

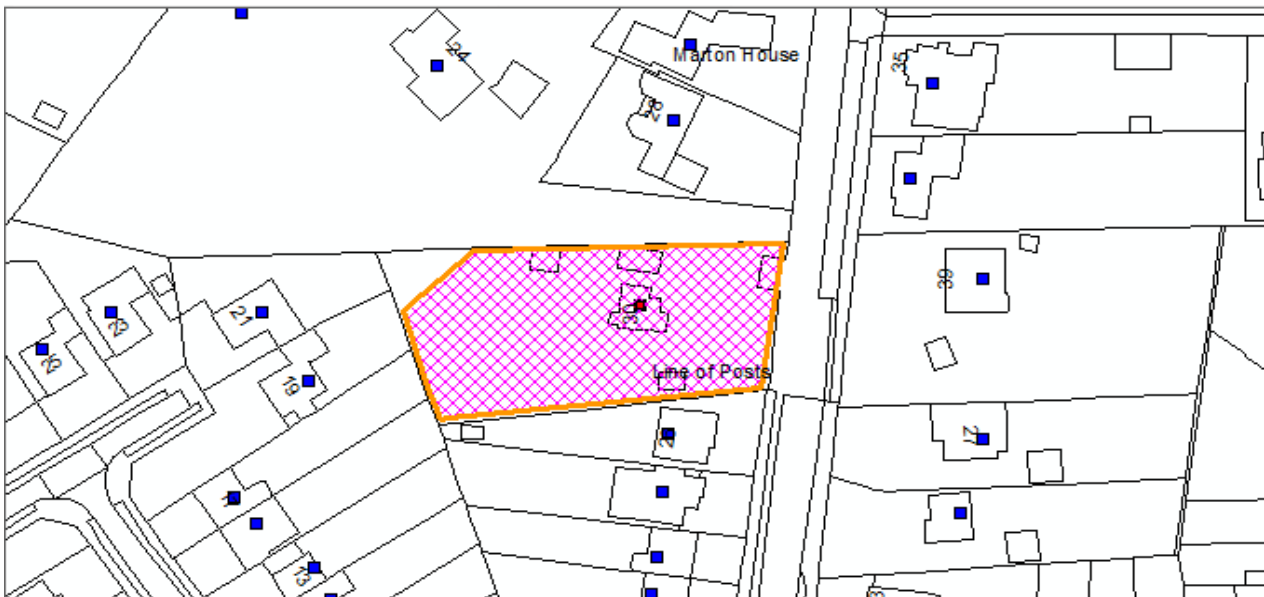
WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 23/01562/FUL
Proposal Description: Detailed Planning Permission for a development comprising 3 units, 2 x detached outbuildings, parking, landscaping and access (AMENDED DESCRIPTION, AMENDED PLANS AND ADDITIONAL INFORMATION)
Address: Wray How, 30 Downside Road, Winchester SO22 5LU
Parish, or Ward if within Winchester City: Winchester Town – St Barnabas Ward
Applicants Name: Orchard Homes
Case Officer: Liz Young
Date Valid: 27 July 2023
Recommendation: Permit
Pre-Application Advice Yes

Link to Planning Documents

23/01562/FUL

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



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Reasons for Recommendation

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Having regard to the amended plans, additional arboricultural and ecological mitigation provided by the applicant it is considered that the proposed development (which is acceptable in principle given its location within the built-up area of Winchester) would not have an unacceptably harmful impact upon the character of the area, the amenities of neighbouring residents or natural features within or adjacent to the site.

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

A neighbour representation was received which centred around a boundary between 24 Downside and 30 Downside (and ownership notices not having been correctly served). A discrepancy has now been resolved and it has been established that the application drawings (specifically the red line) show the extent of the land within the control of Number 30 Downside Road (the application site) and that the Certificate of Ownership on the original application submission is correct. The concerns raised by the neighbour to the north in relation to the removal of tree have also been addressed and this is set out in further detail below.

Amended plans were submitted to WCC for consideration on 26 September 2023 reducing the number of proposed units from four down to 3 and reducing the overall height, but incorporating a slight enlargement in footprint. The changes also adjusted the layout in order to reduce impacts upon boundary trees.

Alongside these changes, details of landscaping measures and a revised arboricultural impact assessment have been submitted to address consultee comments.

The amendments and additional information were re-publicised and a further consultation period (neighbours and consultees) was undertaken for 21 days from 21 November 2023.

Most recently, as noted above, in order to address concerns raised by the neighbouring property relating to ownership and the removal of trees from land which was stated to fall outside the control of the application site, amended plans have been submitted (3 June 2024) which remove the proposed single storey garage attached to the side of Plot 3 and introduce a retaining wall to support the bank and existing trees.

The amendments are a reduction to the footprint and hardstanding of plot 3. Plot 3 is also to the rear of the site and views of the development from the wider public realm are not materially different to the advertised scheme.

Taking account of the scale of the changes and their location within the site, it was not considered necessary to formally re-publicise the amendments. These amendments were accompanied also by an updated ecology survey and arboricultural impact assessment and the further views of the WCC Ecology and Tree Officer have been sought.

Site Description

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The application site comprises a two storey detached dwelling and its residential curtilage. The house itself sits towards the centre of the plot which measures just under 0.2 hectares. The land slopes upwards towards the rear boundary and also towards the north. The existing house is a two storey detached dwelling of a moderate size.

The site is located in the north west of Winchester within the built up area and within residential surroundings. The property lies at the southern extent of Downside Road, which is characterised by substantial, detached dwellings set well back from the road in spacious plots with extensive vegetated screening and wide verges to the front. These features contribute towards the semi-rural, verdant character of the locality. Development immediately to the south and west of the site is of a very different character and comprises predominantly terraced properties of lower ridge heights within more modest plots.

Proposal

Consent is sought to replace the existing dwelling with three detached two storey dwellings (resulting in an additional two dwellings). The dwellings would comprise two 3 bedroom units (Plots 2 and 3) and one 4 bedroom unit (Plot 1). Plot 1 would be located at the front of the site, with a detached outbuilding to the side. Plots 2 and 3 would be added to the rear and the southernmost of these (Plot 2) would be served by a detached carport. Overall combined footprint would amount to approximately 500 square metres.

The dwellings would all be served by the existing vehicular access in the northeast corner of the site. An internal access road would extend along the north boundary providing access to the two rear units.

Due to the sloping nature of the plot changes to ground levels are also proposed. This would involve the lowering of levels within the site to enable the area to be levelled off.

Relevant Planning History

None

Consultations

Service Lead for Community – (Trees) – No objections subject to conditions (Conditions 7, 19 and 20)

Service Lead for Engineering – (Drainage Engineer) – No objections subject to conditions (Condition 4)

Service Lead for Public Protection – (Environmental Protection) – No objections raised

Service Lead for Natural Environment – (Ecology) – No objections subject to conditions securing appropriate mitigation for reptiles (Condition 17)

Hampshire County Council (Highway Authority) – No objections raised

Southern Water – No objections raised

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Representations:

Councillor Learney (Local Ward Member) –

- Proposal fails to recognise the distinction between the character of Downside Road and the neighbouring Grovelands Road.
- Proposal would maximise housing on the site without reflecting the nature of properties in the street
- Existing backland development in the street is mostly invisible, this will be prominent
- Proposal would leave only small amounts of amenity space impacting on the retention of trees and biodiversity on the site.
- Harmful impacts upon trees
- the height of the proposed 3 storey property in plot 3 creates an overlooking issue which is fully explored in the owner of 26 Grovelands Roads objection
- the size of the “small” 3 bedroom houses is far in excess of the nationally described space standard for a 6 bedroom house (142sqm including storage).
- Extensive hardsurfacing
- Insufficient vehicle turning space
- Inadequate parking
- Adverse impacts on biodiversity
- The developer failed to engage with local residents prior to submission

City of Winchester Trust – 2 comments received (initial objection followed by a neutral comment in response to amended plans):

- Initial concerns raised in relation to overlooking, parking impacts and inappropriate density
- Further neutral comment recognises the unspoiled character of the road but notes the reduced density and states that garden infilling is now an accepted form of redevelopment - particularly on the outskirts of Winchester
- The Trust therefore does not object to the application in principle, subject to satisfactory tree and root preservation conditions. Also there should be conditions and arrangements to ensure that construction traffic (including employee vehicles) do not park on the verges in Downside Road.

Winchester Town Council – No comments received

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

- Harmful impact on street scene
- Inappropriate scale and massing
- The sloping nature of the plot is such that the dwellings would appear overly dominant
- The proposed design does not reflect local architecture
- Backland development previously carried out in the area has not had a comparable impact to the current proposal

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- The proposal does not adhere to pre-application advice
- Design and Access Statement is generic and could apply to any property
- 2 dwellings would be more acceptable

- Proposal fails to consider impacts to properties off Sawyer Close and proposed reduction in ground level will not sufficiently mitigate this impact
- Loss of light to neighbouring properties
- Harmful impacts during construction to neighbouring properties
- Loss of privacy and overlooking towards neighbouring properties

- Inadequate parking provision
- Increased pressure for on road parking
- The garages are too small

- Harmful increase in traffic, impacts upon highway safety and damage to the private road
- full approval for discharge of sewage has not been given for the 3 properties
- Inadequate local infrastructure

- Harmful impact on trees
- Loss of biodiversity
- Proposed works will impact upon surface water drainage
- Carbon impacts from groundworks and sourcing of materials have not been considered
- Proposal would not deliver biodiversity net gain

Further concerns raised following publicity on amended plans:

- The amended plans do not address concerns raised in relation to the development principle
- The amended plans appear not to fully address the water run off issues
- The amended scheme still amounts to overdevelopment

5 Neutral representations received:

- Inconsistencies in planning documentation supporting the application (including numbers of bedrooms to each unit)
- The developers should meet with the Downside Road Residents (DRR) to discuss any potential issues with the private road (such as potential damage to verges, avoiding on road parking, impacts during construction)

0 supporting representations received

Relevant Government Planning Policy and Guidance

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National Planning Policy Framework (2023) (NPPF):

Section 2 – Achieving Sustainable Development
Section 5 – Delivering a Sufficient Supply of Homes
Section 9 – Promoting Sustainable Transport
Section 12 – Achieving Well Designed and Beautiful Places
Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
Section 15 – Conserving and Enhancing the Natural Environment

National Planning Practice Guidance:

Natural Environment 2019

Winchester Local Plan Part 1 – Joint Core Strategy 2013 (LPP1):

Policy DS1 – Development Strategy and Principles
Policy WT1 - Development Strategy for Winchester Town
Policy CP1 - Housing Provision
Policy CP2 - Housing Provision and Mix
Policy CP11 - Sustainable Low and Zero Carbon Built Development
Policy CP13 – High Quality Design
Policy CP15 – Green Infrastructure
Policy CP16 – Biodiversity

Winchester District Local Plan Part 2 – Development Management and Site Allocations
2017 (LPP2)

Policy WIN1 - Winchester Town
Policy DM1 – Location of New Development
Policy DM2 – Dwelling Sizes
Policy DM15 – Local Distinctiveness
Policy DM16 – Site Design Criteria.
Policy DM17 – Site Development Principles
Policy DM18 – Access and Parking
Policy DM24 – Special Trees, Important Hedgerows and Ancient Woodlands

Supplementary Planning Documents

National Design Guide 2019
High Quality Places 2015
St Barnabas Neighbourhood Design Statement 2007
Parking Standards SPD 2009
Air Quality SPD 2021

Other relevant documents

Climate Emergency Declaration, Carbon Neutrality Action Plan 2020-2023.
Nature Emergency Declaration.
Statement of Community Involvement 2018, 2020 and 2024

Principle of development

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Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2023) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Policy DS1 of the LPP1 is consistent with the NPPF which states in paragraph 11 that decisions should apply a presumption in favour of sustainable development and that for decision taking this means approving development proposals that accord with an up to date development plan without delay.

The application site falls within the built up area of Winchester. LPP1 Policy WT1 states that the spatial planning vision for Winchester Town will be achieved in part through the development and redevelopment of existing sites and other opportunities within and adjoining the defined built-up area of Winchester. Furthermore, LPP1 Policy CP1 states that provision will be made within the District for the provision of about 12,500 dwellings (net) in the period April 2011 to March 2031 including 4000 dwellings within Winchester Town. The proposal is within a defined settlement boundary where the principle of additional residential units is acceptable in principle.

With regards to the nature of dwellings to be provided LPP1, Policy CP2 anticipates that the majority of homes should be in the form of 2 and 3 bed houses, unless local circumstances indicate an alternative approach should be taken, including where there is an imbalance of housing types and sizes in particular parts of the District. In this case the proposal would comprise two 3 bedroom units and one four bedroom unit and (having regard to the modest number of units proposed) it is considered that the proposal would not result in an inappropriate mix of housing provision.

Overall, it is concluded that the general principle of the proposed development would be acceptable subject to compliance with the Development Plan and material planning considerations.

Assessment under 2017 EIA Regulations.

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

Impact on character and appearance of area

The application site lies within built up residential surroundings and within an area characterised by large dwellings set in spacious plots enclosed by mature trees and hedgerows. The low density of development and extensive vegetative screening, along with wide grass verges give the area a relatively verdant, semi-rural character. Development which lies immediately to the south, however is of a significantly different character comprising a more dense layout of dwellings (including a number of terraced dwellings) set in narrow plots with open frontages. The application site lies on the southern extent of the more spacious development to the north and the denser development to the south.

Guidance contained within the St Barnabas Neighbourhood Design Statement advises that new development should allow for open spaces between or around buildings and at roadside or property boundaries and respect building lines, so as to respond to the

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existing lower density, townscape and landscape character of the area and allow for soft landscaping in support of wildlife. The guidance acknowledges the need to increase density whilst also ensuring proposals respond positively to the particular characteristics of a site, its surroundings and local distinctiveness. This guidance closely reflects the criteria contained within LPP2 Policy DM16 which states that development should respond positively to the character, appearance and variety of the local environment, within and surrounding the site, in terms of its design, scale and layout.

The existing dwelling occupies a fairly central position within the site (which is relatively spacious and reflective of other properties on Downside Road). As identified above, the development immediately to the south and west however is of a denser arrangement and the site forms part of the transition between these two areas. There is no unifying building line or layout within Downside Road, and plots are of varied sizes. In this context it is considered that the proposal to introduce an additional two dwellings to the site would not be harmful to the character of the area subject to ensuring an acceptable design and layout.

The scheme originally submitted proposed an additional three units (four dwellings overall). In all cases the units would incorporate second floor accommodation served by dormer windows in the roof. In the case of Plots 3 and 4 first floor accommodation was also proposed over the integral garages. Concerns were raised with the applicant in relation to the scale of the development, particularly with regards to its potential to give rise to additional visual intrusion and loss of amenity to neighbouring residents.

To address these concerns, amended plans were submitted to WCC for consideration on 26 September 2023 reducing the number of proposed units from four down to 3. Maximum ridge height to the dwellings has been reduced from 10.5 metres to just over 8 metres (with lower heights to the rear units). The first floor accommodation originally proposed over the integral garages has been removed and all the dwellings would now be two storeys. Hipped roofs are now proposed instead of the original steeply pitched gabled roof form, resulting in less dominant rooflines. Whilst the overall external footprint of development has been increased slightly (by approximately 10 square metres), overall floor area has been reduced from approximately 870m², down to approximately 700m². Furthermore, the reduced overall height of the units, the amended roofline and the reduction in upper floor accommodation has significantly reduced the overall volume, scale and bulk of the proposed units. The revised design would achieve a less top heavy form and the reduced number of units would allow for open spaces between and around buildings as required by the Neighbourhood Design Statement. As such it is concluded that the previous concerns raised in relation to scale, density and visual intrusion have been overcome.

With regards to detailed design, the proposed Georgian style design to the dwellings would be of a less suburban character than the 2.5 storey dwellings originally proposed. The reduced number of integral garages (more typical of urban environments) and simplified form of the dwellings would also ensure the development would not undermine the character of built development within the locality or its semi-rural character.

The plans also include proposals to lower ground levels within the site and to step the houses down in a series of 2 terraces from the west (rear) boundary. As a result, all three

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dwellings would be set lower in the site than the existing building. This would further mitigate any potential visual intrusion.

With regards to landscaping arrangements, the revised layout of the proposed development would enable most of the natural boundary screening to be retained, including the extensive screening which encloses the front (east) and side (north) boundaries. This boundary will continue to provide a strong sense of enclosure to the site and screening to the proposed development. Boundary planting is also to be supplemented by additional native hedgerow and tree planting. Within the site a combination of native hedgerow and brick walls would enclose each of the plots and driveways would be formed from permeable block paving. Additionally, parking provision would be sensitively sited, mainly to the side of the dwellings in accordance with advice contained within the High Quality Places SPD. These various elements would avoid an overly suburban form and (as required by LPP2 Policy DM15). The Tree Officer is also satisfied that the proposal would conserve trees and hedgerows, corridors which contribute to the local distinctiveness of the area.

Having regard to the amendments submitted, the varied layout and pattern of development in the locality and the precedent in the area for infill development on larger plots, it is considered that the proposals would adequately take account of the character of the area and semi-rural environment as required by the VDS and also the criteria contained within LPP2 Policy DM16.

Subject to ensuring an appropriate detailed design and external finish to the proposed development (Condition 5), and also conditions securing full landscaping details (Condition 7) it is considered that the proposed development would be in accordance with LPP1 Policy CP13, LPP2 Policies DM15 and DM16 and also guidance contained within the St Barnabas Neighbourhood Design Statement.

Development affecting the South Downs National Park

The application site is located 1.6 miles west of the South Downs National Park and sits well within the confines of the built up area of Winchester.

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 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.

There is no intervisibility between the application site and the national park designation and the modest scale of the development is such that it would not give rise to any significant increase in recreational impacts.

In conclusion the proposal will 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

Relevant Legislation:

The preservation of the special architectural/historic interest of the listed building and its setting (S.66 P(LBCA) Act 1990; Policy DM29 & DM30 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2023) Section 16.

The preservation or enhancement of the character or appearance of the conservation area (S.72 P(LBCA) Act 1990; Policies DM27 & DM28 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2023) Section 16.

The proposed development does not affect nor is it near to a statutory listed building or structure including setting; Conservation Areas, Archaeology or Non-designated Heritage Assets including setting. Therefore, no impact is demonstrated.

Neighbouring amenity

Residential properties lie to the north, west and south of the site. The dwelling currently sits towards the centre of the site and therefore does not impact significantly upon the neighbouring properties.

The submitted plans indicate that the integral garage to Plot 3 would lie approximately 2.5 metres from the north boundary, although there would be a distance of 6 metres between the flank wall of the dwelling itself and this boundary. The closest residential property from this boundary lies just over 8 metres further to the north and is separated from the application site by an area of land which (based upon recent planning history on the adjacent site) is not currently in residential use. Due to the rise in ground levels towards this boundary (which is to remain), the development would be on a lower level than the neighbour to the north. Furthermore, it is considered that the reduced height of the proposed dwellings, the proposal to further lower ground levels and the degree of separation from the north boundary would together ensure the proposal would not give rise to a harmful impact in terms of visual intrusion or loss of light towards the neighbour. This boundary is also well screened by established vegetation, the majority of which is now to be retained. The only upper floor windows proposed to the north elevations of both Plots 1 and 3 would serve bathrooms and could therefore be conditioned to be obscurely glazed (condition 3).

There would be a distance of approximately 8 metres between the rear elevation of Plot 2 (at the closest point) and the rear boundary of Plot 2 which adjoins the rear garden areas of properties of Sawyer Close. Whilst the proposal would be closer to the boundaries with neighbouring properties than is currently the case for the existing dwelling, it is considered that the proposed orientation of the proposed dwellings, the changes to ground levels (to be lowered significantly in this part of the site) and also boundary vegetation would ensure any potential views towards the rear garden areas of neighbouring properties would be confined to oblique, filtered views towards their rearmost garden areas. These factors would ensure the proposal would not give rise to an unacceptably harmful impact upon the living conditions of neighbouring occupant to the extent that refusal would be justified on

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these grounds. The additional planting which is proposed to be introduced on this boundary (Condition 7) would further mitigate any potential loss of privacy. The reduced height of the proposed dwellings and removal of second floor accommodation has further reduced the potential for overlooking towards properties adjoining the rear boundary and overall it is considered that spacing between buildings as proposed would be broadly reflective of the pattern of development in the wider area.

There would be a distance of approximately 1.5 metres between the flank wall of Plot 1 and the boundary with the property to the south. Whilst the proposed development would be readily visible from the adjacent property, the reduced height of the dwelling and its position (which would be broadly in line with the neighbouring dwelling in terms of set back from the highway) would ensure any potential for visual intrusion would be relatively limited. The only upper floor windows proposed to the south elevations of both Plots 1 and 2 would serve bathroom windows and could therefore be conditioned to be obscurely glazed (Condition 3). Because the development lies to the north of this property it would not give rise to a significantly harmful loss of light towards the neighbouring occupants.

The overall reduction in the amount of development and reduction in height to the dwellings (and removal of second floor accommodation) has served to further mitigate the potential loss of amenity to neighbours.

With regards to impacts during construction, it is recommended that a condition should be imposed requesting details of the intended construction program, hours of work and measures to protect adjacent land (amongst various other criteria). This would ensure any potentially harmful impacts during the construction of the development could be mitigated as far as practicable.

Overall, it is concluded that subject to appropriate conditions being imposed the development would not have an unacceptable adverse impact on adjoining land, uses or property by reason of overlooking, overshadowing or by being overbearing as required by LPP2 Policy DM17.

Sustainable Transport

The application site is accessed from Downside Road (a private road). The information accompanying the application, and also feedback from the Highways Authority indicate that there is not a pattern of accidents that is expected to be exacerbated by the proposed development. The Highways Authority are also satisfied that the traffic impact of the trips associated with this development is expected to be negligible and no concerns have been raised regarding the ability of the access to accommodate the vehicular activity associated with the use.

With regards to vehicular access to and from the site, the Highways Authority have confirmed that they have no concerns regarding the ability of this junction to accommodate the negligible increase in traffic associated with the proposals.

It is also necessary to have regard to Standing Advice provided by the Local Highways Authority. This sets out a requirement for development proposals of between 1 and 5 dwellings to ensure provision for:

- vehicles to enter and leave the highway in a forward gear.

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- internal layout linking pedestrian/cycle access to the existing pedestrian and cycle facilities across the immediate frontage of the site - this can be along a shared driveway or frontage or through a path within the development
- Any access gates must open away from the highway (inwards) and must be set back 6m from the edge of the carriageway.

In the case of this proposal, the submitted layout plans indicate that there would be sufficient turning space to each plot. Pedestrian access to the highway would be via a shared driveway. No gates are proposed on the main access to the site. The proposal would therefore meet the relevant Standing Advice.

Currently refuse is collected from the kerbside and this is proposed to continue for the new dwellings which is considered acceptable by the Highways Authority.

With regards to parking provision, the proposed parking (to be secured through condition 14) would meet the relevant standards contained within the Winchester Parking Standards SPD (two spaces for three bedroom units and 3 spaces for 4 bedroom units) and the development would therefore not give rise to increased demand for on road parking. There would also be sufficient space within the site for vehicles to turn (as required by the relevant Standing Advice). The spaces within the garages would meet the minimum size requirements set out within the Winchester Parking Standards SPD (6 X 3 metres). With regards to impacts upon the highway during construction, this can reasonably be mitigated through a construction management plan (as identified above).

With regards to the construction phase, Condition 16 would secure the approval and implementation of a construction environmental management plan which would include details relating to contractor parking, delivery procedures and cleaning wheels to prevent mud-spill onto the highway. This would minimise any potential for temporary impacts upon Downside Road over the construction phase.

Overall, it is concluded that the proposed development would allow for access to, and movement within, the site in a safe and effective manner and would incorporate parking provision and vehicular access as part of the overall design of the scheme as required by LPP2 Policy DM18.

Ecology and Biodiversity

The application site does not fall within or adjacent to any sites of nature conservation interest. With regards to local ecological interest, the application has been accompanied by an ecology survey. This document states that trees and buildings/structures proposed to be removed were checked for roosting bats and that none were found, the trees and vegetation were all considered to have negligible bat roosting potential.

Two bat emergence surveys were carried out on the property due to the presence of one feature for roosting bats and no bats were recorded roosting. New features for roosting bats would be incorporated into each of the new buildings on site as an enhancement.

A reptile survey undertaken has recorded a low population of slow worms. Therefore, a mitigation plan is proposed to be put forward in order to ensure the conservation status of

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this species would not be adversely impacted. There are also identified opportunities to enhance the retained areas of habitat for any remaining reptile population (Condition 17). The WCC Ecology Officer has advised that subject to such measures being agreed and implemented there would not be an unacceptably harmful impact upon ecological features on site.

Additional enhancement measures are to be set out to provide net gain on site, this is to include a range of bird boxes for different species and native planting to create suitable corridors and habitat for foraging and dispersal (Condition 18).

Overall, it is concluded that the proposed development would protect sites of nature conservation interest, would retain, protect and enhance local biodiversity through its design and implementation and would achieve biodiversity net gain in accordance with LPP1 Policy CP16.

Appropriate Assessment.

The application (which will result in an increase in overnight accommodation) 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 0.09 Kg/N/year of Phosphorus and 9.2kg of Nitrogen 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 Nitrogen and Phosphorus from Natural England.

In this instance the applicant has entered into an agreement with a private credit scheme at Church Farm, Sparsholt. The mitigation would be in the form of redirecting an existing septic tank into a new Klargestar, which creates a betterment and thus a saving over the phosphates that would have otherwise gone into the River Itchen.

Having regard to this, the authority's appropriate assessment is that the application coupled with the mitigation package secured by way of a Grampian condition (Condition 11) complies with this strategy and would result in nitrogen / phosphorus neutral development. It can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above in this regard.

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

Information which accompanies the application indicates that the proposed development would be designed to meet current Building Regulations requirements in relation to energy, carbon dioxide emissions, overheating, water consumption, drainage and biodiversity. This standard would be secured through appropriate conditions (Conditions 12 and 13).

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Heating and hot water would be provided by air source heat pumps or electric boilers and each dwelling would also be provided with an electric car charging point. The applicant has also indicated that solar panels would be installed. Full details of these measures would be secured through Condition 15. Rainwater butts providing a minimum storage capacity of 200 litres would be connected to a rainwater down pipe for external irrigation use, where possible.

Having regard to this assessment, it is concluded that as required by LPP1 Policy CP11 the proposed development would be designed to maximise energy efficiency and design out the need for energy use by means of the scheme layout and the orientation and design of individual buildings, making full use of passive heating and cooling systems as far as is practical.

The application site lies within the Winchester Air Quality Management Area. The AQMA was declared in 2003 for exceeding the annual mean nitrogen dioxide (NO₂) and 24-hour mean PM₁₀ concentrations, though the declaration for 24-hour mean PM₁₀ was later revoked in 2013.

In accordance with the Air Quality SPD, the application has been accompanied by an Air Quality Statement. This considers the development over both the construction and operational phase.

During construction any impacts associated with increased dust emissions would be low having regard to the modest scale of the development and the various mitigation measures proposed to mitigate dust emissions. These measures would (along with emissions standards for Non-Road Mobile Machinery) be secured as part of the construction management plan (Condition 16).

Whilst the proposals have the potential to introduce new receptors into an area of poor air quality, the proposal does not lie adjacent to one of the principal roads listed under Policy 2 of the Air Quality SPD. The closest monitor to the proposed development is on Stockbridge Road. The outputs from this monitoring indicate that annual mean NO₂ concentrations for this area have historically been well below the Air Quality Objectives,

The Air Quality Statement has had regard to the Air Quality Statement Checklist set out within the WCC Air Quality SPD. It confirms that no solid fuel (wood or coal) domestic heating appliances open fireplaces are to be provided at any premises. Heating and hot water will be provided through the use of Air Source Heat Pumps (ASHPs). In accordance with Principal 5 of the SPD one electric charge point will be provided to each individual dwelling. Full details of the proposed heat pumps and electric vehicle charging would be secured through condition 15. Information relating to public transport options would also be provided to the purchasers of the proposed dwellings.

Overall, it is concluded that subject to appropriate conditions being imposed, the proposed development would mitigate any potentially harmful impacts upon air quality, would minimise impacts upon sensitive receptors and would contribute towards the aim of improving air quality. The proposal is therefore considered to be in accordance with the WCC Air Quality SPD

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Sustainable Drainage

With regards to surface water drainage the site does not lie within or adjacent to a flood zone and has also a very low risk of pluvial flooding. The WCC Engineer has advised that an appropriate Sustainable Urban Drainage (SuDS) scheme for the development would ensure the proposal would not give rise to any harmful increase in surface runoff. The application submission indicates that this method of surface water disposal is proposed as part of the development. Full details of this would be secured through Condition 4.

In respect to foul drainage provision (a concern raised in third party comments received) the applicant has indicated that the development would be connected to the main sewer, which is considered to be the most sustainable option in light of the fact that the site is served by Southern Water's foul mains. Southern Water have no adverse comments to make in respect of the proposals subject to a formal application for a connection to the public foul sewer being made by the developer.

Therefore, in accordance with LPP1 Policy CP17 the proposed development would incorporate Sustainable Drainage Systems (SuDS) and would ensure appropriate surface water drainage and wastewater infrastructure to service the development.

Trees

A number of trees lie on the boundaries of the site and these are of notable amenity value in most instances.

NPPF paragraph 136 recognises that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. It promotes opportunities to incorporate trees within development and to ensure that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.

Paragraph 5.18 of the High Quality Places SPD states that Trees are a hugely significant part of the character of the district, both in landscape and townscape terms. Therefore, the first principle is that trees which make a positive contribution should be retained wherever possible.

The application has been supported by an arboricultural report and tree survey, which has been reviewed by the WCC Tree Officer.

Whilst a single tree is proposed to be removed on the north boundary of the site (a cypress which lies adjacent to the access) this is of low quality and the removal of this tree would not impact significantly on public amenity.

The existing cypress hedge on the rear (west) boundary is also to be removed, although this is also to be replaced with new planting. The majority of boundary trees are proposed to be retained, and no A or B category trees are proposed to be removed.

On this basis the WCC Tree Officer raises no objections to the development. In all cases of tree removal suitable replacements would be agreed through Condition 7 and the proposed site layout would ensure sufficient space to accommodate this planting.

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With regards to service runs, it is not intended that there would be any major service upgrades, and the proposal is to connect into the existing services without the need to cause any disruption to RPAs, that could be detrimental.

With regards to long term impacts the proposed site layout would ensure any occupied spaces would not be brought significantly closer to trees to the extent that any trees might give rise to nuisance towards future occupants.

Overall, it is concluded that the proposal would not result in the loss or deterioration of important hedgerows, special trees, and the space required to support them in the long term as required by LPP2 Policy DM24.

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 would contribute towards the objectives of the NPPF in relation to boosting housing supply and would be in accordance with the Development Strategy contained within the Winchester Local Plan Part 1 which seeks to direct new residential development towards the built-up area of Winchester. The proposed development would (in its amended form) reflect the scale and pattern of development in the area and would not give rise to adverse impacts upon local amenity, highway safety, ecology or trees and it is therefore recommended that planning permission should be granted.

Planning Obligations/Agreements

Not relevant.

Recommendation

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Permit subject to the following condition(s):

Conditions

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

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

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

Plans:

Location Plan – Drawing Reference 8226_L01
Proposed Site Plan – Drawing Reference 8126_DO1_H
Proposed Block Plan – Drawing Reference 8126_B01_A
Landscape Proposals – Drawing Reference 01E

Plot 1 Ground and First Floorplans – Drawing Reference 8126_D03_B
Plot 1 Roof Plan – Drawing Reference 8126_D04_B
Plot 1 Elevations – Drawing Reference 8126_D05_C
Plot 1 Garage Plans and Elevations – Drawing Reference 8126_D14

Plot 2 Ground and First Floor Plans – Drawing Reference 8126_D06_A
Plot 2 Roof Plan – Drawing Reference 8126_D07_B
Plot 2 Elevations – Drawing Reference 8126_D08_B
Plot 2 Carport Plans and Elevations - Drawing Reference 8126_D15

Plot 3 Floor Plans and Roof Plan – Drawing Reference 8126/D09/C
Plot 3 Elevations – Drawing Reference 8126_D10_C
Proposed Site Sections – Sheet 1 - Drawing Reference 8126_D20_D
Proposed Site Sections – Sheet 2 – Drawing Reference 8126_D21_E

Documents:

Ecological Assessment Issue 03 (Peach Ecology, Report Number: 0526 31 March 2024)

Arboricultural Impact and Mitigation Statement (Wadey Trees Consultancy, Report Ref: WT 027-23 Rev 4 AIA, 30 May 2024)

Air Quality Statement (Redmore Environmental, Report Ref Reference: 7103r1, 26 July 2023)

Reason: To ensure an acceptable design, scale and layout and to avoid adverse impacts upon amenity as required by policies DM16 and DM17 of the Winchester District Local Plan Part 2 (2017)

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3. The windows shown at first floor level on the upper floor window on north elevations of Plot 3 and Plot 1 and the south elevations of Plot 2 and Plot 1 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.

4. Detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing before the commencement of development.

Development must then continue in accordance with the approved details.
The approved details shall be fully implemented before development commences.

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

5. No development shall take place above damp proof course level until samples or full details of proposed external facing materials have been submitted to the Local Planning Authority and have been approved in writing. The development shall be carried out fully in accordance with the approved details.

Reason: To ensure an acceptable design, scale and layout and to avoid adverse impacts upon amenity as required by policies DM16 and DM17 of the Winchester District Local Plan Part 2 (2017)

6. No external lighting shall be installed on the site unless details of such proposals have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the specification, luminosity, operation and layout of lighting (to be informed by the recommendations contained within Section 5 of the approved Ecology Survey, Peach Ecology, Report Number: 0526 Issue 3, 31 March 2024).

The lighting must then be installed and implemented in accordance with the approved details.

Reason: To protect the ecology and amenities of the area in accordance with policy CP16 of the Winchester District Local Plan Part 1 – Joint Core Strategy (2013) and policy DM23 and policy DM23 of the Winchester District Local Plan Part 2 – Development Management and Site Allocations.

7. No development shall take place above slab level until a Biodiversity and Landscape Management Plan (to be informed by the recommendation contained within the approved Ecology Survey, Peach Ecology, Report Number: 0526 Issue 3, 31 March 2024) has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include:

- (a) native planting specification (including replacement tree planting)
- (b) areas for hard surfacing and the materials to be used;
- (c) other means of enclosure (including any retaining walls and hedgehog fencing);
- (d) biodiversity enhancement measures

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(d) establishment and maintenance schedule covering the first five years following the completion of development

No development shall take place unless these details have been approved and then only in accordance with those details.

The approved landscaping measures shall be provided on site within the first planting season following the written approval of the submitted landscaping details. If within a period of 5 years from the date of the planting, if the tree is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged or defective) another tree of the same species and size as that originally planted shall be planted at the same place within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure an appropriate setting to the development and to secure a net gain in biodiversity in accordance with LPP1 policy CP16 and LPP2 policies DM16 and DM17.

8. No development, or works of site preparation or clearance, 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.

Development must then continue in accordance with the approved details.

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

9. Plots 2 and 3 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

C) Information regarding the efficiency and performance of the septic tank has been submitted to and approved in writing by the Local Planning Authority

D) A package treatment plant (PTP) management and maintenance plan has been submitted and approved in writing by the Local Planning Authority; and

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E) 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.

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 2023 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

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

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2021 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

12. 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

13. Prior to the occupation of the development hereby permitted, details of the specification and location of the following must be submitted to and approved in writing by the Local Planning Authority:

- a. Air source heat pumps
- b. Electric vehicle charging

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c. Solar Panels

Development shall be carried out fully in accordance with the approved details and shall be retained for the lifetime of the development.

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2023 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy and Winchester Air Quality SPD.

14. No development (including demolition and any site clearance) shall take place (including demolition) until full details of a Construction Management Plan (CMP) have been submitted to and approved in writing by the Local Planning Authority.

The CMP must include the following details:

- Programme for construction and hours of work
- Demolition and site clearance method (including dust mitigation) and timing
- Measures to avoid or mitigate impacts on species and habitats (including measures to ensure structures are demolished in a manner to prevent harm to reptiles and to ensure materials are kept in appropriate locations on site).
- Use of fences and barriers (including reptile fencing) to protect adjacent land, footpaths and protected habitats
- Waste Disposal
- Toolbox talks to staff
- Details of measures to be taken to prevent mud from vehicles leaving the site during construction works and being deposited on the public highway

The provision to be made for deliveries, contractors vehicles parking / turning and plant, storage of building materials and any excavated materials, huts and all working areas. Once approved, the CMP must be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

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

15. The construction and operation of the approved development shall be carried out fully in accordance with the recommendations contained within Section 5 of the approved Ecology Survey, Peach Ecology, Report Number: 0526 Issue 3, 31 March 2024. All mitigation and enhancement measures specified within the approved ecology survey shall be implemented in full prior to the occupation of the approved dwellings.

Thereafter, the measures shall be installed in accordance with the details as approved and retained for the lifetime of the approved development.

Reason: To secure biodiversity enhancements as required by Policy CP16 of the Winchester Local Plan Part 1: Joint Core Strategy Adopted 2013.

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16. The Arboricultural Method Statement and tree protection measures within approved Arboricultural Impact and Mitigation Statement (Wadey Trees Consultancy, Report Ref: WT 027-23 Rev 4 AIA, 30 May 2024) shall be implemented in full for the duration of construction and tree protection measures and works carried out in accordance with the Assessment. No changes shall be made to the works unless amendments have been submitted to and approved in writing by the Local Planning Authority and shall include details of any changes to the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

Reason: To ensure the development would not result in the loss or deterioration of special trees and the space required to support them in the long term as required by Policy DM24 of the Winchester District Local Plan Part 2 – Development Management and Site Allocations (LPP2)

17. No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development would not result in the loss or deterioration of special trees and the space required to support them in the long term as required by Policy DM24 of the Winchester District Local Plan Part 2 – Development Management and Site Allocations (LPP2)

Informatives:

1. In accordance with paragraph 39 of the NPPF (2023), 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.

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

Winchester Local Plan Part 1 – Joint Core Strategy 2013 (LPP1):

Policy DS1 – Development Strategy and Principles
Policy WT1 - Development Strategy for Winchester Town
Policy CP1 - Housing Provision
Policy CP2 - Housing Provision and Mix
Policy CP11 - Sustainable Low and Zero Carbon Built Development
Policy CP13 – High Quality Design
Policy CP15 – Green Infrastructure
Policy CP16 – Biodiversity

Winchester District Local Plan Part 2 – Development Management and Site Allocations 2017 (LPP2)

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Policy WIN1 - Winchester Town
Policy DM1 – Location of New Development
Policy DM2 – Dwelling Sizes
Policy DM15 – Local Distinctiveness
Policy DM16 – Site Design Criteria.
Policy DM17 – Site Development Principles
Policy DM18 – Access and Parking
Policy DM24 – Special Trees, Important Hedgerows and Ancient Woodlands

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. 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.

6. 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, please refer to the Construction Code of Practice:

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

7. Please be advised that Building Regulations approval may be required for this development. Please contact WCC Building Control Department for more information (T: 01962 848176, E: buildingcontrol@winchester.gov.uk)

8. Please refer to Southern Water's formal consultation response to this application dated 11 August 2023. This sets out the need for a formal application for a connection to the public foul sewer to be made.

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9. With regards to Conditions 7 and 16, the landscaping details and CMP shall have full regard to the recommendations contained within Section 5 of the approved ecology assessment (Peach Ecology, 5 June 2023 Report Number: 0526)

10. With regards to Condition 7 the two Purple Cherry Plums, T006 and T007 on the north boundary shall be replaced with two trees of at least 6m height.