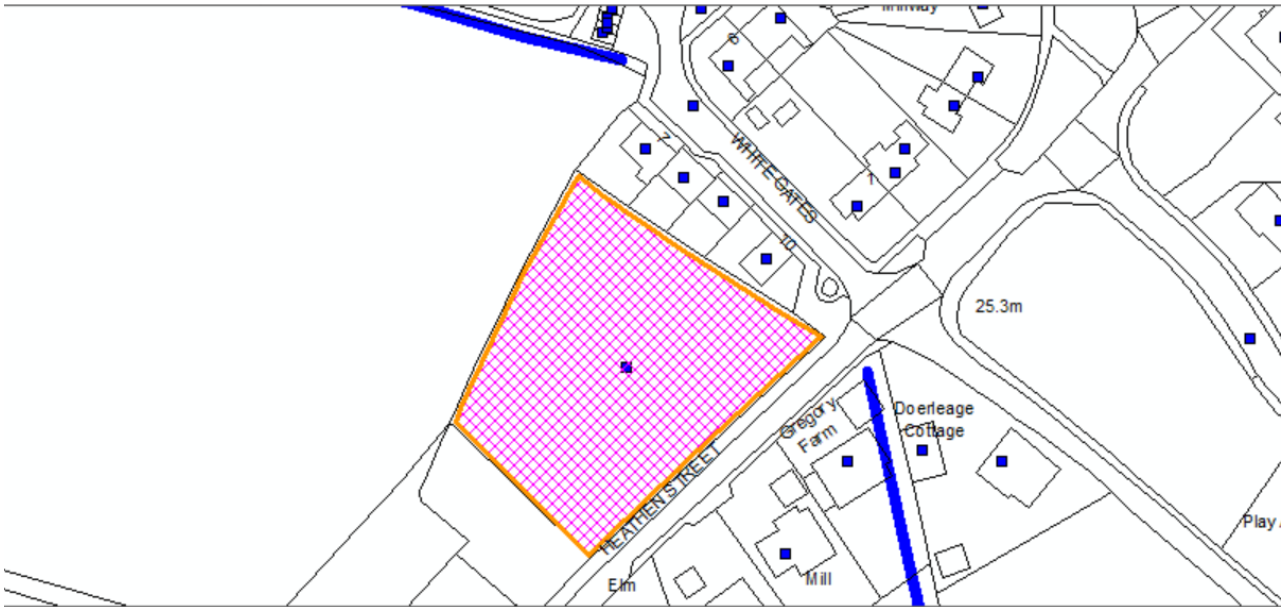


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 24/01751/FUL
Proposal Description: Construction of 4 x single-storey, timber-clad cabins for use as holiday lets.
Address: Land Adjacent to The Farmers Home, Heathen Street, Durley Hampshire
Parish, or Ward if within Winchester City: Durley Parish Council
Applicants Name: Mr S Hussey
Case Officer: Ethan Townsend
Date Valid: 22 August 2024
Recommendation: Permit
Pre-Application Advice Yes

Link to Planning Documents

[Link to page – enter in reference number 24/01751/FUL](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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Reasons for Recommendation

The development is recommended for permission as it is considered that the development complies with Policy MTRA4 of the LPP1, and it will not have a significant adverse impact on the character of the area in accordance with Policies DM15 and DM 16 of the LLP2 and would not harm neighbouring residential amenity in accordance with policy DM17 of the LPP2.

General Comments

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

Amendments to Plans Negotiated

None

Site Description

The site comprises a flat open field located to the north of Heathen Street. The application site is currently maintained as grassland. It is bounded on all sides by hedgerows and trees. The site is situated in a residential area of this rural village, with dwellinghouses found to the east and south of the site. To the southwest of the site lies the Farmers Home Public House and its grounds. There are public rights of way near the site, with one running from the end of Whitegates to the northeast and heading in a northeasterly direction. Another public right of way from the southwest ends near the entrance to the site.

Proposal

The proposal seeks consent for the erection of 4 timber-clad cabins with a tiled pitched roof to be used as tourist accommodation and associated landscaping. The cabins are single-storey, and each have 1 double bedroom and a twin room with open plan living/kitchen/dining area. Two parking spaces are provided per cabin.

Relevant Planning History

- 79/01625/OLD - Erection of 6 dwellings and garages – Refused 05/12/1979

Consultations

Service Lead – Engineering (Drainage) – No objection subject to condition.

Service Lead – Sustainability and Natural Environment (Ecology) – No objection subject to conditions

Service Lead – Sustainability and Natural Environment (Trees) – No comments

Service Lead – Public Protection (Environmental Health) – No objection

Hampshire County Council (Highway Authority) – No objection

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Natural England - Statutory Advice

Southern Water – No objection

Representations:

Durley Parish Council:

Durley Parish Council objects to this Application as this site is on agricultural land and is not considered in-fill, or suitable for development. This proposal has large gardens and will become permanent residential development rather than holiday lets. Durley already has numerous holiday lets within the village – some are used as holiday lets, but others are residential and there appears to be no monitoring of the properties once approval is given as to who lives in them. This area of Durley is also prone to flooding and it would not be a suitable location for more development. The drainage systems and sewerage systems currently in place would not cope with more water as it cannot cope with the properties now. Councillors are also concerned about the additional light pollution these properties will generate.

As there are many objections from Durley residents we would like to have this Application heard by a Committee rather than by a delegated Officer.

36 letters of objection received from 30 addresses within the Winchester district citing the following material planning reasons:

- Principle of development
 - Compliance with Policy MTRA4
 - Unsuitability of holiday lets in this location
 - Loss of countryside
 - Unsustainable location with lack of amenities
 - Planning history of nearby sites

- Character and appearance of the area
 - Loss of visual gaps
 - Harm to the tranquillity of this rural village
 - Proposed holiday lets differ in appearance to surrounding brick-built dwellinghouses
 - Overdevelopment of the site

- Flooding, drainage and wastewater
 - History of flooding in the site's surroundings
 - Concern over impact on sewage network

- Highways
 - Additional traffic on road will impact road safety
 - Poor condition of existing roads
 - Site is accessed via narrow lines
 - Proximity to a junction

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- Amenity
 - Noise pollution
 - Light pollution
 - Potential for anti-social behaviour with unrestricted use of holiday let
 - Overlooking, loss of privacy and loss of light to neighbouring properties
- Biodiversity and ecology
 - Harm to habitats
 - Light pollution

4 Supporting Representations received from different addresses within and outside the Winchester district citing the following material planning reasons:

- Boosts in local tourism and economy
- Minimal visual impact of development
- Support for the low-key design of the proposal
- Suitable location for holiday lets

Relevant Government Planning Policy and Guidance

National Planning Policy Framework (December 2023)

Section 2 Achieving Sustainable development.

Section 4 Decision Making

Section 6 Building a Strong Competitive Economy

Section 8 Promoting healthy and safe communities.

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

Climate Change

Consultation and pre-decision matters

Design: process and tools

Environmental Impact Assessment

Flood risk and coastal change.

Planning Obligations

Use of planning conditions

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

DS1 - Development Strategy and Principles

MTRA4- Development in Countryside

CP11 - Sustainable Low and Zero Carbon Built Development

CP13 - High Quality Design

CP14 - Effective Use of Land

CP16- Biodiversity

CP17 - Flooding, Flood Risk, and the Water Environment

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

DM1 - Location of New Development

DM13 - Leisure and Recreation in the Countryside

DM15 - Local Distinctiveness

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DM16- Site Design Criteria
DM17- Site Development Principles
DM18- Access and Parking
DM23-Rural Character
DM24- Special Trees, Important Hedgerows and Ancient Woodlands

Supplementary Planning Documents

National Design Guide 2019
High Quality Places 2015
Air Quality Supplementary Planning Document 2021
Residential Parking Standards 2009

Other relevant documents

Climate Emergency Declaration, Carbon Neutrality Action Plan 2020-2023.
Nature Emergency Declaration.
Statement of Community Involvement 2018 and 2020
Landscape Character Assessment March 2004 and emerging LCA December 2021

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.

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.

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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 application site is situated in Durley. Durley does fall within Policy MTRA3 of the LPP1 as a settlement with no clearly defined settlement boundary, where development which consists of infilling of a small site within a continuously developed road frontage may be supported. It is not considered that the site is situated within a continuously built-up frontage therefore the development does not meet Policy MTRA3.

The site is not allocated for development within the existing development plan or emerging development plan. However, Policy MTRA4 of the Local Plan Part 1 allows for low key tourist accommodation appropriate to the site, location and setting, provided that the development is in accordance with the policies of the Development Plan and unless material planning reasons indicate otherwise. This policy is therefore closely aligned with paragraph 88 (c) of the NPPF (2023) which states that planning decisions should enable 'sustainable rural tourism and leisure developments which respect the character of the countryside'.

Comments have been received regarding the planning history of another site Land Adjacent to Sunnyside Durley Street, where application 20/00784/FUL and the subsequent appeal (APP/L1765/W/20/3260587) were refused for 6 dwellings. This application failed to represent infilling and therefore failed to meet Policy MTRA3 and Policy MTRA4 did not apply. Whereas, under this proposal, the principle of development stands to be assessed under Policy MTRA4 for countryside development.

Comments have also been received regarding the site's unsuitability for tourist accommodation due to its rural setting. The site is located adjacent to the Farmers Home Public House, which provides a valuable facility for locals and visitors. Given the rural nature of the area, it is anticipated that the primary mode of transport for visitors will be vehicles, particularly as there are no local convenience shops within walking distance. However, it is also noted that the site is located close to public pathways, allowing visitors to easily participate in more active and sustainable modes of travel and connecting them with the countryside.

Policy MTRA4 does not define what level of development is considered "small-scale", therefore this is assessed on a case-by-case basis depending on the site and its context. In this case, the site is a sufficient size to accommodate four units without being overdeveloped. The units themselves are simple in design and modest in size. They would appear as a collection of modest buildings on the site. Therefore, due to their modest scale, design and appropriate layout, they are considered to constitute small scale tourist accommodation.

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As assessed further in this report, in the character and appearance and neighbouring amenity sections of this report, the cabins are considered to be sited in an appropriate location and setting and they would not result in adverse visual harm or noise pollution. The siting and operation of these units is considered to be low-key. The principle of development is therefore acceptable subject to compliance with the development plan as a whole and material planning considerations.

Assessment under 2017 EIA Regulations.

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

Impact on character and appearance of area

The application site is within a rural area with a residential character to the surroundings. The site is surrounded by dwellinghouses to the northeast on White Gates and to the south of Heathen Street. There is a Public House to the southwest of the site. To the north of the site lie open fields.

As the site is located within the countryside, due regard is given towards policy DM23 which seeks to protect an area's rural characteristics. The proposal would see the erection of 4 two-bedroom, single-storey tourist accommodation units. These buildings would utilise a different material palette to the two-storey brick built dwellinghouses found to the south of the site (on Heathen Street), or the single-storey brick-built dwellings on Whitegates. The design and proposed materials would help distinguish these buildings from surrounding properties to ensure they are clearly seen as structures associated with tourist accommodation (and not that of a residential dwelling).

The proposed holiday lets are simple and traditional in design, suitable within a rural setting. The single-storey nature of the development is considered suitable in this setting to ensure that the cabins appear low-key. They have a small-scale and subservient appearance. The use of natural materials helps reflect the rural character of the surrounding area. A condition is included to ensure that the external facing materials are suitable and of high quality.

The proposed cabins are spread out within the site. This is considered acceptable as a looser grain of built development is expected within rural areas. Due to the front boundary hedging, the majority of the buildings will be well-screened from public viewpoints on Heathen Street. If this hedge was lost, the proposed holiday lets would become prominent within the street scene. Given the importance of this hedgerow in maintaining rural character and providing screening for the proposed development, a condition will be attached to ensure it is retained in perpetuity.

Partial views of the holiday lets will be possible from the entrance to the site. There is a public right of way to the southeast of the site, which ends as it joins Heathen Street, near the entrance to the site. However, it is noted that the proposed landscaping plan includes hedging and planting which will assist in decreasing the visibility of the proposed holiday lets. From vantage points where the holiday lets will be partially visible, given their small-scale nature, simple design and the proposed landscaping works, they would not be adversely harmful to rural character or the area or the public right of way.

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There is another public right of way which starts at the end of Whitegates, located 25 metres to the northeast of the site. This PROW travels through the field located to the rear of the application site. The northern (rear) boundary of the site is lined with trees which would partially screen the holiday lets. Whilst partial views of the proposed holiday lets may be possible, as set out above, the development is of a scale that is in keeping to that of small tourist accommodation with an external appearance in-keeping to the rural nature of the area.

The proposal involves soft and hard landscaping. Gravel pathways would be formed within the site for vehicular/pedestrian movements. The parking areas will also be formalised with gravel surfacing. The extent of surfacing is not considered to be excessive; it allows for safe movement of vehicles within the site. The proposed surfacing material is considered appropriate within this rural setting. A section of block paving is required at the vehicular entrance to the site. Given the modest extent of block paving, it is not considered that this element is harmful.

Parking is spread throughout the site located to the front of each unit. This allows the use of intervening landscaping including hedging and is preferable to a single parking area which is not appropriate for this rural area.

The proposed tree and hedgerow planting is supported as it respects the rural character of the area. A condition will be attached to ensure that the development is carried out in accordance with the landscaping plan.

In order to prevent the holiday lets from becoming permanent residential accommodation, which would be contrary to Policy MTRA4, it is necessary to attach a condition restricting their use to holiday let accommodation. Such a condition ensures that only one individual may occupy the unit for a maximum period of 4 weeks and for no more than 3 times per year with a break between each occupation, by the same occupier for a minimum of 4 weeks. The condition also requires the applicant to keep a register of the names of the occupiers of the unit as well as their arrival and departure dates and the council can request that this is produced for review at any given time in order to ensure that the unit is being used in line with the terms of the permission.

Based upon the above assessment it is not considered that an adverse impact is not demonstrated upon the character and appearance of the existing site and surrounding area as it does not demonstrate visual intrusion, adverse impact upon the areas tranquillity nor does it detract from the enjoyment of the countryside from the public realm. The development therefore accords with policies DS1, CP20, MTRA4 of the LPP1 and DM15, DM16, DM23 of the LPP2.

Development affecting the South Downs National Park

The application site is located circa 2 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
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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 site is located adjacent to the residential properties on the western side of Whitegates. These properties are homes for the elderly where amenity is a key consideration. The residential properties to the south on Heathen Street are located a sufficient distance from the proposed units to ensure no adverse overlooking, overbearing or overshadowing impact.

Unit 4 and its associated amenity space would lie adjacent to number 10, 9, 8 and 7 White Gates. The side elevation of plot 4 would be located 3 metres from the hedge and 7 metres from the side wall of 10 White Gates. The proposed structure would have a ridge height of 5.5m and eaves height of 2.65 metres. Whilst the proposed building would be visible from this neighbouring property's garden, given the modest setback and the existing boundary hedging, it is not considered that the proposal would be overbearing. Similarly, the ground-floor window on the side elevation of Unit 4 would not result in an adverse level of overlooking into the garden and habitable rooms of 10 White Gates due to the proposed landscaping works which would increase the height of the boundary hedge. Due to the positioning of Unit 4 which is to the south-west of 10 White Gates, there would be an impact upon light received by the garden and side-window, however, due to the distance and modest height of the development, it is not considered to be significantly adverse that would warrant a reason for refusal on the application.

With regards to the rest of the properties at White Gates, they would be sited further away from unit 4. They would back onto its amenity space, however, given the height of the hedge, an adverse overlooking impact is not anticipated.

Concern has been raised with regard to the potential noise disruption from holiday lets. The proposed holiday lets are of a limited size, with each having 2 bedrooms (one double and a twin room). It is acknowledged that there is no mechanism in place to stop group bookings if they are all booked separately. The Council's Environmental Health team have been consulted with regards to concerns on noise and they have no objections. Noise disruption can be handled under separate Environmental Health nuisance legislation if it occurs. Nonetheless, planning conditions can provide a level of control which would limit the potential for noise impact. A Noise Management Plan is conditioned under condition 13. This would be an enforceable Plan which allows the LPA and local residents to see how noise from guests will be controlled and detail the provisions in place for occupiers who fail to comply. Given the spacious nature of the site, the limited size of these cabins,
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and the suggested condition, it is considered that noise intrusion will be limited, and the proposal therefore complies with policies DM17 and DM20 in this regard.

Sustainable Transport

The site will provide ample parking space for the 4 cabins, in accordance with the Residential Parking Standards SPD (2009). The existing access to the site will be widened to 5.5m and there will be visibility splays of 2.0m x 43m on both directions which accords with HCC TG3.

The site is located near the junction of Heathen Street, White Gates, Kytes Lane and Gregory Lane with a speed limit of 30mph. Whilst the proposal will have an increase in traffic generation compared to the existing use, the nature of the surrounding roads being narrow with various bends does lend itself to being driven at reduced speeds. Similarly, given the good visibility splays, this will allow users to leave the site in a forward gear. The Highway Authority has been consulted on the application and they have no objections to the proposal. The Highway Authority are satisfied the number of trips the proposed development is likely to generate will not have a severe impact on the local highway network. Therefore, in light of the above, it is not considered that a reason for refusal could be sustained on highway safety grounds.

The proposal therefore complies with policy DM18 of the LPP2.

Ecology and Biodiversity

A preliminary ecological appraisal (June 2022) and updating survey (July 2024) were provided by Ecosupport. The report identifies that the grassland is considered to be of low potential for foraging and commuting bats. The hedgerows on site are considered to be of high potential for hazel dormouse and as such the Authority's Ecologist has recommended that the works are carried out in accordance with the recommendations set out within the report. Similarly, a Construction Environment Management Plan will be conditioned to ensure that there is no harm to badgers and nesting birds. In addition, a condition requiring details of external lighting has been added to mitigate any harm to any bats.

The Updating Survey identifies the following biodiversity enhancement features that will be implemented on site: four bird boxes, a hedgehog home, a swift brick and a bat brick per lodge, and two dormouse nest boxes. Subject to conditioning these enhancements, the proposal would comply with Policy CP16 of the LPP1.

BNG

The proposed development is subject to the Biodiversity Net Gain requirement. At this stage, the Authority's Ecologist has reviewed the information and identified that it is acceptable. Further detail will be required in the Biodiversity Gain Plan/Habitat Management and Monitoring Plan which will form part of a pre-commencement condition. The site is capable of providing a 10% net gain in biodiversity in accordance with Schedule 14 of the Environment Act 2021.

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Solent

The site lies within 5.6km of the Solent SPA where any new overnight accommodation would contribute towards an impact on site integrity as a result of increased recreational disturbance. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy. The authority's assessment is that the application coupled with the contribution towards the SRMS secured by way of legal agreement complies with this strategy and it would successfully mitigate any adverse effect on the integrity of the designated sites.

The development therefore complies with The EU Habitats Directive and Conservation of Habitats & Species (Amendment) Regulations 2011 and contains an Appropriate Assessment as Competent Authority (if required).

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 6.05 KgTN/yr 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. It can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above in this regard.

The site is outside of the River Itchen catchment and Phosphorus mitigation is therefore not required.

This represents the authorities 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 2018.

Under Reg 63(4) of the Habs Regs the Council considers that 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 developments to achieve Level 5 for the Energy aspect of the Code for Sustainable Homes and Level 4 for the water aspect. Condition 6 is included and secures the submission of design-stage data prior to the commencement of development above damp-proof course to ensure this is complied with.

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A further condition then requests as-built data prior to the occupation of the unit to ensure that the requirements have been met. This is under condition 12.

Sustainable Drainage

The application site lies within Flood Zone 1 where there is a very low chance of fluvial flooding. There is also a low risk of pluvial flooding at the site, but there is a chance of occurring nearby. The Authority's Drainage Engineer has been consulted and they have no objections to the proposal subject to the standard drainage pre-commencement condition being attached. They note that by using a proper SuDS it is possible to maintain or even lower the risk of pluvial flooding. Given that the proposal would result in the development of this undeveloped land, a bespoke SuDS will be required to mitigate any additional surface water runoff.

Block paving is proposed at the access point to the site, however, the rest of the surfacing will be comprised of gravel. The use of a porous material is supported.

With regards to foul water drainage, the application form indicates that the site would be connected to the main sewer. Southern Water have been consulted on the proposal and they note that they can facilitate the foul sewerage and surface water run off disposal to service the proposed development. The mechanism for connecting a new development to a sewer is controlled outside of the planning system. Whilst it is recognised that a significant number of comments relate to concerns regarding surface water and foul water drainage, in this instance, given the comments from consultees and Southern Water, it would not be reasonable to refuse an application on these grounds.

Therefore, subject to the attached condition, the proposal is considered to comply with policy CP17 and DM17 of the LPP1.

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.

The application has been accompanied by a tree survey. Nine trees line the rear boundary of the site and are in varying condition. A small ash tree is located to the north of the site entrance. The proposed holiday lets would be sited outside of the root protection areas of these trees. Due to the distance, it is not considered that there will be an adverse impact on the trees during construction or the long-term use of the development.

Significant hedgerows line the front boundary of the site (facing Heathen Street) and the north-eastern boundary. The application proposes to reinforce and widen these hedgerows. Similarly, the landscaping plan proposes additional tree and hedgerow planting. The proposal will therefore comply with policy DM24.

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Other Matters

Economic Benefit

A factor that weighs in support of the scheme is the increase in tourism and boost to the local economy as a result of this proposal. The construction phase will require jobs for landscaping and construction. Furthermore, when the development is operational, it will attract tourists who will use local facilities and amenities and jobs will be provided for the servicing and up-keep of the cabins. Given the small-scale nature of the proposal, this benefit carries modest weight.

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 principle of the development within the countryside is acceptable and the development would not have a significant adverse impact upon the character and appearance of the area, or upon the amenities of the neighbouring properties. The concern over flooding and highways is noted, however, in light of specialist comments and recommended conditions, it is not considered that a reason for refusal could be sustained on these grounds.

The proposal complies with policies DM1, DM15, DM16, DM17, DM18, DM23 and DM24 of the Local Plan Part 2 (2017) and policies MTRA4, DS1, CP11, CP13, CP16 and CP17 of the Local Plan Part 1 (2013) and the High-Quality Places SPD.

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Planning Obligations/Agreements

In seeking the planning obligation(s) and/or financial contributions for..., the Local Planning Authority has had regard to the tests laid down in para 57 of the NPPF which requires the obligations to be necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

Recommendation

Application approved subject to:

1. Provision of a Unilateral Undertaking to secure:
 - Solent Recreational Mitigation Payment

(Note: If the Legal Agreement is not completed within 6 months, then the application may be refused without further reference to Committee)

And;

2. The Following Conditions:

Timeframe

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

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

Approved Plans

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

- Plans and Elevations Plot 1, drawing no FP.01, received 13/08/2024
- Plans and Elevations Plot 2 & 3, drawing no FP.02, received 13/08/2024
- Plans and Elevations Plot 4, drawing no FP.03, received 13/08/2024
- Proposed Site Access, drawing no ITB18126-GA-001, received 13/08/2024
- Site Plan, drawing no SL.01, received 13/08/2024
- Landscape Plan, drawing no 518-1-R3, received 04/11/2024

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

General Restrictions

3. The tourist accommodation hereby permitted shall be used for holiday accommodation only which shall be limited to any one occupier occupying any unit for a maximum period of 4 weeks and for no more than 3 times per year, with a break between each occupation, by the same occupier, of 4 weeks.

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A register of the names of the occupiers of the unit and their arrival and departure dates shall be kept by the developer and shall be produced to the Local Planning Authority upon reasonable notice.

Reason: To accord with the terms of the application since the site lies within an area where residential properties would not normally be permitted.

Pre-commencement

4. No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the proposed holiday lodges; hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

5. Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

The approved details shall be fully implemented before occupation of the building.

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

6. No development above damp proof course level of the development hereby permitted shall take place until detailed information demonstrating that the development will achieve a dwelling emission rate (DER) at least 19% lower than the 2013 Part L Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and no more than 105 Litres per person per day predicted internal water use (110 Litres per person per day total) (Equivalent of Code for Sustainable Homes Level 3 / 4) in the form of a 'design stage' Standard Assessment Procedure (SAP) calculation and a water efficiency calculator shall be submitted to and approved in writing by the Local Planning Authority.

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

7. In making an application to discharge the biodiversity gain condition prior to the commencement of development on site the following information shall be provided:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- (b) the pre-development biodiversity value of the onsite habitat;
- (c) the post-development biodiversity value of the onsite habitat;
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- (e) any biodiversity credits purchased for the development; and
- (f) any such other matters as the Secretary of State may by regulations specify.

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Reason: To ensure an appropriate setting to the development and to secure a net gain in biodiversity in accordance with the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 and paragraph 186 of the National Planning Policy Framework (2023)

8. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP) has been submitted to and approved in writing by the local planning authority. This shall be prepared in accordance with the approved Biodiversity Gain Plan under Condition 7. The HMMP shall include the following details:

- (a) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - (b) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - (c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
- The approved habitat creation and enhancement works shall be implemented in full within six months of the date of their written approval. Notice in writing shall be given to the Local Planning Authority once the habitat creation and enhancement works as set out in the HMMP have been completed

Reason: To ensure an appropriate setting to the development and to secure a net gain in biodiversity in accordance with the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 and paragraph 186 of the National Planning Policy Framework (2023)

9. A Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This shall outline how construction will avoid, minimise or mitigate the effects of physical damage, pollution, dust, noise and lighting disturbance. This shall include a plan showing the construction area as well as the specification and location of any necessary fencing. This should also include any precautionary methods of works for hedgerows on site and any mitigation measures for badgers and nesting birds.

Reason: To protect and maintain the integrity of the site in accordance with CP16 of the LPP2.

Prior to occupation

10. Prior to the occupation of the holiday lets, the hard landscaping of the site as set out in the Site Plan (drawing no SL.01, received 13/08/2024) and the access arrangements set out in Proposed Site Access plan (drawing no ITB18126-GA-001, received 13/08/2024) must be completed.

Reason: To ensure that the highway visibility splays and suitable access arrangements are completed within an acceptable timeframe.

11. The development hereby permitted shall NOT BE OCCUPIED until:

- a) A water efficiency calculation which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to and approved in writing by the Local Planning Authority

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- b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to and approved in writing by the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European sites by the development and be implemented in full prior to first occupation and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
- c) All measures forming part of that mitigation have been secured and submitted to the Local Planning Authority.

Reason: To accord with the Conservation of Habitats and Species Regulations 2017, and Policy CP11, CP16 and CP21 of the Winchester District Local Plan Part 1.

12. Prior to the occupation of the dwelling hereby permitted detailed information, demonstrating that the development will achieve a dwelling emission rate (DER) at least 19% lower than the 2013 Part L Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and no more than 105 Litres per person per day predicted internal water use(110 Litres per person per day total) (Equivalent of Code for Sustainable Homes Level 3 / 4) in the form of an 'as built' stage SAP calculation and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval. The development shall be occupied in accordance with the approved details.

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

13. Prior to the first occupation of the holiday lodges, an Operation Management Plan must be submitted to and approved in writing by the Local Planning Authority.

The Plan must include:

- Details of the arrival and departure times for guests
- A Noise Management Plan including measures taken by the applicant to prevent guest noise and measures taken in the event of a noise disturbance.
- Measures the operator will take to prevent guests causing harm to their environmental surroundings, including conditions of booking, signage and procedures for non-compliance.

The development must then continue in accordance with the approved details.

Reason: To provide certainty on the operation of the lodges in the interests of surrounding residential amenity, rural tranquillity and environmental considerations.

Miscellaneous

14. Soft landscaping must be planted in accordance with the Landscape Plan hereby approved (drawing no 518-1-R3, received 04/11/2024). Planting should take place within the next available planting season following completion of the tourist units or as agreed within the Landscaping Plan.

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If within a period of 7 years a tree or plant dies, becomes infected or defective, an example of the same species must be planted in the same location within the next available planting season.

Reason: To ensure the specific details of the landscaping scheme are acceptable and enforceable.

15. The hedging along the southeastern boundary of the site (facing Heathen Street) shall not be removed at any time without the confirmed written consent of the Local Planning Authority, except for that required to widen the access as set out within the Proposed Site Access Plan (drawing no ITB18126-GA-001, received 13/08/2024).

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

16. Prior to the installation of any external light fitting, a Plan showing the location of any external light must be submitted to and approved in writing by the Local Planning Authority.

The plan must also provide the specification for the light fixture and other measures taken to reduce light spill (including glazing film).

Development must then continue in accordance with the approved details.

Reason: The application site is located in a rural environment and minimal and appropriate lighting will be required in the interests of protecting rural character and local biodiversity.

17. The development shall be carried out in accordance with the mitigation and recommendations and enhancements contained within the Updating Survey by Ecosupport dated 9th July 2024 must be adhered to. The enhancements shall be retained at site in perpetuity.

Reason: The application site is within a sensitive area and biodiversity enhancement must be secured.

Informatives:

1. In accordance with paragraph 38 of the NPPF (2023), Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:
 - offer a pre-application advice service and,
 - update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.In this instance the applicant engaged with pre-application advice service site and the agent was updated with progress of the application.
2. The Local Planning Authority has taken account of the following development plan policies and proposals:

Local Plan Part 1 Joint Core Strategy: MTRA4, DS1, CP11, CP13, CP14, CP16, CP17

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Local Plan Part 2: DM1, DM13, DM15, DM16, DM17, DM18, DM23, DM24
Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
High Quality Places SPD
Car Parking Standards SPD
National Planning Policy Framework

3. This permission is granted for the following reasons: The development is in accordance with the Policies and Proposals of the Development Plan set out above, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.
4. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served. 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.winchester.gov.uk/environment/pollution/construction-sites>
5. During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.
6. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible. For further advice, please refer to the Construction Code of Considerate Practice
<https://www.considerateconstructors.com/resources/the-code-of-considerate-practice/>
7. Please be advised that Building Regulations approval may be required for this development. Please contact WCC Building Control Department for more information (T: 01962 848176, E: buildingcontrol@winchester.gov.uk)
<https://www.winchester.gov.uk/building-control>
8. 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

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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.

The submitted details should be clearly marked with the following information:

- The name of the planning officer who dealt with application
- The application case number
- Your contact details
- The appropriate fee.

Further information, application forms and guidance can be found on the Council's website - www.winchester.gov.uk.

9. HIGHWAY LICENCE: The applicant is advised that the formation of the new vehicle crossing will require the consent of the Highway Authority, Hampshire County Council. Licence applications can be made via Hampshire County Council's website: www.hants.gov.uk/transport/licencesandpermits/roadopening