

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Case No:** 24/00337/FUL

**Proposal Description:** Erection of 11 dwellings with new access from Tanners Lane, associated parking, drainage pumping station and landscaping following demolition of existing outbuildings.

**Address:** Land At The Elms, Tanners Lane, Denmead, Hampshire

**Parish:** Denmead Parish Council

**Applicants Name:** LandQuest (UK) Southern Ltd

**Case Officer:** Rose Chapman

**Date Valid:** 8 April 2024

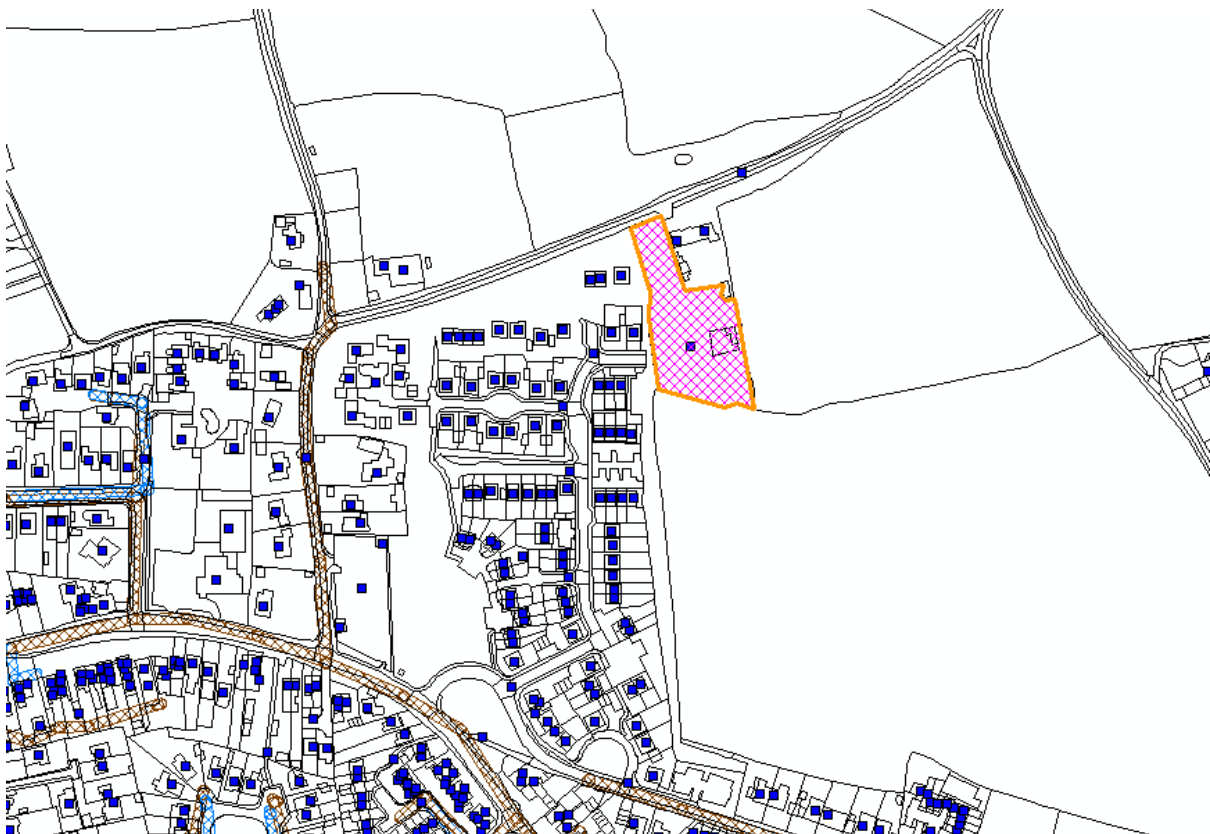
**Recommendation:** Refuse

**Pre-Application Advice** Yes

**Link to Planning Documents**

Link to page 24/01516/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 the proposal has failed to present a policy compliant scheme that would not have harmful impacts on the character of the area, protected species and Biodiversity Net Gain.

## **General Comments**

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

## **Amendments to Plans Negotiated**

Additional information in regard to highways, drainage, and noise have been submitted. These details were not reconsulted on as the documents provided additional technical information.

A masterplan has also been submitted to seek to demonstrate that the application as proposed can be developed without prejudicing the remaining areas of the allocation.

This was not reconsulted on as the document provided additional background information that informed how the site could be progressed at a later date under further applications that would subject to additional public consultation at that time.

## **Site Description**

The application site is located in a rural area on the edge of the village of Denmead. The site has been allocated within the Denmead Neighbourhood Plan as an extension of the Carpenter's field development to the west. The site is largely flat and given over to grass with mature tree and hedge planting. As existing there is a stable building that has been given over to general storage, and a fruit tree orchard. There is an existing access onto Tanners Lane to serve the existing property.

The allocation site within the Denmead Neighbourhood Plan also includes the land to the North East comprising the existing dwelling and amenity space at the Elms.

## **Proposal**

The site is an allocation for approximately 20 dwellings within the Denmead Neighbourhood Plan. The proposal would see 11 dwellings comprising:

2 bed - 4

3 bed - 7

A pumping station is proposed along the boundary of the site.

## **Relevant Planning History**

None

## Consultations

### Service Lead – Built Environment (Strategic Planning) –

- Verbal comments regarding the policy and ransom strips. If it has been demonstrated that a policy compliant scheme is not possible alternatives can be considered provided the alternatives meet with adopted policy.

### Service Lead – Built Environment (Urban Design)

- Concerns raised

### Service Lead – Built Environment (Archaeology)

- No objection subject to conditions

### Service Lead – Engineering (Drainage) -

- No objection subject to conditions

### Service Lead – New Homes Delivery (New Homes Team)

- Concerns raised regarding the lack of affordable housing proposed.

### Service Lead – Estates

- No objection

### Service Lead – Sustainability and Natural Environment (Ecology) –

- Further information required

### Service Lead – Sustainability and Natural Environment (Landscape) –

- Concerns raised

### Service Lead – Sustainability and Natural Environment (Trees) –

- Concerns raised regarding the loss of trees.

### Service Lead – Public Protection (Environmental Health)

- No objection subject to conditions

### Hampshire County Council (Highway Authority) –

- No objection subject to conditions

### Hampshire County Council (Lead Local Flood Authority) -

- No objection

Natural England -

- None received

Southern Water

- No objection

Nature Space

- Further Information required

**Representations:**

Denmead Parish Council: Denmead Parish Council (DPC) notes that Winchester City Council's Tree Officer has objected to the proposed significant loss of trees, including mature oaks, and that Winchester City Council's Landscape Officer has also objected to the loss of trees, and also to the inadequate proposed amenity space, and to the proposed access onto Tanners Lane. DPC further notes that the application includes two contradictory CIL reports (Community Infrastructure Levy) regarding the inclusion of affordable housing.

**Therefore, Denmead Parish Council raises a STRONG OBJECTION with a request that the application is put before the Winchester City Council Planning Committee on the following grounds if the Planning Officer is minded to approve the application:**

- The application is contrary to the Denmead Neighbourhood Plan (DNP) 2011-2031 which states that access from the site directly onto Tanners Lane will not be permitted as the lane is unsuitable for a high volume of traffic, and that a mix of housing is required to include bungalows. The DNP states the following:  
4.22 (Page 29) – Land East of Village Centre (Carpenters Field) “The configuration will also allow for the main ‘spine’ access road to serve the whole site and to open up access to the adjoining Land off Tanners Lane site....”.  
4.23 (Page 29) – Land East of Village Centre (Carpenters Field) “The adjoining Land off Tanners Lane site requires access from this site as this is also a proposed allocation in the DNP.....”.  
4.24 (Page 29) – Land East of Village Centre (Carpenters Field) “Although the road will not achieve an access to Tanners Lane itself, the policy requires that pedestrian and cycle access should be provided....”.  
4.29 (Page 30) – Land off Tanners Lane “This 0.64 Ha site is currently a residential property but includes an adjoining green field in the same ownership. It has been made available for development in the plan period (but not before 2020). It adjoins the Land East of Village Centre site (now known as Carpenters Field) .....”.

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4.30 (Page 31) – Land off Tanners Lane “The site can only be accessed from the Land East of Village Centre site (Carpenters Field) as Tanners Lane is not of a highway standard that is suited to serving a scheme of up to 20 dwellings. Lying on the north-east edge of the new village boundary, the site lends itself to a medium density scheme of a complementary mix of dwellings to its larger neighbour”.

4.31 (Page 31) – Land off Tanners Lane “Its design is required to be distinctive from the development parcels on the adjoining site and layout of the scheme and of the orientation of new houses (including a small number of bungalows) should especially respond to the desire to minimise the disruption of views westward to the village from White Horse Lane and Tanners Lane”.

- The application fails to include a biodiversity survey of any note; Great-Crested Newts are present in the area and there is a current A14 Mitigation Licence in place at the Carpenters Field development and at the Public Open Space off Tanners Lane for their protection until 2039. Residents of the Carpenter’s Field development report owls can be heard in the trees on this land and bats are a common sight; the application does not acknowledge these species. In addition, the proposal fails to show a biodiversity
- net gain with the proposed significant loss of trees.
- With the Public Open Space off Tanners Lane now available as a public amenity for walking and cycling, and with the imminent addition of a children’s playground near to one of the two pedestrian accesses onto Tanners Lane, it is felt that the proposal is insensitive to the local area and also a clear danger to the many children, walkers, dogs, and horse riders using Tanners Lane and the users of the King George V field at the junction of Tanners and Kidmore Lanes.
- The proposed site access from Tanners Lane requires than any vehicular use needs to approach from either Kidmore Lane, or White Horse and Edney’s Lanes. All three lanes, like Tanners Lane, are single-track carriageways with no passing places. These lanes are not suitable for increased regular traffic, let alone their total unsuitability to accommodate the large vehicles associated with building work. Denmead Parish Council is surprised that no comment is available from Hampshire County Council Highways department.

Request for application to be considered by Committee:

Denmead Parish Council raises a **STRONG OBJECTION** with a request that the application is put before the Winchester City Council Planning Committee on the above grounds if the Planning Officer is minded to approve the application.

Signed: Jo Hollingshead  
Committee Clerk - Planning  
Date: 9 May 2024

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Denmead Village Association:

COMMENTS:

FACTS

1. The application is contrary to the Denmead Neighbourhood Plan (DNP) 2011-2031 which states that access from the site directly onto Tanners Lane **will not be permitted** as the lane is unsuitable for a high volume of traffic, and that a mix of housing is required to include bungalows. The DNP states: Para 4.22 (Page 29) – Land East of Village Centre (Carpenters Field) “The configuration will also allow for the main ‘spine’ access road to serve the whole site and to open up access to the adjoining Land off Tanners Lane site....”
2. The DNP continues, “Para 4.31 (Page 31) – Land off Tanners Lane “Its design is required to be distinctive from the development parcels on the adjoining site and layout of the scheme and of the orientation of new houses (including a small number of bungalows) should especially respond to the desire to minimise the disruption of views westward to the village from White Horse Lane and Tanners Lane”.
3. The proposed site access from Tanners Lane requires that any vehicular use needs to approach from either Kidmore Lane, or White Horse and Edney’s Lanes. All three lanes, like Tanners Lane, are single-track carriageways with no passing places. These are country lanes and are not suitable for increased regular traffic. They are also totally unsuitable to accommodate the large vehicles associated with building works.
4. The Public Open Space (off Tanners Lane) is now available as a public amenity for walking and cycling, and with the imminent addition of a children’s playground near to one of the two pedestrian accesses onto Tanners Lane. This proposal is we believe very insensitive to the local area and there is a clear danger to the many children, walkers, dogs, and horse riders using Tanners Lane, as well as the users of the King George V field at the junction of Tanners and Kidmore Lanes.
5. It appears that the application fails to include a biodiversity survey of any significance. Great-Crested Newts are present in the area and there is a current A14 Mitigation Licence in place at the Carpenters Field development and at the Public Open Space off Tanners Lane for their protection until 2039.
6. The proposal again appears to fail to show a biodiversity net gain with the proposed significant loss of trees.
7. The visibility splay for a vehicle emerging from the proposed access point into Tanners Lane is extremely poor, being considerably less than the recommended 43m in each direction from a 2.4 metre set back distance.

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OPINION

- a. Members who live on Carpenter's Field development have reported bats and owls can be seen and heard in the trees and there is no acknowledge these species, that we have seen in the plans.
- b. Due to 'Dark skies' policy there is no street lighting, thus further increasing danger to road users.
- c. We understand there is a strong possibility of this development would be extended to the land East of the Carpenter Field with the potential of up to 22 houses.
- d. The original plan for Carpenters Field for 91 houses was conditional on that there would be no vehicular access to Tanners Lane. Planning was we believe approved on this basis.
- e. We believe if the access to this development, via Tanners Lane were to be granted, it would cause significant harm to a strongly rural area of the village, and an unacceptable increase to the danger of the various users, including children.

**For the reasons stated above, we strongly object to this proposal.**

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

- proposed access is not acceptable
- drainage/flooding
- loss of green space
- pressure to develop further
- Impact on ecology
- no passing places on surrounding roads
- access should be off Carpenter's fields development
- Impact of construction traffic
- impacts on pedestrians/cyclists
- visibility splays poor
- construction noise
- impact on water supply
- over development of the area
- use of carpenters way unacceptable
- safety concerns
- noise
- traffic pollution
- contrary to climate crisis
- homes not affordable
- housing not allocated for local people

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- lack of BNG
- Surface water management
- contrary to Neighbourhood plan
- should prioritise brown field areas
- lack of affordable housing
- lack of supporting infrastructure

14 Supporting Representations received from different addresses citing the following material planning reasons:

- well designed
- minimal traffic generation
- would provide 'much needed housing'
- would suit character of area
- close to local amenities
- policy compliant
- access is reasonable given ransom
- would allow others to downsize and free up property for families
- need for smaller dwellings in the village
- allocated for housing in neighbourhood plan

### **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

- DM1 Location of new development
- DM2 – Dwelling Sizes
- DM6 – Open Space Provision
- DM14 - Masterplans
- DM15 – Local Distinctiveness
- DM16 – Site Design Criteria
- DM17 – Site Development Principles

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- DM18 – Access and Parking
- DM19 – Development and Pollution
- DM20 – Development and Noise
- DM21 – Contaminated land
- DM24 – Special trees, important hedges and ancient woodland
- DM26 – Archaeology

Denmead Neighbourhood Plan

- Policy 1 - A Spatial Plan for the Parish
- Policy 2 - Housing Site Allocations
- Policy 3 - Housing Design

Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Residential Parking Standards December 2009

Affordable Housing SPD February 2008 with amendment 2012.

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 May 2022

Biodiversity Action Plan 2021

Waste Management Guidelines and Bin Arrangements

Position Statement on Nitrate Neutral Development – February 2020

Emerging Policy

The consultation period for the proposed changes to the NPPF has been completed, which identifies 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.

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The Emerging Local Plan, as now agreed by Full Council, has been submitted to the Secretary of State for examination and can be given appropriate and increasing weight in the assessment of development proposals in advance of examination and adoption.

## **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 current Denmead Neighbourhood Plan covers the 2011 – 2031 period. The Parish Council are currently consulting on site options for the next Neighbourhood Plan, which is due to be adopted in 2025 alongside the Winchester District Local Plan.

The decision on this application will be made according to the Winchester Local Plan Part 1, Winchester Local Plan Part 2 and Denmead Neighbourhood Plan 2011 – 2031.

Policy MTRA2 allows for development within the settlement boundaries of larger named settlements of which Denmead is included. This policy encourages the reuse of areas within the settlement boundary primarily and this should be appropriate in terms of scale, design, conserving the settlement's identity, countryside setting, historic characteristics, local features and Village Design Statements.

The site is allocated for development under policy 2(ii) of the Denmead Neighbourhood Plan.

The policy is as follows:

*About 20 dwellings on Land off Tanners Lane – comprising a mix of 2 and 3 bed houses and bungalows to be delivered in the period 2019 – 2031, provided the scheme:*

- a. is accessed from the Land East of Village Centre scheme only;*
- b. design forms a distinctive development parcel to the adjoining Land East of Village Centre site and*
- c. retains the landscape buffer to Tanners Lane and provides a buffer to the open countryside to the east.*

Policy 2 (ii) seeks 'about' 20 units on the site and sets out a number of requirements for the development. It is acknowledged that 'about' is taken to mean 10% (i.e. a minimum of 18 units and a maximum of 22). The applicant is now proposing 11 units which does not comply with this element of the policy. It is noted however that the area of land submitted under this application does not cover the entire policy allocation area.

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The applicant has stated that the reduction in dwellings is due to the landowner wishing to retain their dwelling with a reasonable amenity space. As such approximately 1700sqm of the allocation has been excluded from the application.

A masterplan has been submitted that shows how additional units could be accommodated on the rest of the site should it come forward. It is noted that that this only shows 17 units in total however it shows 2 bungalows coming forward under the remaining area to be developed. While the master plan is not wholly policy compliant as it would be less than 18 dwellings, it is considered by officers that the proposed quantum of development would be acceptable.

Part a of Policy 2 (above) requires that the site is only accessed off the adjacent site at Carpenters Field. Within the Neighbourhood Plan this is justified due to Tanners Lane not being to a Highways standard and would not be capable of accommodating a medium density scheme.

The applicant has stated that there are multiple ransom strips in place between the application site and the constructed access route that was required as part of the adjacent allocation and this policy. The PPG lays out how to assess housing and economic land valuations when allocating sites. Paragraph 21 mentions constraints that should be considered, including ransom strips, and states that allocations should consider how these should be addressed/overcome when allocating a site. In general, ransom strips are considered to be civil matters outside of Planning considerations, however it is noted that since the time of allocation matters have progressed that have potentially made the expected access unviable. As such alternative accesses have been submitted for consideration.

As discussed below in the Sustainable Transport section, the highways safety issues have been resolved to the satisfaction of the Highways Authority. However, the Impact on Character assessment below has also considered the placement and intensification of use along Tanners Lane, White Horse Lane and Kidmore Lane and has found that the proposed access would be unacceptable. Therefore, this element of the policy has not been met.

Part (b) of the policy requires that the proposal forms a distinctive development parcel. This is assessed below under the Impact on character section.

Policy CP2 of the Local Plan Part 1 and policy 2(ii) of the Denmead Neighbourhood plan requires a majority of 2 and 3 bed dwellings. The proposal would meet this requirement.

Policy CP3 requires that a minimum of 40% affordable housing is provided on market led housing applications. This would require approximately 4 of the 11 proposed dwellings to be affordable housing. The NPPF allows for a reduction in affordable housing when it can be demonstrated that the development would be unviable if the full requirement was provided, which is an approach also supported within policy CP3.

A viability report was submitted demonstrating that the proposal cannot deliver affordable units while remaining viable. This has been reviewed and is considered to be acceptable.

Policy CP14 of LPP1 states that the development potential of all sites should be maximised and that higher densities will be supported on sites which have good access to facilities and

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public transport. The primary determinant will be how well the design responds to the general character of the area, which is discussed in more detail in subsequent sections of this assessment.

The housing development would need to meet the requirements for sustainable construction as required by policy CP11 of LPP1 which sets out energy and water usage requirements.

Policies CP13, and DM15 – DM18 set out the criteria for new development in order to ensure that it respects and responds positively to the qualities and characteristics of the surrounding area and that its layout, scale and design provide a satisfactory level of accommodation for its residents without having an adverse impact on those of neighbouring properties. These aspects are assessed in more detail in subsequent sections of this report.

### **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 would see 11 dwellings accessed off Tanners Lane.

Policy 2 (ii) requires a number of design elements, including a buffer along Tanners Lane and land to the East, accessed solely off the Carpenter's Field development and is distinct from the adjacent development.

The application would be accessed off Tanners Lane and therefore part of Policy 2(ii) cannot be complied with. Concerns have been raised in regard to the location of the access referring to the character of the area. It is considered that the proposal would introduce a new access immediately adjacent to the existing access for the Elms and the pedestrian access to the Carpenter's Field development. The allocation policy specifically requests a landscape buffer along Tanners Lane. As a result of the retention of the existing dwelling (with its own access), and the introduction of a further unplanned access, the landscape buffer along Tanners Lane is reduced and interrupted. It is considered that having two vehicle access roads in such close proximity would increase vehicular traffic, would be a stress on this road and detrimental to the existing low-density edge character of the village resulting in harm to the character of the area.

Policy DM23 addresses rural character in terms of visual and physical impacts as well as the impacts on tranquillity. When considering tranquillity policy DM23 specifically mentions lighting and noise. Whilst it is noted that the site is located adjacent to existing development, the rural character is abundant and a clear character feature of this edge of village location. The minimal traffic and road use of Tanners Lane is a key contributor to this character. The proposal would introduce a significant intensification of use to the

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quiet area that would extend the semi urban village character into the very tranquil and rural area around the application site.

Policy DM23 also requires that rural lanes, such as Tanners Lane, are not altered to accommodate development as this would erode the rural character of the area. Further changes to the lane are required to ensure it is safe from a technical perspective. It is considered that the proposal would require changes to the lane to accommodate the development to a level that would harm the rural character.

Policy DM15 requires that proposals respect qualities, features and characteristics that contribute to the distinctiveness of a local area. As described above it is considered that the proposal would detract from the tranquillity and character of the area.

As such it is considered that the proposal would be contrary to policy DM23 and DM15

In terms of design and layout no contextual analysis of the area has been completed to inform the design. It is noted that immediately to the west of the site is a new build estate however looking at the wider context of the area there is a mix of 2 storey and single storey dwellings, with a prevalence toward chalet style bungalows. Therefore, while the proposed housing design would not meet the prevailing character of the area it is not considered that this would result in harm to a degree that would support a reason for refusal on its own.

Due to the use of Tanners Lane for access, and the removal of part of the wider allocation site, the land available for development has been constrained. As a result, in terms of layout the proposal appears cramped. This is highlighted by the proposed parking areas for some dwellings being on the opposite of the access road resulting in a very urban layout for the site that is contrary to the character of the area, being on the rural edge of the settlement. The layout also does not relate to the recent development to the west, which has a clear access road which now terminates at the side elevation of plot 4.

The Landscape Architect has also highlighted the layout as being unsatisfactory. It is considered that key features would be reduced in order to increase the level of development. In this instance plots 1-3 would be squeezed into the remaining space between the proposed access road and the substantial hedge along the eastern boundary putting pressure on the hedge row which is an unacceptable layout form.

Therefore, the proposal fails to comply with policies CP13 of the Local Plan Part 1, DM15 and DM16 of the local Plan Part 2 and policy 2(ii) of the Denmead neighbourhood plan.

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

The application site is located 0.6 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

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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, it is considered that the development would be read within the context of Denmead village. Therefore, an adverse impact on the National Park and its statutory purposes is not identified. However, it is noted that concerns have been raised regarding external lighting. Therefore, should the application have been considered acceptable in other ways conditions requiring details of external and street lighting.

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 Elms is adjacent to the site comprising a large dwelling with a number of outbuildings that overlook the application site. The proposal would reduce the amenity space of the existing residence however this would be to a reasonable degree that would not be out of keeping with the character of the area.

The access road would be located adjacent to the outbuildings that would be retained for the residence and therefore it is not considered that the proposal would result in overlooking, overbearing or loss of light to the Elms.

There are a number of dwellings to the west of the site within the Carpenter's Field development. These dwellings would all be a minimum of 8m from these properties and therefore it is not considered that these properties would be impacted by overlooking, overbearing or loss of light.

The application includes a pumping station for foul water. A noise statement has been submitted that demonstrates that noise levels would be to an acceptable degree. It is therefore considered that this aspect of the proposal is acceptable.

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

### **Sustainable Transport**

As highlighted above, the proposal includes a new access from Tanners Lane rather than the Carpenter's field development that is required by policy.

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An alternative access off Tanners Lane has been proposed, including a modest pedestrian access to link to the existing crossing at Tanners Lane into the POS to the north, and passing places to be added along Tanners Lane.

Tanners Lane is a narrow single-track road that is accessed off Black Horse Lane and Kidmore Lane, both single track roads. The applicant has proposed localised widening of Tanners Lane in three places, two to the west of the access and one to the east of the site. These would widen the road to 4.8m which is considered to be acceptable from a technical perspective. The Highways engineer is supportive of this approach subject to a S278 agreement. Therefore, from a highways safety perspective this element is considered to be acceptable.

Whilst found acceptable from a technical highways perspective, the use of Tanner Lane and the required amendments adversely harm the rural character of this area.

The technical approval of Tanners Lane does not outweigh the harm identified.

In terms of parking, as highlighted in the Impact on Character Area section, while the quantum would meet the requirements of the Parking SPD it is considered that the cramped layout of the site and its isolated position due to the location of the access would lead to over spill parking that cannot be accommodated on the site or surrounding rural roads.

Therefore, the proposal fails to comply with policy CP10 of the Local Plan Part 1, DM18 of the Local Plan Part 2 and policy 2(ii) of the Denmead Local Plan.

### **Ecology and Biodiversity**

The application site is comprised of land surrounded by priority habitats. As such a preliminary ecological assessment has been undertaken. This document has recommended additional surveys in relation to bats, reptiles and amphibians. These have not been submitted and therefore it is not possible to properly assess the impact on protected species due to lack of information. As a result, adverse harm is likely to be caused to protected species, contrary to the Habitat Regulations and policy CP16 of the Local Plan Part 1.

### **Appropriate Assessment.**

The application will have a likely significant effect in the absence of avoidance and mitigation measures on European and Internationally protected sites as a positive contribution of 10.43Kg/N/year is made. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Winchester City Council Position Statement on nitrate neutral development and the guidance on Nitrates from Natural England.

The authority's appropriate assessment is that the application coupled with a mitigation package secured by way of a Grampian condition complies with this strategy and would result in nitrate neutral development. A Grampian condition would therefore have been



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included had the application been successful. A reason for refusal has been included to obtain this detail in the event that the decision is appealed.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework (2023).

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

### **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 a condition to secure the submission of design-stage data prior to the commencement of development and as built data prior to occupation to ensure this is complied with.

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

### **Sustainable Drainage**

The proposal includes a foul water pumping station that would pump water up to the mains pipe along Kidmore Lane. Little information has been submitted in relation to this and should the application have been considered acceptable in other ways conditions for further details and a maintenance plan would have been recommended.

In terms of surface water, the site is located within flood zone 1 and therefore is considered to be at low risk of flooding from rivers or sea. Infiltration testing has been conducted that demonstrates surface water infiltration in this area is not viable. An attenuation tank, and permeable paving have been suggested with a runoff rate of 2 litres per second into the existing drain to the south. The proposed system would be managed by a management company and therefore should the application have been considered acceptable in other ways a condition requiring a management plan would have been recommended.

The nearest watercourse is located 741 metres to the River Meon. Due to the intervening distance the accidental input of contaminants into the watercourse is not likely. In addition, the application is using a connection to the formal sewerage system and the site will connect to the Budds Farm treatment works.

Therefore, the proposal complies with policy CP15 and DM15.

## **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 are a number of trees on the site which are focused within the western part of the site and along the southern boundary.

It is considered that the trees along the southern boundary form part of the rural character of the area and contribute to the visual amenity of the area and the larger specimens would be retained.

An arboricultural report has been submitted that confirms the removal of approximately 52 trees to facilitate the proposal. The trees proposed for removal are largely category B and C and therefore would not represent the better specimens on the site.

A landscaping plan has been submitted that shows approximately 60 replacement trees are proposed. The quantum of replacement trees is considered to be acceptable. The plan indicates a native mix of whips. While this is an acceptable species mix further clarity on what native species would be required. Due to the level of visual amenity that the current trees provide, larger specimens of trees should be provided. Therefore, should the application have been considered acceptable in other areas, a condition for planning schedules and sizes would have been recommended.

Therefore, the proposal therefore complies with policy DM24.

## **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 11 dwellings on the site located on the edge of the village of Denmead. The proposal would not meet the policy requirements of 2(ii) of the Denmead Neighbourhood Plan.

The proposal would include an access from Tanners Lane with limited pedestrian links to the village and other key areas. While the access is considered acceptable in terms of highways safety it is considered that in terms of impact on the character of the area this would not be acceptable.

The applicant has raised that the preferred access as dictated within the policy is subject to multiple ransom strips. While this is noted it is not considered that this is sufficient justification to outweigh the harm to the character of the area that has been identified.

The proposed layout is cramped and is not considered to reflect the edge of village character resulting in the removal of a substantial number of trees, and hedging, as well as the reduction in the significant hedge along the eastern boundary to accommodate development. Additional parking demand cannot be accommodated on the site due to its cramped layout and isolated position.

Insufficient information regarding ecology has been submitted and therefore the full impact on protected species cannot be assessed.

It is acknowledged that the application site is allocated for housing in the Denmead Neighbourhood Plan, and this has carried weight within the decision-making process. However, the proposal fails to meet the expectations of the associated allocation policy. Taking account of the issues highlighted within this report and the harm caused to the local area, the application would not provide a high-quality development suitable for this location.

As a result, the benefits of achieving the site's allocation for housing is not outweighed by the harm and conflict with the Development Plan identified.

### **Recommendation Refuse** for the following reasons:

1. The proposed development is contrary to Policy 2(ii) of the Denmead Neighbourhood Plan, Policies MTRA2, CP10 and CP13 of the Local Plan Part 1 and DM15, DM16, DM18 and DM23 of the Local Plan Part 2 in that it:
  - presents an unacceptable cramped layout due to the use of Tanners Lane for access and the removal of part of the allocation site and the constraints this introduces. The layout and density fail to take account of the site's countryside setting and local context and do not provide an appropriate landscape buffer to Tanners Lane.
  - would result in a loss of tranquillity to the surrounding rural area which would be exasperated by the works to Tanners Lane. The changes required to Tanners Lane to make the proposed access acceptable would also result in

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the corrosion of the rural character to the detriment of the character of the area and the rural setting of the village.

- has a constrained layout and isolated access to the site, therefore, additional parking on the site for visitors and residents with additional cars beyond the SPD requirements would lead to over-spill parking that cannot be accommodated on the site or the surrounding rural lanes.
2. The proposal would be contrary to policy CP16 of the Local Plan Part 1 in that insufficient information has been submitted by way of additional surveys to confirm that the proposal would not result in harm to protected species.
  3. 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).
  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.

**Informative:**

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

Local Plan Part 1 Joint Core Strategy: DS1, MTRA2, CP2, CP10, CP13, CP16,

Local Plan Part 2: DM1, DM15, DM16, DM17, DM18, DM23, DM24

Denmead Neighbourhood Plan: Policy 1, Policy 2(ii), Policy 3