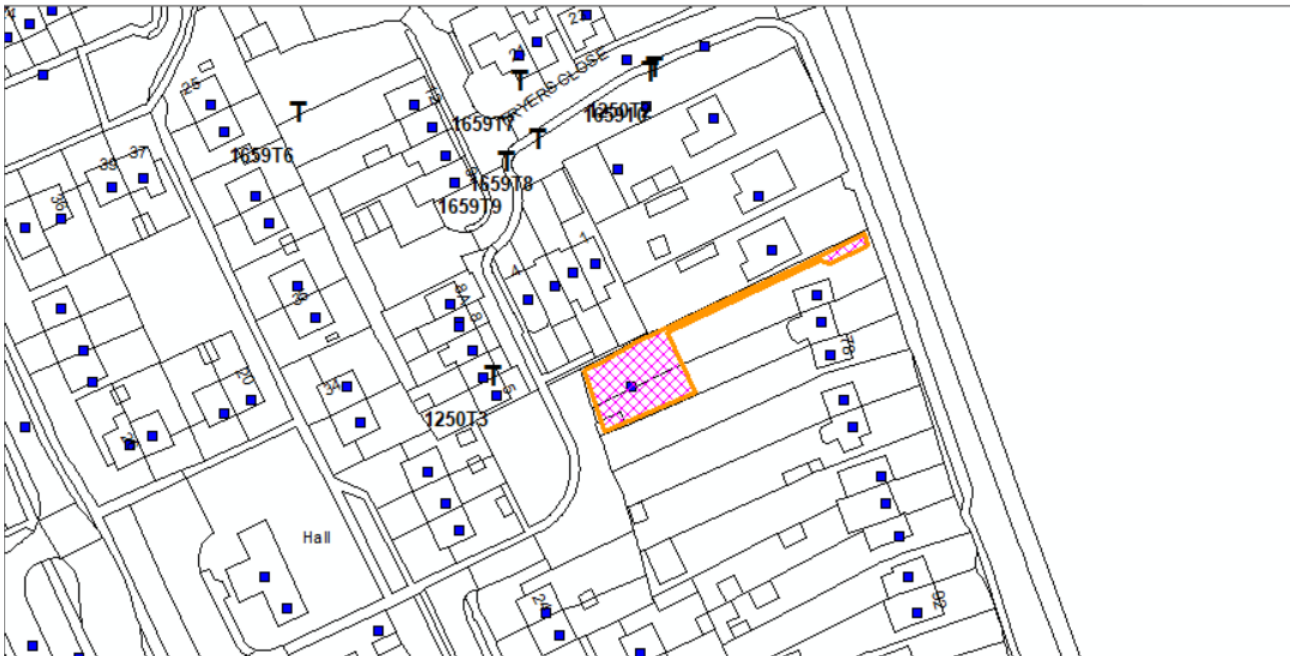


WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Case No:** 23/01375/FUL  
**Proposal Description:** Erection of 1No. new detached bungalow along with car parking and use of existing access onto Lovedon Lane.  
**Address:** Land to the Rear of 74 and 76 Lovedon Lane, Kings Worthy, Winchester, Hampshire  
**Parish, or Ward if within Winchester City:** Kings Worthy Parish Council  
**Applicants Name:** Mr Chris Southcott  
**Case Officer:** Catherine Watson  
**Date Valid:** 7 June 2023  
**Recommendation:** Permit  
**Pre-Application Advice** No

**Link to Planning Documents**

[Link to page – enter in reference number: 23/01375/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 have a positive impact on the character of the area in accordance with Policies DM15 and DM16 of the LPP2 and would not harm neighbouring residential amenity in accordance with policy DM17 of the LPP2.

**General Comments**

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

**Amendments to Plans Negotiated**

None

**Site Description**

The site is situated on Lovedon Lane, within the settlement of Kings Worthy and is approximately 0.055ha in area. It is situated in the garden to the rear of numbers 74 and 76 which are two properties in a terrace of three. The main access to the site is on Lovedon Lane and runs down the side of the existing No 74. It is well-screened from adjoining properties and from Lovedon Lane. Boundary treatments comprise hedges and close boarded fencing. The land slopes gently from the north-east (Lovedon Lane) to the north-west.

**Proposal**

The proposal is for the erection of 1 no detached bungalow with car parking, to the rear of numbers 74-76 Lovedon Lane.

**Relevant Planning History**

22/02721/FUL - Erection of 2 No. new detached dwellings along with car parking and use of existing access onto Lovedon Lane. Refused 12.04.2023.

**Consultations**

Service Lead – Engineering (Drainage) -

- No objection subject to condition.

Service Lead – Sustainability and Natural Environment (Ecology) –

- No objection, subject to conditions.

Southern Water -

- No objection, subject to further details of SuDS as part of the drainage condition.

**Representations:**

Councillor Steve Cramoysan (The Worthys Ward).

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- The development would change the character of the area;
- The new access would cause noise nuisance to neighbours;
- The constraints and opportunities of the site have not been properly investigated.

Kings Worthy Parish Council

- The proposal represents overdevelopment of the site;
- There would be a loss of neighbour amenity;
- Insufficient space for large vehicles to access and leave the site;
- This development would set a precedent in the area.

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

- Cramped relationship to other properties;
- The proposed new access at the boundary of 72 Lovedon Lane will cause noise disturbance;
- Impact on light to neighbouring properties;
- Impact on biodiversity.

**Relevant Government Planning Policy and Guidance**

National Planning Policy Framework (December 2023)

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 12. Achieving well-designed and beautiful places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

National Planning Practice Guidance

- Appropriate assessment
- Climate change
- Community Infrastructure Levy
- Consultation and pre-decision matters
- Design: process and tools
- Determining a planning application
- Effective use of land
- Fees for planning applications
- Housing supply and delivery
- Making an application
- Natural environment
- Noise
- Renewable and low carbon energy
- Use of planning conditions
- Waste
- Water supply, wastewater and water quality

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

MTRA1 – Development Strategy Market Towns and Rural Area

MTRA2 – Market Towns and Larger Villages

CP1 – Housing Provision

CP11 – Sustainable Low and Zero Carbon Built Development

CP13 – High Quality Design

CP16 – Biodiversity

CP17 – Flooding, Flood Risk and the Water Environment

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

DM1 – Location of New Development

DM15 – Local Distinctiveness

DM16 – Site Design Criteria

DM17 – Site Development Principles

DM18 – Access and Parking

Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Residential Parking Standards 2009

Other relevant documents

Climate Emergency Declaration, Carbon Neutrality Action Plan 2020-2023.

Nature Emergency Declaration.

Statement of Community Involvement 2018 and 2020

Biodiversity Action Plan 2021

## **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, 2023) require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The site is within the settlement boundary of Kings Worthy where new residential development is supported in line with policies DS1 of the LPP1 and DM1 of the LPP2. New residential development, whilst accepted in principle, must also comply with other relevant local plan policies.

### **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**

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Numbers 74 to 100 Lovedon Lane are characterised by their long, narrow plots and the dwellings are situated to the front. Backland development to the rear of these plots is common, with examples including Mountbatten Place and Fryers Close. In the instance of Mountbatten Place, this development has truncated part of the long Lovedon Lane plots.

The proposal is for the construction of a new, single storey 3-bed dwelling to the rear of numbers 74-76. The current application follows a refusal of a scheme which sought to construct 2 two storey dwellings to the rear of these properties. The scheme was refused as the proposal would not have respected the spatial character of the locality or the prevalent style of development. In addition, no mitigation for nutrients was put forward. The design of the refused scheme was more rural in character, whereas the proposed new dwelling is more modest and traditional in style. Proposed materials include brick and a plain tiled roof. The dwelling will utilise the existing access from Lovedon Lane, which will be extended to reach it. Two parking spaces are provided, along with cycle and bin storage facilities. The garden amenity space is adequate for the size of dwelling and will be positioned towards the rear of the plot (adjacent to Fryers Close) with the front of the dwelling facing north-east towards Lovedon Lane.

In this instance, it is considered that a new dwelling to the rear of the Lovedon Lane plots is acceptable in terms of its impact upon the spatial character of the area. It is modest in proportion and uses traditional materials. It is situated behind a row of semi-detached and terraced dwellings on Lovedon Lane and at the rear of the plot, to the south of the rear gardens of 1 and 2 Fryers Close. Whilst the neighbouring properties are two-storey, the use of similar materials will enable the new dwelling to blend into its surroundings. It will not impinge visually upon the public open space in Fryers Close as it will be set back from the rear boundary by approximately 9.6m and all access will be from Lovedon Lane.

Therefore, the proposal complies with policies CP13 of the LPP1, DM15, DM16, DM17 of the LPP2 and the High Quality Places SPD.

### **Development affecting the South Downs National Park**

The application site is located 0.84km 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 2023. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 182 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.

Due to the distance and intervening features, an adverse impact on the National Park and its statutory purposes is not identified.

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.

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**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.

**Neighbouring amenity**

The nearest neighbouring properties are 72 Lovedon Lane to the north, number 78 to the south-east and numbers 1-4 Fryers Close to the north-west.

The main concern of local residents is the extension of the existing access from Lovedon Lane to serve the new dwelling. In particular, there are concerns about noise and exhaust fumes from the additional vehicles using the property. Whilst residents' concerns are acknowledged, the proposed development consists of one dwelling with parking space for two vehicles. This would not generate an unacceptable amount of noise or fumes. Additionally, the existing 1.8m close boarded fence and hedging will be retained which offers screening of the access. Therefore, it is not considered that materially significant harm would result to the amenities of neighbouring properties in this respect.

The larger windows have been positioned to the front and rear of the building, with side windows serving a bathroom, en-suite and kitchen. New hedging will be planted at the boundary between the existing numbers 74 and 76 Lovedon Lane and there is a distance to the rear of these properties of approximately 20m. It is therefore not considered that there would be significant harm in terms of overlooking and given the single storey nature of the proposed dwelling, there will be no harm in terms of overbearing or overshadowing.

Therefore, the proposal complies with policy DM17 of the LPP2.

**Sustainable Transport**

As mentioned above, the site will be accessed by extending the existing access track from Lovedon Lane. Two parking spaces are proposed, along with a turning area. This complies with the requirements of the WCC Parking Standards SPD. Cycle and bin storage areas are also proposed. The site is in close proximity to a frequent bus route, with good transport connections to the A33 also.

The proposal will use an existing access which already serves no 74. Drawing 14 demonstrates that visibility splays are achievable from this access. In addition, it is not considered that the modest increase in the use of the existing access as a result of the proposed development would result in a detrimental impact on highway safety.

Condition 5 requires a construction management plan to be submitted and adhered to. This will ensure construction traffic and operations are suitably controlled.

Therefore, the proposal complies with policy DM18 of the LPP2 and the WCC Parking Standards SPD.

**Ecology and Biodiversity**

The applicant has submitted an ecological assessment to support the application. Condition 8 will ensure the development is carried out in accordance with the measures  
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contained within Section 5.0 “Requirements and Recommendations” of this document. This includes the installation of sparrow and swift boxes under the eaves and a submission for approval of any external lighting. Native planting and hedgerows will be included as part of the development and hedgehog/reptile highways through the fences will be installed. Condition 9 requires details of lighting to be submitted to ensure no adverse impacts on bats results from the development.

Therefore, the proposal complies with policy CP16 of the LPP2.

**Appropriate Assessment.**

The application will have a likely significant effect in the absence of avoidance and mitigation measures on European and Internationally protected sites as a positive contribution of 3.16 Kg/N/year (pre and post 2025) is made and 0.11 kg/P/year pre-2025 and 0.03kg/P/year post-2025. 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 and phosphate neutral development and the guidance on nitrates and phosphates from Natural England.

The applicant has entered into an allocation agreement with The Grange LLP in respect of mitigation for both nitrogen and phosphorous. A Grampian condition (4) will ensure that this is implemented in perpetuity.

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 (2023).

**Sustainability**

Developments should achieve the lowest level of carbon emissions and water consumption which is practical and viable. Policy CP11 expects new residential developments to achieve Level 5 for the Energy aspect of the Code for Sustainable Homes and Level 4 for the water aspect. Condition 10 secures the submission of design-stage data prior to the commencement of development to ensure these levels are met and condition 11 secures that development is built out according to these requirements.

An air source heat pump is proposed for renewable energy.

Therefore, the proposal complies with policy CP11 of the LPP1.

**Sustainable Drainage**

The proposal will have no impact on this because it is in Flood Zone 1 and therefore at very little risk of fluvial and pluvial flooding. Surface water is to be handled by SuDS and a public sewer is available for foul drainage. Connections to this will need to be undertaken in liaison with Southern Water. Condition 12 requires a standard pre-commencement condition for foul and surface water drainage.

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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 proposal is considered to be acceptable and to comply with relevant local plan policy. The proposed dwelling is single storey and will not visually dominate the area or site. Materials are traditional and the site has been laid out so as to offer a good level of garden amenity space both for the new dwelling and the existing numbers 74 and 76 Lovedon Lane in accordance with policies CP13 of the LPP1 and DM15, DM16 and DM17 of the LPP2.

The dwelling faces into the site and is situated away from the rear boundary and therefore is not considered to cause harm to the setting and enjoyment of the public open space in Fryers Close in line with policy DM15 of the LPP2.

Windows have been positioned so as to avoid overlooking of neighbouring properties and the height, mass and scale of the proposed building is such that there will be no impact from overbearing or overshadowing towards adjoining properties. This is in accordance with policy DM17 of the LPP2.

The existing access is being utilised and existing close boarded fencing and mature hedging along the boundary with 1-4 Fryers Close will reduce any impact from additional vehicles accessing the new dwelling, in accordance with policies DM16, DM17 and DM18 of the LPP2.

Ecological enhancement measures, including swift and sparrow boxes, native hedging and plants and hedgehog highways are proposed in line with CP16 of the LPP1.

Appropriate nutrient mitigation has been agreed with an accredited provider to ensure that impact upon sensitive habitats is significantly reduced in line with CP16 of the LPP1 and Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and Section 40(1) of the NERC Act 2006.

### **Recommendation**

Application Permitted, subject to the following conditions:

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**Conditions**

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

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

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

Site Location Plan Dwg No 10 received 07.06.2023

Block Plan Dwg No 11 received 07.06.2023

Proposed Site Plan Dwg No 14 received 07.06.2023

Proposed Site Access Dwg No 12 received 07.06.2023

Proposed Floor Plans and Elevations (New Plot) Dwg No 13 received 07.06.2023

Proposed Street Scenes Dwg No 15 received 07.06.2023

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

3. No development shall take place, other than clearance of the site, 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. 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.

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.

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5. No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved by the Local Planning Authority, to include details of:
- i. construction traffic routes in the local area
  - ii. parking and turning of operative, construction and visitor vehicles
  - iii. deliveries, loading and unloading of plant and materials
  - iv. storage of plant and materials
  - v. programme of works (including measures for traffic management)

Only the approved details shall be implemented during the construction period.

Reason: To ensure that development should not prejudice highway safety nor cause inconvenience to other highway users or result in any other significant harm to the amenity of local residents, or to existing natural features.

6. Landscaping.

No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- Proposed finished levels or contours, in comparison to existing ground levels, including the damp proof course and ground floor of the proposed buildings, and the relationship to the levels of adjacent buildings, together with contours to be formed and earthworks to be undertaken;
- All boundary treatment;
- Hard surfacing materials;
- Existing and proposed finished levels or contours;
- Means of enclosure, including any retaining structures;
- Other vehicle and pedestrian access and circulation areas;

Soft landscaping works shall include:

- Planting plans (for new trees, hedges and other planting);
- Written specifications (including cultivation and other operations associated with plant and grass establishment);
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- Implementation programme.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before the use hereby permitted is commenced and prior to the completion of the development or in accordance with the programme agreed with the Local Planning Authority. If within a period of five years after planting any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

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Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

8. The development shall be carried out in accordance with the measures, conclusions and recommendations set out within Section 5.0 "Requirements and Recommendations" of the Ecological Assessment by Peach Ecology (November 2022) 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.

9. The development shall not be occupied until full details of any lighting plan for the site, including positioning on the building, level of luminance, direction of lighting and details of any motion sensors or timers have been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that bats and other nocturnal species are not adversely impacted by the lighting.

10. 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 2019 and to accord with the requirement of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

11. Prior to the occupation of the dwelling hereby permitted detailed information (in the form of SAP "as built" stage data and a BRE water calculator) demonstrating that all homes meet the Equivalent of Code for Sustainable Homes Level 4 for Energy and Equivalent of Code for Sustainable Homes Level 3 / 4 for water, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied in accordance with these findings.

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2019 and to accord with the requirement of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

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

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

**Informatives:**

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

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

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

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

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

MTRA1 – Development Strategy Market Towns and Rural Area

MTRA2 – Market Towns and Larger Villages

CP1 – Housing Provision

CP11 – Sustainable Low and Zero Carbon Built Development

CP13 – High Quality Design

CP16 – Biodiversity

CP17 – Flooding, Flood Risk and the Water Environment

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

DM1 – Location of New Development

DM15 – Local Distinctiveness

DM16 – Site Design Criteria

DM17 – Site Development Principles

DM18 – Access and Parking

3. This permission is granted for the following reasons:

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

4. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. 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.

5. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider

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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, please refer to the Construction Code of Practice

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