Case No: 24/01317/FUL

Proposal Description: Erection of 3 detached 4 bedroom dwellings with private

amenity space, off-road parking, soft landscaping and

associated works

Address: Land Opposite Lockhams Hill, Lockhams Road, Curdridge,

Hampshire

Parish: Curdridge PC Applicants Name: c/o Agent

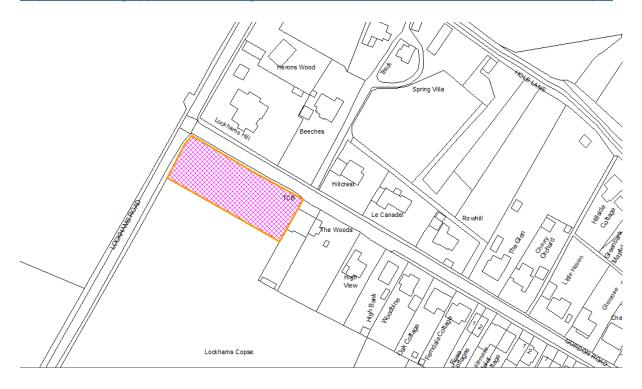
Case Officer:Rose ChapmanDate Valid:20 June 2024

Recommendation: Refuse **Pre Application Advice** Yes

Link to Planning Documents

Link to page – enter in reference number 24/01317/FUL

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



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Reasons for Recommendation

The development is recommended for refusal as it is considered that insufficient information has been submitted to fully demonstrate local support of the application.

General Comments

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

Amendments to Plans Negotiated

None

Site Description

The application site is located at the corner of Lockhams Road and Gordon Road and measures approximately 0.21ha in size. The site is largely flat and covered in grass bracken and scrub. To the south is Lockhams Copse, it is understood that this site was once part of the woodland prior to being cleared. To the north and east are residential properties that face Gordon Road. The land also falls away sharpy to the east just beyond the application site. To the west is Lockhams Road and open fields beyond.

The site is bounded by mature trees, including a TPO tree to the west, woodland to the south, mature hedging to the east and post and rail fencing to the north.

Proposal

The proposal would see 3 market dwellings that would all be 4 beds.

Relevant Planning History

22/02618/FUL - Erection of 4 detached dwellings (2 x 3 bedroom and 2 x 4 bedroom) with private amenity space, off-road parking, soft landscaping and associated works – withdrawn 26 January 2023

23/02098/FUL - Erection of 7 Affordable Homes with private amenity space, off-road parking and associated works – refused 3 November 2023

Consultations

<u>Service Lead – Built Environment (Strategic Planning) –</u>

 Verbal response received detailing that as all the evidence for the referendum had not been submitted it was difficult to align with policy. The Officer also detailed that this type of referendum would usually be run by the parish council as part of a neighbourhood plan. Curdridge is currently in the early stages of a neighbourhood plan.

Service Lead – Sustainability and Natural Environment (Ecology) –

• Additional information received; no objection subject to condition.

Hampshire County Council (Highway Authority) -

No Objection subject to conditions

Natural England -

• No Objection subject to conditions

Representations:

Curdridge Parish Council Support with the following conditions:

Confirmation from WCC that the proposed financial contributions (£50,000.00) offered by the Applicant to benefit the community will be secured within the Section 106 Agreement.

A planning condition requiring a construction management plan is submitted to WCC prior to commencement of the construction to mitigate the impact of the construction works on local residents and to ensure that construction traffic is restricted to using the main roads.

47 Objecting Representations received from different addresses, of these 43 are within the Winchester District, citing the following material planning reasons:

- Contrary to policy
- BNG calculations are incorrect
- Impact on ecology/wildlife
- Impact on Solent SPAs
- Inaccurate presentation of information
- Unsustainable location
- Payments are not guaranteed.
- Referendum was not advertised properly.
- Out of keeping with the character of the area
- · Access road is not suitable.
- Impact on trees
- Loss of woodland
- Highways impacts

- Not an allocated site
- No local shops or GP
- Construction impacts
- Drainage/flooding
- Would set a precedent.
- Payment used to persuade people but not justified.
- Housing supply has been met.
- Transport assessment is not credible.
- Number of houses will not make a material contribution to the housing numbers.
- No local support
- Insufficient parking
- Mitigation is not sufficient.
- Countryside location
- No need for more housing
- Access to Lockhams Road is not safe.
- No foot paths
- Inappropriate location
- Referendum was not accurate

47 Supporting Representations received from different addresses, of these 38 were from within the Winchester District, citing the following material planning reasons:

- Need for housing.
- Site is an 'eyesore'
- Good design
- Good materials
- Would enhance character of the area.
- Would make use of an empty site.
- Engaged with the community.
- In character with the area
- In accordance with policy
- Effective use of land
- More family homes for the area
- Would prevent fly tipping.
- No highways impact
- Good site for development

26 support comments were submitted from within Curdridge Parish however these have no content. These have been considered below.

Relevant Government Planning Policy and Guidance

National Planning Policy Framework (December 2023)

- 2. Achieving sustainable development
- 4. Decision-making
- 6. Building a strong, competitive economy
- 11. Making effective use of land
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

National Planning Practice Guidance

Climate Change

Consultation and pre-decision matters

Design: process and tools

Determining a planning application

Effective use of land

Flood Risk and coastal change.

Historic Environment

Light pollution

Natural Environment

Noise

Planning Obligations

Transport evidence bases in plan making and decision taking

Travel Plans, transport Assessments and Statements

Tree Preservation Orders and trees in Conservation Areas

Use of planning conditions

Waste

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

DS1 – Development strategy and Principles

MTRA1 – Development Strategy Market Towns and Rural Area

MTRA3 – Other settlements in the Market Towns and Rural Area

MTRA4 – Development in the countryside

CP10 - Transport

CP15 – Green Infrastructure

CP16 – Biodiversity

CP17 – Flooding, Flood Risk and the Water Environment

<u>Winchester District Local Plan Part 2 – Development Management and Site Allocations</u>

DM1 – Location of New Development

DM15 – Local Distinctiveness

DM16 – Site Design Criteria

DM17 – Site development principles

DM18 – Access and Parking

DM23 - rural character

DM24 - Special Trees, Important hedges and ancient woodlands

Supplementary Planning Document

National Design Guide 2019 High Quality Places 2015 Residential Parking Standards 2009 Curdridge Village Design Statement

Other relevant documents

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

Waste Management Guidelines and Bin Arrangements

Position Statement on Nitrate Neutral Development – February 2020

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.

The proposed changes to the NPPF that are currently being consulted on identify an anticipated approach on Government policy. However, as this is only a public consultation document at this stage, it does not yet hold substantial material weight.

The Regulation 19 Local Plan as now agreed by Full Council can be given appropriate and increasing weight in the assessment of development proposals in advance of Examination and Adoption.

Policy MTRA3 allows for limited development within settlements that have no defined settlement boundary such as Curdridge. Specifically, it allows for development of small gaps within a continuously developed road frontage provided it would be of a form compatible with the character of the village and not result in the loss of an important gap. The proposal would not result in the infill of a small plot within a continuously developed road frontage but would rather extend the existing line of development resulting in encroachment in the countryside. Therefore, this element has not been met.

MTRA3 also allows for development that would support a settlement's role and function, to meet a community need or to realise local community aspirations. However, these should be identified through a neighbourhood plan or a process which demonstrates clear community support.

In this instance Curdridge does not currently have an adopted neighbourhood plan. However the Parish is in the early stages of creating a Plan, which is a material consideration.

The applicant has independently commissioned a referendum in the village to gauge local opinion for the scheme. It should be noted that this was conducted by the applicant's consultant not by the Parish Council or other impartial body.

A statement of community involvement has been submitted with further information regarding how the referendum was conducted.

The Statement of Community Involvement indicates that the referendum was advertised via letters to households and display of posters within the village. Copies

of the leaflet and posters advertising the development have been submitted within appendices 4 and 5 of the Statement of Community Involvement. There is no list provided of who was sent a letter or where the posters were placed within the village. Therefore, it is not possible to determine if the level of engagement was sufficient.

The votes were taken via ballot and online to ensure that the maximum number of residents were reached. Votes were accepted between 1pm and 8pm with the count directly after. The Statement of Community Involvement indicates that 118 votes were made with 62 voting yes and 53 voting no and the remainder of the votes being ineligible. However, it is noted that the ballots have not been submitted to verify this. The names and addresses of online voters have been supplied however as these were collected door to door it is not possible to verify that this is accurate. As such it is difficult to fully assess the process and the impartiality of the referendum and engagement with the community. Notwithstanding that the engagement process is not deemed sufficient, and whilst a 62 / 53 voting split is a majority, it is not considered that this demonstrates clear community support for the proposal.

The Local Planning Authority has also completed its statutory advertisement period on this planning application.

Comments made as part of the planning application advertisement process have been given material weight. As highlighted above, a total of 120 comments were submitted.

As part of this application's statutory consultation, 47 comments were submitted in objection in total, of these 43 were from residents within the Parish of Curdridge. These comments were submitted with commentary on the application and therefore have been given material weight.

47 comments were submitted in support with commentary on the application. Of these, 32 were submitted from residents from within the Parish of Curdridge and therefore have been given material weight.

In addition, 26 comments in support were submitted that had no commentary on the application application's merits. Of these 23 were from residents within the Parish of Curdridge, these have been attributed limited weight due to their content.

There are approximately 1200 residents within Curdridge Parish, the Curdridge Village Design Statement (2002) states that there are approximately 500 private dwellings within the Parish. As comments from the statutory advertisement are counted by household it is reasonable to consider that approximately 18% of households (94 in total) within Curdridge engaged with this application. While this is not an insignificant amount of engagement it is not considered that this would represent a majority of the parish to indicate clear community support.

The applicant has conducted a referendum in an effort to demonstrate clear community support for 3 large dwellings.

The example ballot that has been submitted asks a simple question, 'Do you support the proposed market housing scheme on land at Gordon Road?' (appendix 6 of the Statement of Community Involvement). However this question does not reflect or link to the requirements of policy MTRA3 which is looking for the realisation of local community aspirations. Nor does the proposal clearly lay out how the addition of 3 dwellings would contribute to the settlement's role and function.

It is further noted that the referendum was not conducted by the Parish Council as part of their Neighbourhood plan process nor by an impartial 3rd party and therefore the validity of the referendum process cannot be confirmed and is therefore given limited weight.

When assessing the comments submitted as part of this application it is noted that approximately 18% of the Parish has engaged with the statutory advertisement. However, the contributions are roughly even in terms of support and objections from within the Parish. When considering these submissions, more weight has been given to comments that include a commentary as this highlights how the commentor considers the application would or would not contribute to the settlement's role and function in accordance with MTRA3.

The Parish Council comment on the matter is considered to be vague restricting comments to support of proposed funding and that construction should limit impacts to neighbouring properties, rather than an indication that local Parish Council support is provided.

The proposal has highlighted that a donation of £50,000 would be made to the Parish Council for community benefit, including improvements to the play park, community hall and a donation to the church roof. This has been referenced within the Parish Council's response.

3 dwellings do not need to provide a financial contribution for community benefits. There is not a policy basis for this requirement to justify the financial contribution and therefore it can be given no weight in the assessment. As such the proposed £50,000 cannot be secured by the Planning process.

As such it is considered that the proposal has not met the requirements of policy MTRA3. The weighting provided to the referendum undertaken does not outweigh the conflict with policies of the Development Plan.

MTRA4 restricts development in the countryside to that which has an operational need. In terms of housing this is restricted to agricultural worker's dwellings and affordable housing exemption sites under policy CP4. The proposal would not meet

these criteria as the application is for market housing. Therefore, the proposal would not meet the requirements of MTRA4.

Policy CP2 requires that applications for market housing have a majority of 2 and 3 bed dwellings. This application would see 3no 4 bed dwellings and therefore would not meet this policy.

The proposal would also not meet the requirements of policy CP2. As such it is considered that there is a fundamental objection to the proposed development.

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 is located at the corner of Gordon Road and Lockhams Road. The proposal would see 3 no. 4 bed dwellings. The proposed design is modern. There is a range of architectural designs and finishes in the immediate area and therefore the proposed design is considered to be acceptable. The proposed materials are brick, cladding, slate and tile roofing which are all acceptable within the High Quality Places SPD.

If the application had been considered acceptable in other ways a condition for materials samples to be submitted for approval would have been recommended.

The site is currently an open field that, it is understood, was previously woodland. However, the immediate area is considered to be semi residential in character due to the number of residences immediately adjacent to the application site and the mature trees and open fields in the vicinity.

In terms of amenity space, plots 1 and 3 would have amenity areas of approximately 470sqm and 232 sqm. The amenity space for Plot 2 would be reduced to approximately 170sqm following the ecological requirements. Whilst it is acknowledged that there is a varying size of plots within the immediate area, smaller amenity spaces are reflective of more modest dwelling sizes. It is considered that the proposed amenity spaces, though modest, especially in relation to plot 2, would not be detrimental to the character of the area to a degree that would justify a reason for refusal.

The proposal therefore fails to accord with policies DM15 and DM16.

Development affecting the South Downs National Park

The application site is located 2.3 miles from the South Downs National Park

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2023. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 182 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

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

In conclusion therefore the development will not affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

Historic Environment

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

Neighbouring amenity

The proposed development will be visible from the neighbouring property to the southeast of the application site. It is considered that there is a window on the first floor of the neighbouring dwelling that would directly face the site.

As such the proposal would locate plot 3 approximately 2m from the boundary with the neighbour and 3m from the neighbouring dwelling. As such it is considered that the proposed development would be located a sufficient distance away from the neighbour to prevent overbearing and loss of light.

It is noted that there is a level change in the area so that the neighbour is significantly lower than the application site. However, no windows are proposed that would directly face the neighbouring property. The proposal is therefore not considered to result in harmful overlooking.

The proposal is therefore considered to be in accordance with policy DM16.

Sustainable Transport

The proposal would create additional accesses off Gordon Road. Concerns have been raised in regard to the proposed accesses, the loss of on road parking and the proximity to the junction with Lockhams Road.

In regard to the accesses, visibility splays have been provided within the transport assessment that are considered to be acceptable. There is some concern regarding the proximity of the access to plot 1 and the junction with Lockhams Road. It is considered that, whilst close to the junction, the visibility splays combined with low traffic usage along Gordon Road is considered to be sufficient to prevent harm to highways users.

Gordon Road is not subject to road restrictions on parking however this is not allocated on road parking for the area either. The proposal would introduce new accesses and therefore reduce the area available. As this would not result in a loss of formal parking the proposal is considered to be acceptable.

The proposed development would provide 9 parking spaces, 3 for each of the dwellings. This is in compliance with the residential Parking SPD and policy CP10 and DM17.

Ecology and Biodiversity

Nutrients

The proposed development is within Winchester District where foul water is distributed into the European designated areas Solent SPAs/Ramsar sites via water treatment plants. In accordance with advice from Natural England and as detailed in Policy CP16 of the Winchester City Council Local Plan Part 1 Joint Core Strategy a net increase in housing development within Winchester District is likely to result in impacts to the integrity of those sites through a consequent increase in Nitrogen. A nitrate calculation has been conducted in relation to this. It has been demonstrated that the proposal would generate a surplus of nitrates and therefore mitigation is required. As such a Grampian condition in line with the Winchester City Council Position Statement on Nitrate Neutral Development would have been agreed to secure appropriate mitigation prior to occupation had the application been successful.

A reason for refusal has been included to obtain these details in the event that the application is appealed.

Recreational Disturbance on the Solent Special Protection Areas

The Solent coastline provides feeding grounds for internationally protected populations for overwintering waders and wildfowl and is also extensively used for recreation. Natural England has concluded that the likelihood of a significant effect in combination arising from new housing around the Solent cannot be ruled out. Applications for residential development within 5.6 km of the Solent SPAs will need to propose measures to mitigate the direct impacts of their development on the Solent SPA. This can be done by the provision of a financial contribution either before planning permission is granted or by entering into a s106 agreement before planning permission is granted with an undertaking that the payment will be made before the development is implemented.

The proposal would provide 3 no 4 bed dwellings. This requires a payment of £2,940 to comply with policy CP16. The payment has not been made nor has the applicant indicated a willingness to enter into a legal agreement to secure mitigation. The application is therefore in accordance with policies CP15 and CP16.

Biodiversity Net Gain

It is recognised that biodiversity net gain is now required under the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This seeks to ensure development proposals deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

This application has been accompanied by the completed metric calculation tool showing the calculations and a plan showing onsite habitat existing on the date of application. This shows a loss for biodiversity on site, so to satisfy the requirements for BNG and to discharge the Biodiversity Gain Plan further details would have to be submitted at the discharge of condition stage. It should be noted that the proposed creation of 0.000075ha of Lowland Meadow is such a small area that it is not considered achievable, and does not deliver any biodiversity units, so should be removed from the final metric calculation.

To this end it would have been considered appropriate to impose a condition which secures BNG on-site in the first instance, or if this is shown to be unviable, off site, or as a last resort elsewhere and/or via strategic payments if the application has been considered acceptable in other areas.

A reason for refusal has been included to obtain these details in the event that the application is appealed.

Impact on protected species

The presence of a protected species is a material consideration when a Planning Authority is considering a development that, if implemented, would be likely to result in harm to the species or its habitat. European Protected Species (EPS) have full protection under The Conservation of Habitats and Species Regulations 2017. It is an offence to deliberately capture, injure or kill, or deliberately disturb EPS.

Concerns have been raised in regard to ecological impacts. An ecological report has been submitted as well as further surveys in regard to reptiles and invertebrates. The report indicates a significant area along the western edge of the application site that would be fenced off and separate from the residential amenity areas of the dwellings proposed. This is considered to be acceptable.

Had the application been acceptable in other matters conditions would have been considered to secure the retention and a legal agreement would have been suggested to secure maintenance and monitoring.

Sustainability

Developments should achieve the lowest level of carbon emissions and water consumption which is practical and viable. Policy CP11 expects new residential developments to achieve Level 5 for the Energy aspect of the Code for Sustainable Homes and Level 4 for the water aspect.

Should the application have been considered acceptable in other ways conditions to require compliance with this would have been recommended.

Sustainable Drainage

The proposal is located within flood zone 1 and therefore is at low risk of flooding from the sea and rivers. Concerns have been raised in regard to surface water flooding. It is noted that Lockhams Copse to the rear has water sources however these are located to the south rather than immediately behind the application site. It is also noted that the site is poorly drained and as such a range of SuDs have been proposed to the rear of the site. No details of surface water drainage, such as percolation tests, have been submitted. As such, should the application have been considered acceptable a condition requiring details of the surface water removal would have been included.

The proposed development would be connected to the mains foul sewer which is considered to be acceptable.

The proposal would therefore be in accordance with policy DM17.

Trees

Policy DM24 of the LPP2 allows development which does not result in the loss or deterioration of ancient woodlands, important hedgerows, special trees, ground flora and the space required to support them in the long term.

There is a TPO tree to the northeast corner of the site. A tree report has been submitted indicating how the tree would be protected during construction and the proposal has been designed to prevent harm to the tree. No other trees would be removed and therefore the proposal is in accordance with policy DM24.

Landscape

The proposal would be located within the countryside. Policy DM23 assesses development in the countryside in terms of visual and physical impacts and the loss of

tranquillity. The site is bounded by mature trees and residential uses. As such the proposal would be well screened and not out of place within the character of area. As the site is located close to Lockhams Road, a busy throughfare and therefore it is not considered that the additional residential use would result in a loss of tranquillity to the area. The proposal would therefore be in accordance with policy DM23.

Other Topics

Equality

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

Planning Balance and Conclusion

The proposal would see 3 no. 4 bed dwellings at the corner of Lockhams Road and Gordon Road. The applicant has conducted a referendum in an effort to demonstrate community support for 3 large dwellings. The process was not led by the Parish who are undertaking a Neighbourhood Plan and there are elements of the process which cannot be verified for their authenticity. The referendum undertaken does not provide a clear demonstration of community support, and the statutory advertisement undertaken for this application has shown a split response.

It has not been demonstrated that the proposal would reinforce the settlement's role and function.

Therefore, it is considered that the proposal would be contrary to policy MTRA3. The proposal would not meet the requirements of CP2.

Recommendation Refuse for the following reasons:

- 1. The proposal is contrary to policy MTRA3 and MTRA4 of the Local Plan Part 1 in that it is not infilling a small site within a continuously developed road frontage, the proposal would not support the role and function of Curdridge, and that the proposal has not demonstrated clear community support. Therefore, the proposal would result in new dwellings in the countryside without suitable justification.
- 2. The proposal would be contrary to policy CP2 of the Local Plan Part 1 in that it would present an inappropriate housing mix that has not been justified by local circumstances.
- 3. The proposed development is contrary to Policy CP15 and CP16 of the Winchester District Local Plan Part 1 Joint Core Strategy, in that it fails to protect and enhance biodiversity across the District by failing to make appropriate provision for the Solent Disturbance and Mitigation Charge Zone. As a result, it is considered that the proposed development would result in significant harm to the Special Protection Area (SPA) and the species that it supports, therefore contravening the legal requirements of the Wildlife and Countryside Act 1981, the Habitat Regulations.
- 4. The proposed development is contrary to Policy CP15 and CP16 of the Winchester District Local Plan Part 1 Joint Core Strategy, in that it fails to protect and enhance biodiversity across the District by failing to make appropriate mitigation in regard to increased nitrates into the Solent SPAs. As a result, it is considered that the proposed development would result in significant harm to the Special Protection Area (SPA) and the species that it supports, therefore contravening the legal requirements of the Wildlife and Countryside Act 1981, the Habitat Regulations.
- 5. The application has failed to demonstrate that a gain in biodiversity would be achieved, and the proposed development therefore has the potential to harm protected species and their habitat. The proposal would therefore be contrary to Policy CP16 of the Winchester District Local Plan Part 1, section 15 of the NPPF (2023) and schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Informatives

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

Local Plan Part 1 Joint Core Strategy: DS1, MTRA3, MTRA4, CP10, CP15, CP16 Local Plan Part 2: DM1, DM15, DM16, DM17, DM18, DM24

- 2. 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,
 - -updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.