

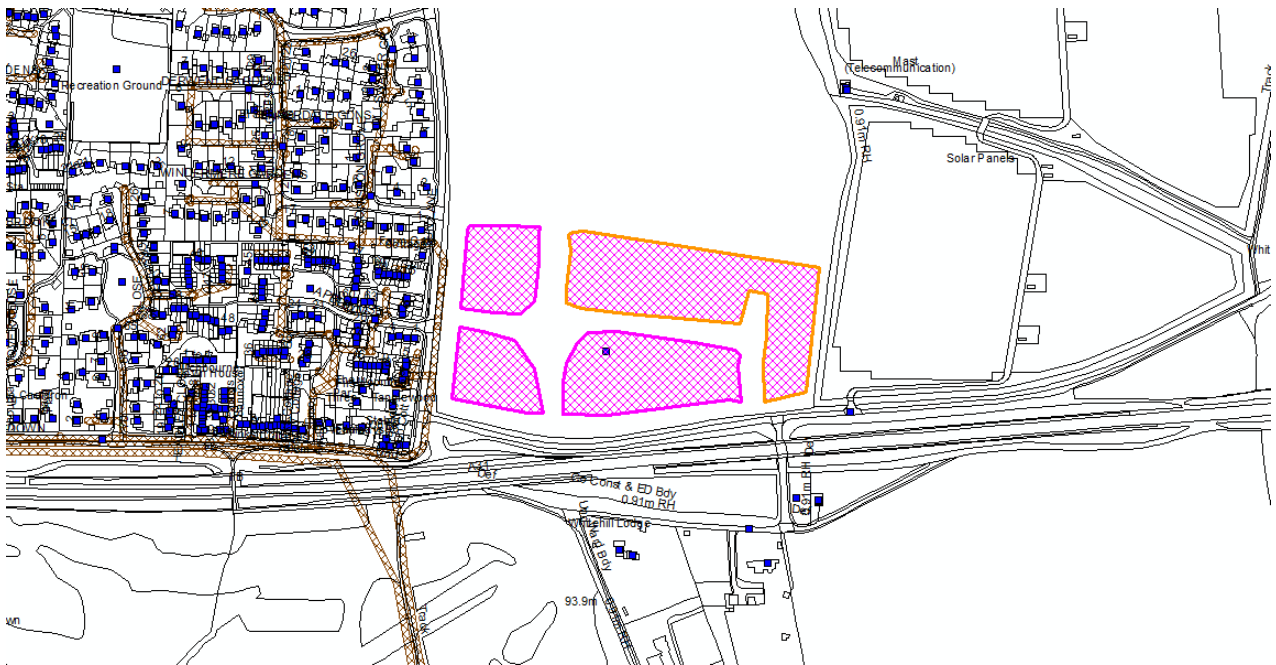
WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 23/02845/REM
Proposal Description: Approval of Reserved Matters of Outline Application (17/1528/OUT) including Appearance, Landscaping, Layout, Scale of Employment Park and associated works. (AMENDED PLANS RECEIVED 07.03.2024).
Address: Land To the East of Sun Lane, Alresford, Hampshire
Parish: New Alresford Town Council
Applicants Name: C/O Agent
Case Officer: Rose Chapman
Date Valid: 11 December 2023
Recommendation: Application Permitted
Pre Application Advice Yes

Link to Planning Documents

[Link to page – enter in reference number 23/02845/REM](#)

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



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Reasons for Recommendation

The development is recommended for permission as it is considered that it will not have a harmful impact on the character of the area in accordance with Policies DM15 and DM16 of the LLP2 and would not harm neighbouring residential amenity in accordance with policy DM17 of the LPP2. The proposal also complies with policies regarding ecology, highways, landscape, and trees.

General Comments

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

This site received outline consent in March 2020. The outline consent approved the principle of constructing up to 320 residential units on the site, a parkland and the employment area subject to this application. The outline consent also approved the means of access to the site, including the A31 highways works and the realignment of Sun Lane.

The outline consent contained a number of conditions requiring finalised information which continue to apply.

The outline consent also reserved a number of matters for approval, which have been summarised below:

- Layout of roads and footpaths
- Materials and hard surface treatments
- Boundary treatments
- Provision for refuse storage
- Utility equipment including street lighting
- The design of all buildings
- Landscaping of the site

The development has therefore already received approval by the Local Planning Authority including access and highway works. This report considers an application for the approval of some of the matters reserved by that outline consent.

The outline application was supported by an Environmental Statement under the Environmental Impact Assessment Regulations.

The Environmental Statement covered the following topics:

- Transport and Accessibility
- Ecology and Nature Conservation
- Landscape and Visual Assessment
- Air Quality
- Water Quality
- Flood Risk and Drainage
- Archaeology and Heritage.

It is considered the various impacts arising from the development were covered and fully assessed by way of the Environmental Statement and approved within the parameters set

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by the outline consent. This application is for the submission of remaining details reserved by the outline consent which do not fall outside the scope of the previous assessments.

Amendments to Plans Negotiated

Amended plans have been submitted to reduce the height of unit 1 by 1.5m and further plans included cycle parking within unit 8. As this amendment was a reduction to the plans previously consulted upon, it was not considered to be a material change to the scheme as a whole which warranted reconsultation.

Site Description

The application site comprises approximately 3.5 hectares located to the east of Sun Lane Alresford. The site currently comprises a single field in agricultural use with well established hedging and trees to the boundaries but no particular landscape features of significance within the site. At time of writing, the application site is undergoing significant earthworks as part of the construction of the A31 roundabout and the realignment of Whitehill Lane/Sun Lane. This has been approved as part of the County Council section 38 works associated with the outline application.

The site is bounded by mature trees and hedging. To the north is agricultural land that will become Public Open Space to serve the allocation. To the east is a solar farm. Sun Lane runs to the west and the A31 runs to the south.

The site has significant changes in level rising from the north to the high part at the centre of the site and then falling down towards the A31. Overhead power lines run over the high point of the site west-east.

There are listed buildings (Stable Cottages, Laundry Cottage and Sun Cottage) to the southwest corner of the site on Tichborne Down. Sun Hill Infants School is opposite the site.

The site is approximately 875m from the South Downs National Park boundary which lies to the southwest.

New Alresford Conservation Area is approximately 720m to the north.

The site is well contained within a landscape framework.

Proposal

This application supplies details of the Reserved Matters secured by the outline consent approved by Planning Committee in February 2020 under reference 17/01528/OUT. The outline consent approved the principle of development to construct up to 320 dwellings, a parkland and an employment site.

Detailed access arrangements to the entire development were approved at the outline stage and consist of a new roundabout on the southern boundary of the site from the A31 dual carriageway and revisions to the existing road infrastructure on Sun Lane, including a new roundabout to access the residential phase of the site.

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For ease of reference, the outline consent approved the following proposal description:

“The erection of up to 320 dwellings (including 40% affordable homes); the provision of 3.4 hectares of employment land for use within Use Classes B1, B2 and B8; the provision of Public Open Space and associated infrastructure including an 'all-moves' roundabout from the A31; the realignment of Sun Lane and provision of additional school facilities including a 'Park and Stride'. EIA development.”

At that time full consideration was given to key material planning considerations including access, traffic impact and the principle of development.

This application therefore seeks consent for the following Reserved Matters required by that consent.

- Appearance including design.
- Scale of built form.
- Landscaping of the site.
- Layout of the residential section and parkland
- Details of the Parkland and Park and Stride facilities.
- Details of refuse and utilities

The proposal is for 22 units within the B8 (storage and distribution), B2 (general Industrial) and E(g) (office) use classes. The details regarding the housing and Public Open Space were considered under a previous application (see planning history).

Relevant Planning History

17/01528/OUT - AMENDED PLANS 22.02.2018 The erection of up to 320 dwellings (including 40% affordable homes); the provision of 3.4 hectares of employment land for use within Use Classes B1, B2 and B8; the provision of Public Open Space and associated infrastructure including an 'all-moves' roundabout from the A31; the realignment of Sun Lane and provision of additional school facilities including a 'Park and Stride'. EIA development. – permitted 12.03.2020

21/01731/REM - (AMENDED PLANS RECEIVED 07/12/2021 and 23/12/2021)
Appearance, Landscaping Layout and Scale of Residential, Park and Stride and Public Open Space elements. – permitted 16.06.2022

Consultations

Service Lead – Built Environment (Archaeology) -

- Comments made regarding the existing conditions attached to the outline consent.

Service Lead – Built Environment (Historic Environment) –

- No objection

Service Lead – Built Environment (Urban Designer) –

- Comments made supporting the landscape Architect’s comments.
- No additional comments made

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Service Lead – Engineering (Drainage) -

- No objection

Service Lead – Sustainability and Natural Environment (Ecology) –

- No objection subject to conditions being agreed (condition 4)

Service Lead – Sustainability and Natural Environment (Landscape) –

- Condition (10) recommended regarding landscape management.
- Comments made in relation to St Swithun’s Way public footpath.

Service Lead – Public Protection (Environmental Health) –

- No objection subject to conditions restricting the units closest to existing residents to class E (g) i and ii and B8 uses (condition 7)
- Conditions recommended to restrict hours of working for units.

Service Lead – Economic Development and Tourism

- Comments regarding the need for new business sites and associated jobs generated by the scheme

Hampshire County Council (Countryside Management Team) –

- No comment

Hampshire County Council (Flood Authority) –

- No Comment Received

Hampshire County Council (Highway Authority) –

- No objection subject to condition (11)

South Downs National Park -

- No objection subject to lighting details (condition 4)
- Comments made regarding the St Swithun’s Way

Natural England -

- No objection subject to suitable drainage

Southern Water -

- No comment

Environment Agency -

- No objection subject to conditions regarding surface water management.

Representations:

Councillors

Councillor Power – Alresford and Itchen Valley

Comment: At present there is inadequate detail of sections. The north/south sections do not clearly identify the line of Sun Lane, therefore impact on the landscape cannot be

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identified. The site plan appears to show Unit 1 being cut into the bank to the north but the amount of cutting in is not detailed. We need east/west sections, including Sun Lane levels before these plans can be assessed. I would suggest from westerly points at the north end of Unit 1, the south end of Unit 1 and the middle of Units 2-4

Councillor Porter – The Worthys

I would like to submit a comment on the application 23/02845/REM I was interested to hear the New Alresford Town Council's views on the application at their Council meeting yesterday, and which I believe they are submitting today. I have copied them into these comments.

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I am disappointed that although the layout of the roads is the same as the original outline application, there are a number of deviations from the outline proposal, and thus a number of concerns that I have.

1. I cannot see anything in the traffic management of this site that limits commercial traffic leaving the site directly onto Sun Lane. How does the traffic management or road layout prevent HGV traffic joining Sun Lane at the very least? All traffic should be travelling direct onto the A31, in particular those HGV's and trucks which are used for commercial purposes.
2. In the outline, there appeared to be a wider tree barrier at the south west corner of the site. A strong tree belt in this corner and up towards Sun Hill crescent, all along the western edge of this area is essential, as well as the trees already shown on other aspects of the commercial area.
Flooding- flash flooding- in Whitehill Lane and Sun Lane is a risk and which happened again over Christmas 2023. Residents living nearby need to be convinced that flooding there is not going to be caused by large roof areas and poor drainage. This application must demonstrate that risk of flooding is fully mitigated with increased tree cover and SUDS.
3. If there is adequate turning facility on each plot, why is there a spur needed from the arrangement at the northeast corner? The public are suspicious that this will reveal more development in future.
4. A 'pumping station' is shown on one drawing on the west of the commercial site, between the buildings and Sun Lane? What is this? I am currently working with Southern Water and residents on a sewage issue which starts in Sun Lane, travelling down to Tichborne Down and I'd like complete clarity on the sewerage management for the commercial site. I want to be reassured of the pumping station's purpose and function, and to ensure that this is completely separate from the current sewage management arrangements for the current residents of Tichborne Down.
5. There is a wide range of building sizes on the site, but the four largest commercial buildings are much larger than most other buildings in Alresford. Although they are mostly positioned away from the residential areas, four of these are dominant in the plan and

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there is no cross-section to show relative heights with the homes on Sun Lane. I accept that some may have to be higher to accommodate hoists etc, but full disclosure of the impact is required in this application by showing a cross section across Sun Lane.

6. There is no fence marked on the plans. Can I be reassured that there will be a condition of no fencing, in particular, around the perimeter of the site, and that hedging will be the preferred boundary treatment?

7. The use classes are E, B2 and B8. The NATC's assessment of the retail and employment continues to promote the town of Alresford itself as the Prime Shopping Area (PSA.) They want to ensure that this does not become an additional retail area in the town. How can this be achieved, particularly if E class is added here?

8. I note that speculative finishes will not be added to buildings to avoid waste. I'd like to know how the building owners will be advertised once in place. I would like there to be a design code for the design of any signage/hoardings at this site, and any signage to manage the site.

9. Can I be assured that these buildings will be to BREEAM excellent standard?

I hope that these comments can be added to the application documents and look forward to hearing from you.

Fiona Issacs (Cllr at time of submitting comments)

Comment: As a Town we desperately need this employment area but having reviewed the application I do have some concerns.

As a WCC Cllr, I am absolutely mindful of all the communication I receive regarding the concerns of traffic from this site overall. There obviously needs to be a happy mix of residential and business but my main concerns are these:

1. Why do we have access onto Sun lane? The residential area which is already a significant amount of vehicles already has access onto this road. This road is already over capacity with schools and businesses already in existence as well as residents. Could the design not just give pedestrian and bicycle access onto Sun lane only instead? Keeping vehicle access just onto the bypass? This would help alleviate any late working disturbance to residents as well as not add to the burden issues in this area?
2. Other than the need for access to the solar farm, why is there access onto Whitehill lane? This is a very small lane and should not have the added burden put onto it nor through Bishops Sutton, who already raise concerns of this.
3. What protection for noise or lights would residents have who look too this area from Sun lane and nearby roads?
4. Would this site be open to planning permission for restricted operating times or open to all hours? Again the need to close off the access via Sun lane would be even more important so as not to disturb residents.

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Perhaps the site could add in beryl bikes or other bike rental schemes so that workers could cycle into town if they so wished?

Whilst I am cautiously optimistic that this site could add value to the area for a variety of reasons, I am also very concerned that further traffic has the option to add extra burden to New Farm road, Tichborne Down and Sun lane areas esp. Entering and leaving this site via the bypass onto roads much better able to cope with the traffic volume would surely be the preferable option?

New Alresford Town Council

New Alresford Town Council have reviewed the information submitted for 23/02845/REM and would like to submit the following NEUTRAL comments:

NATC realises the importance of additional business space to encourage future growth and employment in the town. However, there are concerns in this application that we would like to be addressed: -

1. The Local Plan stated that all warehouse buildings should be located to the east of the site – Unit 1 is on the boundary of Sun Lane and close to residential properties, could it be relocated nearer to the solar farm?
2. We would like to see a limit on the size of units to be no more than 1200m², and for the developers to be mindful of the height of units in relation to adjacent residential properties.
3. Flood risk/drainage – can there be a further detailed report by the Environmental Agency to ensure that the plans submitted are adequate to cope with the increased frequency of flooding due to climate change?
4. Transport – what restrictions will be in place to ensure HGVs use major roundabouts/roads for entry and exit. The roads within the town are not suitable, near a school and would cause a safety risk for pedestrians and cyclists.
5. Lighting – further clarification on the level of lighting proposed and the impact of light pollution to nearby residents.
6. Hours of operation – will there be legally binding restrictions on hours to ensure minimum disruption in a residential area.
7. Buffering – the original plan was to have a 20m buffer to minimise noise, can this be reinstated.
8. Landscaping – adequate thought given to ensure mature trees that are to be removed are replaced and the business park is well screened to replicate the existing green area
9. The route of the St. Swithun's Way, a HCC promoted long distance walking route, will need to be amended – can the perimeter fencing of the park be sympathetic and be timber framed instead of metal.

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10. The Environmental Agency have expressed concerns regarding the proximity of the Southwest section to a groundwater supply used in food protection. We support their request for details as to what protection there will be to prevent any pollution entering into any of the infiltration drainage that should be agreed and approved by the LPA.

22 Objecting representations received from different addresses citing the following material planning reasons:

- Hours of operation
- Noise
- Loss of trees
- Access onto Whitehill Lane
- Traffic Routing
- Impact on Listed Buildings
- Proposed buildings are too large
- Unsafe access
- Lack of information
- Drainage/flooding
- Contamination of River Itchen
- Impact on pedestrians
- Lack of visibility splays
- Increase in traffic
- Construction Impacts
- Contrary to outline application
- Contrary to policy
- Impact on SDNP
- Too dense
- Proposed uses are inappropriate
- External lighting
- Overbearing
- Proximity to existing dwellings
- Loss of property value
- Impact on dark skies
- Level changes
- BNG
- Layout is poor

Two comments labelled as 'neutral' were submitted however due to the content they have been considered as objections and included within the above list.

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Relevant Government Planning Policy and Guidance

National Planning Policy Framework (December 2023)

Section 2 Achieving Sustainable development

Section 4 Decision Making

Section 5 Delivering a sufficient supply of homes

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well designed 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

Appropriate Assessment

Climate Change

Consultation and pre-decision matters

Design: process and tools

Environmental Impact Assessment

Flood risk and coastal change

Light Pollution

Natural Environment

Open space, sports and recreation facilities, public rights of way and local green space

Planning Obligations

Use of planning conditions

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

- DS1 – Development Strategy and Principles
- MTRA1 – Development Strategy for Market Towns and Rural Area
- MTRA2 – Market Towns and Larger Villages
- CP1 – Housing Provision
- CP2 – Housing Mix
- CP3 – Affordable Housing on Market Led Housing Sites
- CP7 – Open Space, Sport & Recreation
- CP8 – Economic growth and diversification
- CP9 - retention of employment land and premises
- CP10 – Transport
- CP11 – Sustainable Low and Zero Carbon Built Development
- CP13 – High Quality Design
- CP14 – Effective Use of Land
- CP15 – Green Infrastructure
- CP16 - Biodiversity
- CP17 – Flooding

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

- NA3 – Sun Lane Mixed Use Allocation
- DM1 - Location of new development
- DM2 – Dwelling Sizes

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- DM6 – Open Space Provision
- DM14 - Masterplans
- DM15 – Local Distinctiveness
- DM16 – Site Design Criteria
- DM17 – Site Development Principles
- DM18 – Access and Parking
- DM19 – Development and Pollution
- DM20 – Development and Noise
- DM21 – Contaminated land
- DM23 – Rural Character
- DM24 – Special trees, important hedges and ancient woodland
- DM26 – Archaeology

Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Air Quality Supplementary Planning Document 2021

Alresford Town Design Statement

Other relevant documents

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

Nature Emergency Declaration.

Statement of Community Involvement 2018 and 2020

Winchester District Economic Development Strategy 2010-2020

Hampshire Economic Assessment

Landscape Character Assessment April 2022

Planning Considerations

Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2023) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Policy NA3 of the LPP2 allowed for 10 hectares of residential development (constituting about 325 dwellings), 5 hectares of employment land and 15 hectares or informal and recreational open space.

Outline consent was approved in March 2020 under reference 17/01528/OUT for 320 dwellings, 3.4 hectares of employment and provision of the open space.

Consent was granted under the outline permission for an 'all moves' roundabout from the A31, the realignment of Sun Lane with all relevant details being subject to a section 278 agreement with the County Council as part of the outline consent. Permission was also granted for the provision of additional school facilities including a Park and Stride car park.

The principle of a mixed development on this land is therefore acceptable and has been established by the outline consent.

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The application is for reserved matters following the approval of 17/1528/OUT. The application includes only the areas of the employment buildings and parking areas. All other areas, including highways, trees and ecology are not included within the application and are reserved via condition under the outline application.

Policy NA3 has a number of requirements which apply to every application on the site. Each point is therefore taken in turn below:

Nature & Phasing of Development

- A masterplan was approved at outline stage and this application has demonstrated how the site will function as a whole.
- The residential, employment and parkland sites are located in acceptable locations following the masterplan. Residential amenity and landscape issues are discussed in detail throughout the report
- A phasing plan has been submitted which demonstrates the required road infrastructure is completed prior to the commencement and occupation of the residential and employment phases. The phasing plan demonstrates the A31 roundabout will be used to allow access to construct the development.
- This application proposes detailed plans for the employment area only. This is in line with policy NA3 which anticipated an individual approach. The applicant has demonstrated how this complies with the overall masterplan.

Access

- Access to the site is achieved by the A31 improvements which are subject to s278 legal agreements.
- Pedestrian connections have been approved in the revised plans for the residential area and the legal agreement secures a contribution to improve connection links between the development and the town centre.
- The s106 legal agreement for the outline consent secured plans for traffic management which continue to apply to this scheme.
- Transport Assessments were submitted and approved as part of the outline consent.

Environmental

- Detailed landscaping plans have been secured under previous applications which to ensure buffers remain in place.
- The same comment applies to the boundary treatment on the western edge of the development.
- The development continues to supply a substantial open space in the centre of the site that was approved under the previous reserved matters application (see planning history).

Other Infrastructure

- The development will connect to the sewerage network and the water body have provided guidance to the applicant to ensure the systems are adopted.
- The outline consent contains conditions to protect the Groundwater Protection Zone, and these continue to apply to this case.
- An area of land is to be provided to the local schools and the Park and Stride is to be used for pick up/drop off times. This was secured under the previous reserved matters application.

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The requirements of policy NA3 are therefore addressed both by the outline consent and this Reserved Matter application. These points are covered in more detail through the report.

Condition 4 of the outline application requires that each reserved matters application submit details of:

- Layout, siting, and scale of buildings and structures
- Materials to be used
- Hard and soft landscaping
- Provision for storing and removal of refuse
- provision of street lighting.

These are discussed in more detail under the relevant headings below.

Assessment under 2017 EIA Regulations.

As the development comprises an 'Infrastructure Project' as identified by Section 10 of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, an Environmental Statement was submitted and assessed as part of the associated outline application.

The Environmental Statement covered the following topics:

- Transport and Accessibility
- Ecology and Nature Conservation
- Landscape and Visual Assessment
- Air Quality
- Water Quality
- Flood Risk and Drainage
- Archaeology and Heritage.

Therefore, the various impacts arising from the development were covered sufficiently and fully assessed within the Environmental Statement parameters of the outline approval.

This reserved matters application is for the approval of remaining details reserved by the outline consent which are not considered to fall outside the scope and parameters of the previous assessments and outline approval.

An appropriate assessment under the Habitat Regulations was also completed at outline stage. In summary, the appropriate assessment assessed the construction, operational and indirect impacts of the development.

The assessment was approved by Natural England and adopted by the Council as competent authority in this regard.

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Impact on character and appearance of area

The application is for employment buildings and parking within the southern area of the site. The application is proposing 22 units in varying sizes to accommodate a range of businesses.

Policy CP13 of the Local Plan Part 1 and policies DM15 and DM17 of the Local Plan Part 2 expect development to reach the highest standards of design. These are supported by the High Quality Places SPD.

The outline phasing plan separates the wider site into 3 areas with distinctive characteristics and design features (Residential, Public Open Space and Commercial).

The commercial area will be accessed from 3 areas, Sun Lane to the west, the A31 to the south and Whitehill Lane to the southeast. As such these accesses present breaks in the mature trees and hedges that bound the site to the west and south allowing for views into the site from the A31 and Sun Lane.

Due to the layout of the road network and the level changes on the land the majority of the proposed building would be visible within the street scene from the above-mentioned vantage points.

In terms of design the proposed units would present a range of sizes, however they have a number of unifying features, such as corner windows that would address multiple elevations maintaining active frontages within the site, and low roof profiles to reduce the mass and scale within the short, as well as medium to longer views. The proposal would have a modern finish which is appropriate for an industrial development and would not be out of keeping with the character of the area, given the varied design of surrounding built form.

The material palette identified includes the use of metal cladding in greys and timber cladding which are neutral and appropriate materials which also serves to limit the visual impact of the proposed units from Sun Lane.

The proposed units within the site are set back from the access roads providing space for soft landscaping that will screen the buildings and contribute to the verdant character along Sun Lane. This will develop over time into a significant landscape barrier. Unit 1 would be the most prominent from Sun Lane due to the level changes however due to the planting and material palette mentioned above this is not considered to result in harm to the character of the area.

When approaching from the A31 units 5, 6 and 9 would be visible, however due to the materials and design features mentioned above, in combination with the significant landscaping along the access roads the impact is considered to be minimal.

When viewed from the Public Open Space to the north the proposal would be set down significantly making use of the level changes on the site. Further landscaping has been secured within the previous applications to provide additional screening when viewed from the north.

Concerns have been raised in regard to the siting of unit 1, a medium size unit. As such amended plans were submitted to lower the roof of this building by approximately 1.5m. It is considered that this building would be a key feature building when approaching from

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the south along Tichborne Down due to the proposed levels changes that would make the ground level approximately 1.5m higher than Sun Lane. However, the landscaping plan demonstrates that planting would be in place to screen the building and retain a verdant character of the area. Whilst the unit will still be visible through the landscaping due to its corner position, this would be in the context of a wider business development and is not considered harmful to the character of the area.

Similarly concerns have been raised in regard the height of the larger buildings on the site in relation to the dwellings along Sun Lane. Units 7, 9 and 24 are the largest buildings proposed on the site and would be approximately 14m to the ridge from ground level. As stated above while these buildings would be higher than those along Sun Lane the copious planting and landscaping in the area couples with the significant level changes to the rear of the site would serve to lessen the impact of the mass and bulk.

It is acknowledged that a number of concerns have been raised in regard to the difference between the illustrative plans publicised at outline stage and the submitted plans that present more modern designs and provide a larger range of buildings in terms of size. However, it is important to note that the outline proposals were illustrative, and the scheme has been designed following research into local employment demands in the area. The proposal offers a range of building sizes and types that share materials and design features that would create a distinctive character.

Concerns have been raised in regard to the finished levels on the site. This was conditioned as part of the outline application and have been approved under 22/00814/DIC. The proposal is therefore considered to be acceptable.

Additionally concerns have been raised in regard to the signage for the site. No details have been submitted at this stage and it is considered that further applications will be required for the details of adverts and signage for the site.

Overall, this is considered to be a well-designed scheme. The development will have a distinctive character with buildings providing a strong degree of enclosure and order through repeated features and materials.

It is therefore considered that the application accords with the policies CP13, DM15 and DM17.

Development affecting the South Downs National Park

The application site is located 0.8 km 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.

The South Downs National Park were consulted at the outline stage and noted that whilst
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a development of this scale would be visible from sections of the Park, it would be read in the context of the existing settlement. Other measures, such as the 2.5 storey restriction were included at outline stage.

A key consideration is the Park's designation as a Dark Night Skies Reserve. Due to the scale of the development, there will be an introduction of artificial lighting. A lighting layout is required and as such it is considered appropriate to secure via condition (4).

The submitted plans propose a number of rooflights onto buildings. Whilst it is noted that this would have the potential to result in light pollution it is considered that the site would be read within the context of Alresford Town and the operation hours would ensure that light spill is limited to working hours only. It is therefore considered that the proposal would not be harmful to the National Park and its dark skies status.

The new road infrastructure that is outside of the red line plan contains lighting which has been previously approved. The lighting is proposed largely on the northern side of the A31 roadway and roundabout is also not excessive to cause a detrimental impact to the dark skies in this area.

There are also controls on the outline consent to limit the lighting to below 10lux/500 lumens.

Taking account of the Park's purpose to conserve and enhance the natural beauty, wildlife and cultural heritage of the area and promote understanding of its special qualities, the development would have no impact and does not therefore adversely conflict with the statutory purposes of the SDNP designation.

The SDNP has also raised concerns regarding St Swithuns Way. This follows the route along Whitehill Lane. Though this is not a public right of way the route has been considered as part of the wider outline permission. The route of St Swithuns Way would not be impacted by this application.

Historic Environment

The development is in proximity to a cluster of listed buildings known as Stable Cottages, Laundry Cottage and Sun Croft.

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 outline application was subject to a full heritage assessment. While it is acknowledged that the design and layout of the proposed scheme has changed slightly since the Outline
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indicative stage it is not considered that the current proposal is significantly different from or outside of the masterplan of the approved outline application to create harm to these buildings.

Guidance

The consideration and assessment of due regard is required in relation to the relevant legislation and guidance as outlined within the Historic Environment/Archaeology consultation response.

As such due regard has been given to Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas Act 1990) which confirms that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Listed Building/Structure. Case law has established that where an authority finds that a development proposal would harm the setting of a listed building, it must give that harm “considerable importance and weight”.

The historic environment section of the Planning Practice Guidance further outlines the role of the Local Planning Authority in considering the effects of new development that are in the vicinity of or affect the setting of listing buildings and heritage assets. Paragraph 205 of the NPPF advises that great weight should be given to the conservation of a heritage asset in considering the impact of a proposal on its significance (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 206 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Policy CP20 of WDLPP1 and Policy DM29 of WDLPP2 ensure that development preserves and enhances heritage assets and their settings.

The main impacts to the historic environment were considered as part of the outline application within the Heritage Impact assessment which is still relevant. There are four listed buildings in close proximity to the application site, Sun Cottage, Laundry Cottage, and Stable Cottages, all of which are Grade II listed.

Sun Cottage is the closest of the listed buildings at approximately 62m from the red line boundary. The remaining buildings are located further away. Given the distance from the application site and the additional separation by Sun Lane it is not considered that the proposal would result in harm to the fabric of the buildings.

In terms of setting, the buildings are currently located at an edge of settlement location. As previously stated there would be more than 70m distance between the proposal and the listed buildings. Of that distance there would be a planted screen of approximately 43m to the south and 25m to the east of the application site. As such it is not considered that the proposal would harm the setting of the listed buildings to the southeast of the site.

This element is therefore considered to be acceptable.

New Alresford Conservation Area lies approximately 700m to the north of the site. As the site is on the edge of an existing settlement, and given the intervening distance, it is not considered that the proposal would result in harm to the setting of the Conservation Area.

In terms of below ground assets there are a number of conditions (12, 13 and 14) attached to the outline consent that require details of works to investigate, evaluate and mitigate

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where appropriate. The agreement of these conditions is progressing. It is considered that these conditions secure the preservation of the below ground heritage assets, and no further conditions are required.

Conclusion

The proposal would not result in harm to the heritage assets or their setting.

It is considered that the proposal will preserve the character or appearance of the conservation area in accordance (S.72 P (LBCA) Act 1990; and preserve or enhance the character and historic interest of the Conservation Area in accordance with Policies DM27 & DM28 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2023) Section 16.

Neighbouring amenity

As mentioned above the site is subject to significant level changes, as such the finished floor level would be higher than existing. As such, the proposal has been designed to include active frontages along internal roads to avoid overlooking to neighbouring properties. The proposed layout has included a buffer of at least 22m between the proposed buildings and Sun Lane with the road forming an additional buffer between the site and existing residents.

It is therefore considered that the proposal would not result in overlooking, overbearing or loss of light to these neighbours.

Concerns have been raised in regard to unit 1 and its proposed use. The outline application has agreed the proposed uses and operation hours on the site, however given that unit 1 is a larger example and is located closer to the residential end of the site a B2 general industrial use would not be acceptable in this location. Therefore, a condition (7) has been recommended to restrict the use of unit 1 to Class E and B8 uses only.

Concerns have been raised in regard to the uses on the site and potential noise. Policy NA 3 requires a mix of light industrial, office, research and development, storage and distribution and general industrial uses. The proposed layout of the site has focused larger buildings to the centre and western side of the site. Due to their scale and as these buildings have been shown to be capable of accommodating larger vehicles, these would likely be more attractive to the B class uses (storage and distribution and general industrial). Smaller and medium size units area located at the entrance along Sun Lane which would likely be more attractive to Class E(g) uses (office, light industry and research and development). Notwithstanding this the outline application has secured noise attenuation for each building prior to occupation to ensure that noise break out is to an acceptable degree. Further conditions on the outline consent have secured delivery times for goods, operation times and prevent outside working to prevent external noise.

Concerns have been raised in regard to the operation hours of the proposed units. This is covered under condition 22 of the outline application limiting operation hours between 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 on Saturday only. Working on Sundays and public bank holidays is not permitted. This is considered to be reasonable and would allow for weekend working while also allowing residents a break from the proposed operations.

Therefore, the proposal complies with policy DM16 and DM20.

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Sustainable Transport

This application does not include or consider the wider strategic highway works, these were included and approved as part of the outline application. As such only the accesses off the strategic network and parking are being considered by this application.

Tracking has been submitted and is considered to be acceptable allowing a range of vehicles to enter, manoeuvre and exit safely. It is acknowledged that some of the larger vehicles may have to make multiple manoeuvres in order to turn however due to the low number of predicted vehicles this is considered to be acceptable.

In terms of parking the site is proposing a range of Class E(g), B2 and B8 uses requiring between 201 and 251 parking spaces over the site depending on the use. The plans submitted show 231 parking spaces on the site. There is a bus service that runs along Sun Lane and several pedestrian routes into the site have been included in the wider development. The application site is therefore considered to be moderately sustainable to justify not meeting the maximum amount of parking. The level of parking proposed is therefore considered to be acceptable in this instance and has been secured via condition (11).

Concerns have been raised in regard to the lack of cycle parking for unit 8. While Winchester City Council has no existing commercial parking standards, the now defunct Hampshire Council Commercial Parking 2002 standards form a reasonable base to calculate the need. This document has been used in the submitted Transport technical note to justify the proposed level of car and cycle parking. In terms of unit 8 this is proposed to be a B8 (storage and distribution) use of approximately 1400sqm. This would require 2.5 short term and 1.5 long term cycle spaces. These have been shown under the amended plans.

The Highways Authority also raised the requirement for a framework employment travel plan. This was secured under the legal agreement for the outline application and therefore does not need to be secured as part of this application.

Further to this the Highways Authority have requested a Construction Management Plan. This is secured under the outline application (condition 9) and therefore is not considered reasonable to repeat on this application.

Concerns have been raised in regard to HGV traffic into and out of the site along Sun Lane and Whitehill Lane. The outline application and accompanying S106 agreement require that the main access to and from the site for deliveries and larger vehicles would be from the A31 only. This was secured within the Service Delivery Management Plan.

Therefore, the proposal complies with policy CP10 of the Local Plan Part 1 and DM18 of the Local Plan part 2.

Ecology and Biodiversity

Due to the nature of the development and the distance between the application site and the European Protected Site of the Solent SAC and SPA and the River Itchen SAC, an

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Appropriate Assessment under the Conservation of Habitats & Species (Amendment) Regulations 2011 is not required.

The Outline considered the ecological impacts of the site as a whole and the consent has conditioned details of ecology and biodiversity enhancement on a phase-by-phase basis, this is being progressed and is under review by officers.

This application is only in reference to the commercial parcels and is not inclusive of the ecological, and landscape buffer areas which are being considered through the conditions attached to the outline consent. As such only external lighting can be considered at this stage. No information has been provided in regard to external lighting and therefore a condition (4) has been recommended to secure these details.

The application does not include any additional overnight accommodation and therefore nutrient neutrality does not need to be addressed.

Therefore, the proposal complies with policy CP16 of the Local Plan Part 1.

Sustainability

Developments should achieve the lowest level of carbon emissions and water consumption which is practical and viable. Policy CP11 expects new commercial developments to achieve an excellent BREEAM level for each building. Condition 3 secures the submission of design-stage data prior to the commencement of development to ensure this is complied with.

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

Sustainable Drainage

The outline consent has secured drainage on the site as a whole on a strategic level. There is a groundwater Special Protection Zone (SPZ) beneath the southern part of the site that is currently under consideration, the layout of the commercial area has been developed to ensure buildings are on higher ground, and thus less likely to be subject to flooding.

As set out in the outline decision, the designated sites (the River Alre, Alresford Pond and River Itchen) that are potentially fed by groundwater that passes beneath the application site are considered to be at low risk from the proposed development as the nature and scale of effects, should they occur, are likely to be short term and of negligible magnitude. With respect to the Water Framework Directive (WFD), the proposed development will not have a negative effect on the elements of the River Itchen Chalk that currently fail with respect to the WFD's requirements: groundwater quality (Drinking Water Protected Area, general chemical test) or groundwater quantity (water balance and Quantitative Dependent Surface Water Body Status).

Notwithstanding this it has been highlighted that part of the southwest section of the proposal would be just inside the Inner Source Protection Zone of the below aquifer and therefore extra care should be taken to prevent pollution run off either from routine occurrences or from any pollution accident/incident. As such a condition has been proposed to secure details of measures to be implemented that would prevent polluted runoff on the site (condition 5).

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Therefore, the proposal complies with policy CP15 of the Local Plan Part 1 and DM17 of the Local Plan Part 2.

Concerns have been raised in relation to the water pumping station to the west of the site. This has been agreed under 22/00814/DIC to serve the site and improve local drainage.

Other Topics

Landscape and Trees

The application includes detailed planting and landscaping plans. These show a range of native species trees, shrubs and hedges that would be planted. These have been secured under condition 10.

The proposed would serve to soften the development and enhance the edge of settlement character. This is considered to be acceptable in accordance with policy DM15 and DM16 of the Local Plan Part 2.

Outside of the red line plan a landscaped buffer has been proposed that would serve to retain the verdant character of the area. Substantial additional planting along Sun Lane and the boundaries of the site (between approximately 22m and 53m in depth) have been secured. It is noted that this is reduced around the immediate edges of unit 1 due to the road layout constraints however the surrounding space still allows for native hedge planting along the roadside and around two sides of the proposed building as well as tree, shrub and wild flower planting before it increases to a minimum of 22m along Sun Lane to the north.

The application is only in reference to the individual commercial parcels. As such there are no existing trees on the site that would be impacted. Condition 17 of the outline permission have requested details of the retained trees on the site and was approved under 21/01998/DIC. It is noted that concerns have been raised in regard to the loss of trees as a result of highways works. These are separate to this planning application and are scheduled to be replaced once the highways works have been completed, this is secured by the outline consent.

Concerns have been raised regarding fencing throughout the site. The plans indicate that the individual plots would be surrounded by hedging and landscaping. It is considered that at present the intended occupiers for the units are unknown and therefore the requirement for additional security cannot be understood. As such a condition requiring details of any additional boundary treatments has been suggested (condition

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.

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Planning Balance and Conclusion

The application is for matters reserved for the commercial area following the agreement of 17/01528/OUT.

The proposed layout, scale, design and mass of the proposal is considered to be acceptable and in accordance with the masterplan approved under 17/01528/OUT. The details of materials samples are conditioned under the outline permission. This is considered to be acceptable.

It is not considered that the proposal would have a harmful impact on the South Downs National Park, ecology, neighbouring amenity or the Historic Environment.

The proposal would provide sufficient parking and safe access though further details on cycle parking for unit 8 is required.

Overall, the application is in accordance with the outline planning permission, policy NA3 and the wider development plan and therefore is recommended for approval.

Recommendation

Application Permitted subject to the following condition(s):

Conditions

1. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990 (as amended).
2. The development hereby approved shall be constructed in accordance with the following plans:

Document ref: LLD2737-LAN-SCH-001 – Hard Landscaping Schedule

Document ref: LLD2737-LAN-SPE-001 – Soft Landscaping specification.

Document ref: 106948-PEF-XX-XX-RP-TR-000001 rev D02 – Transport Technical note.

Drawing Number: LLD2737-ARB-DWG-001 rev 01 – Tree constraints plan

Drawing Number: 22031-HNW-U10-ZZ-DR-A-2200 rev P2 – units 10- 13 plans, sections and elevations

Drawing Number: 22031-HNW-U14-ZZ-DR-A-2200 rev P2 – Units 14-21 plans, sections and elevations

Drawing Number: 22031-HNW-U2-ZZ-DR-A-2200 rev P2 – Units 2-4 plans sections and elevations

Drawing Number: 22031-HNW-U22-ZZ-DR-A-2200 rev P2 – Unit 22 plans sections and elevations

Drawing Number: 22031-HNW-U5-ZZ-DR-A-2200 rev P2 – Units 5 -6 plans sections and elevations

Drawing Number: 22031-HNW-U7-ZZ-DR-A-2200 rev P2 – Unit 7 plans sections and elevations

Drawing Number: 22031-HNW-U8-ZZ-DR-A-2200 rev P2 – Unit 8 plans sections and elevations

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Drawing Number: 22031-HNW-U9-ZZ-DR-A-2200 rev P2 – Unit 9 plans sections and elevations

Drawing Number: 22031-HNW-U1-ZZ-DR-A-2200 rev P3 – Unit 1 plans sections and elevations

Drawing Number: 22031-HNW-ZZ-ZZ-DR-A-1000 rev P4 – location plan.

Drawing Number: 22031-HNW-ZZ-ZZ-DR-A-1100 rev P4 – existing levels plan

Drawing Number: 22031-HNW-ZZ-ZZ-DR-A-1120 rev P4 – existing sections

Drawing Number: LLD2737-LAN-DWG-100 rev 01 – Hard and soft landscape.

Drawing Number: LLD2737-LAN-DWG-101 rev 01 – General arrangement sheet 1 of 3

Drawing Number: LLD2737-LAN-DWG-102– General arrangement sheet 2 of 3

Drawing Number: LLD2737-LAN-DWG-103 rev 01 – General arrangement sheet 3 of 3

Drawing Number: LLD2737-LAN-DWG-011– Landscape masterplan

Drawing Number: 101468-SL-SK004 rev E – proposed site layout highways review

Drawing Number: LLD2737-LAN-DWG-200 – Detailed planting plan

Drawing Number: LLD2737-LAN-DWG-201– Detailed planting plan sheet 1 of 3

Drawing Number: LLD2737-LAN-DWG-202– Detailed planting plan sheet 2 of 3

Drawing Number: LLD2737-LAN-DWG-203– Detailed planting plan sheet 3 of 3

Drawing Number: 22031-HNW-ZZ-ZZ-DR-A-2100 rev P3 – Proposed roof plan

Drawing Number: 22031-HNW-ZZ-ZZ-DR-A-2101 rev P7 – Proposed site plan

Drawing Number: 22031-HNW-ZZ-ZZ-DR-A-2111 rev P2 – proposed site sections A and B

Drawing Number: 22031-HNW-ZZ-ZZ-DR-A-2200 rev P2 – Proposed site sections 1,2&3

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

3. No development above damp-proof course level shall take place until a detailed design stage report demonstrating how the development will meet appropriate BREEAM specifications for energy and water, is submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with the approved details.

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.

4. Prior to development above slab level, details of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. The information shall include a layout plan with beam orientation, and schedule of equipment in the design (lumen type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details. The lighting shall not be switched on between the hours of 10pm and 7am.

Reason: To protect the neighbouring amenities; and to ensure that the ecological value of the site is not adversely impacted upon by the development and in the interests of the proximity to the South Downs National Park which is a Dark Skies Reserve.

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5. Prior to occupation of any unit hereby approved details of measures to prevent pollutants, whether from routine runoff or from any drainage associated with pollution accident/incident, shall be submitted to and approved in writing by the Local Planning authority in consultation with the Environment Agency.
Reason: to protect the local water environment and to comply with policy CP15 of the Local Plan Part 1
6. Prior to the occupation of the development hereby permitted, information demonstrating (post construction stage) that the development will meet the design stage BREAAAM standards for energy and 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 2021 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.
7. Notwithstanding the approved use classes for the commercial area, Unit 1 shall only be within Class E(g) and B8 approved uses.
Reason: In the interests of the amenities of the locality
8. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2020 as amended (or any Order revoking and re-enacting that Order with or without modification), the buildings hereby permitted shall only be occupied for the following uses within classes E(g), B2 and B8 only:
- Office
 - Research and development
 - Light industrial
 - Storage and Distribution
 - General industrial
- Reason: In the interests of the amenities of the locality and to ensure compliance with policy NA3 of the Local Plan Part 2.
9. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall be as specified in plans: Drawing Number: 22031-HNW-U10-ZZ-DR-A-2200 rev P2 – units 10- 13 plans, sections and elevations
Drawing Number: 22031-HNW-U14-ZZ-DR-A-2200 rev P2 – Units 14-21 plans, sections and elevations
Drawing Number: 22031-HNW-U2-ZZ-DR-A-2200 rev P2 – Units 2-4 plans sections and elevations
Drawing Number: 22031-HNW-U22-ZZ-DR-A-2200 rev P2 – Unit 22 plans sections and elevations
Drawing Number: 22031-HNW-U5-ZZ-DR-A-2200 rev P2 – Units 5 -6 plans sections and elevations
Drawing Number: 22031-HNW-U7-ZZ-DR-A-2200 rev P2 – Unit 7 plans sections and elevations
Drawing Number: 22031-HNW-U8-ZZ-DR-A-2200 rev P2 – Unit 8 plans sections and elevations

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Drawing Number: 22031-HNW-U9-ZZ-DR-A-2200 rev P2 – Unit 9 plans sections and elevations

Drawing Number: 22031-HNW-U1-ZZ-DR-A-2200 rev P3 – Unit 1 plans sections and elevations

submitted to the Local Planning Authority.

Reason: To ensure a satisfactory visual relationship between the new development and the existing.

10. 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.

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

11. The parking spaces as shown in the drawing 22031-HNW-ZZ-ZZ-DR-A-2101 rev P7 shall be implemented prior to the occupation of the development hereby approved and thereafter retained in accordance with the approved plan.

Reason: In the interests of highway safety.

12. No additional boundary treatments shall be implemented until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected.

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

Informative:

1. This permission is granted for the following reasons:
The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.
2. The Local Planning Authority has taken account of the following development plan policies and proposals:-
 - Local Plan Part 1 Joint Core Strategy: DS1, MTRA2, CP10, CP15, CP16
 - Local Plan Part 2: NA1, DM1, DM15, DM16, DM17, DM18, DM24
3. In accordance with paragraph 38 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;
-offering a pre-application advice service and,

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-updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

4. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.
For further advice on this please refer the Construction Code of Practice <http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>
5. The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works can commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with. If works commence on site before all of the pre-commencement Conditions are discharged then this would constitute commencement of development without the benefit of planning permission and could result in Enforcement action being taken by the Council.
6. 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.
7. 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. Flexibility of hours may be acceptable due to the Covid-19 emergency in line with the Business and Planning Bill 2019-21
<https://services.parliament.uk/Bills/2019-21/businessandplanning.html>

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. Where construction site working hours are limited by a planning condition you can apply under Section 74B of the Town and Country Planning Act 1990 which provides a temporary fast track to vary existing conditions. <https://www.gov.uk/government/publications/construction-working-hours-draft-guidance/draft-guidance-construction-site-hours-deemed-consent>

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