

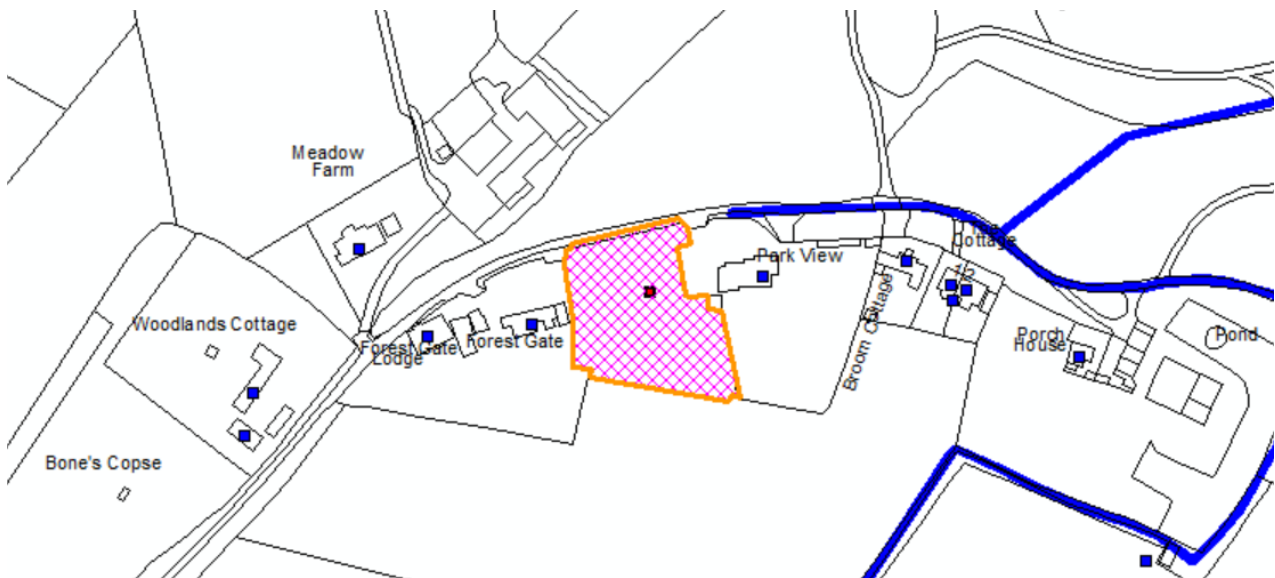
WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Case No:** 23/02638/OUT  
**Proposal Description:** Outline Application for two holiday lets; access; package treatment plant  
**Address:** Land Between Park View And Forest Gate Forest Lane, Wickham, Hampshire  
**Parish, or Ward:** Wickham And Knowle  
**Applicants Name:** Mr K Clifton  
**Case Officer:** Liz Young  
**Date Valid:** 15 December 2023  
**Recommendation:** Permit  
**Pre Application Advice** Yes

**Link to Planning Documents:**

23/02638/OUT

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



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**Reasons for Recommendation**

The development is recommended for permission because it is considered that in terms of quantum and scale it would be sufficiently low key for the purposes of LPP1 Policy MTRA4. The proposal also meets the objectives of the NPPF in relation to enabling the sustainable growth and expansion of all types of business (including tourism related development) in rural areas. Subsequent agreement of detailed development design through the reserved matters submission (alongside appropriate mitigation measures) would ensure sufficient scope to avoid or compensate for unacceptably adverse impacts upon the local environment, highway safety and neighbouring residential amenity.

**General Comments**

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

This is an outline application to seek approval for the principle of development only, all other matters are reserved and will form part of a future Reserved Matters application.

**Amendments to Plans Negotiated**

Amended plans were submitted by the Applicant (21 March 2024). The indicative elevations were amended to show a reduced overall ridge height to the development (7.5 metres reduced to 6 metres). Due to the nature and scale of these changes (which have reduced the overall amount of development) and the fact that the application is submitted in outline form it was not considered necessary to re-publicise the updated plans.

**Site Description**

The application site (open fields) amounts to approximately 0.3 hectares and lies between two detached residential properties (located immediately east and west of the site). There are currently no buildings within the site at present and the roadside boundary is enclosed by a low closed boarded fence. The majority of the site is visible from Forest Lane and the land rises gradually away from this boundary to the south.

A public right of way lies approximately 20 metres east (part of Forest Lane) and just over 80 metres to the southeast of the site. The wider area is predominantly rural and characterised by relatively dispersed development comprising residential dwellings, farmsteads and equestrian uses set amongst fields and woodland. The Wickham Common Site of Importance for Nature Conservation (SINC) lies immediately to the north of the site, across Forest Lane. The administrative boundary with Fareham Borough Council lies approximately 150 metres to the south of the site.

**Proposal**

The application is applying for Outline planning consent (with all matters reserved). This is seeking the approval for the principle of two self-contained, holiday lets on the site.

All other details, including access, layout, design, landscaping, parking arrangements and technical details would be secured as part of a Reserved Matters application.

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This will be applied for separately at a later date and will be subject to further publicity and assessment.

The applicant has however submitted indicative plans to show what could be achieved on the site.

The indicative plans submitted indicate that the units would be semi-detached and would occupy a combined footprint of just under 160 square metres. The plans also indicate that they would be positioned centrally within the site. Indicative floorplans have also been provided which indicate that each unit would comprise 2 bedrooms and would have an internal floor area of just under 70 square metres. The submitted (revised) indicative elevations indicate an overall ridge height of approximately 6 metres.

The indicative plans also show that a new vehicular access could be formed in the northwest corner of the site, along with four parking spaces. The proposed units would be served by a package treatment plant, although details of its siting have not been included as part of the application submission.

### **Relevant Planning History**

Outline Application for two dwellings (23/01468/OUT) Refused 19.09.2023

### **Consultations**

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

- No objection on flood risk grounds
- Infiltration testing is required to establish the suitability of the site for SuDS
- The site's suitability for a drainage field must be determined by percolation testing along with other environmental factors
- Recommend a standard pre-commencement drainage condition for foul and surface water is required to ensure the provision of an adequate and sustainable drainage system

Service Lead – Sustainability and Natural Environment (Ecology) – Make the following comments:

- Biodiversity net gain should be secured through conditions
- A reptile mitigation strategy will need to be agreed prior to commencement and the management of the retained reptile habitat secured in perpetuity
- Further survey work should be undertaken to assess impacts upon bats and to inform development design

Hampshire County Council (Highway Authority) – No objections subject to conditions:

- Minimal increase in use of access / negligible traffic generation
- Conditions required to ensure a non-migratory surface on the proposed access and the approval and implementation of a construction method statement (conditions 16 and 13)

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Natural England - Unable to provide specific advice on this application and therefore has no comment to make

NatureSpace – No objections subject to conditions reflecting the provisions within any correspondence protected species licence (Condition 9)

- Satisfied that the Applicant has provided enough information to satisfy previous Naturespace comment on 13th March 2024 whereby proof of entry into the Council's District Licence Scheme via provision of a NatureSpace Certificate was required.

Fareham Borough Council – No comment

Southern Water – Advise as follows:

- The Environment Agency should be consulted directly by the Applicant regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation
- The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development
- It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site

**Representations:**

Wickham and Knowle Parish Council - Wickham and Knowle Parish Council OBJECT to this application for the following reasons:

- The application is contrary to policies MTRA3 and MTRA4 of the Winchester District Local Plan Parts 1 as it would result in additional properties in a countryside location with no justification.
- The proposed development is contrary to Policy CP15 and CP16 of the Winchester District Local Plan Part 1 - Joint Core Strategy, in that it fails to protect and enhance biodiversity across the District by failing to make appropriate provision for the Solent Disturbance and Mitigation Charge Zone. As a result, it is considered that the proposed development would result in significant harm to the Special Protection Area (SPA) and the species that it supports, therefore contravening the legal requirements of the Wildlife and Countryside Act 1981, the Habitat Regulations.
- The proposal is contrary to policy DM23 in that it would result in a harmful physical and visual impact on the rural character of the area especially in relation to the views from the Public Right of Way to the east of the site.

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Six objecting representations received from six different addresses within the Winchester City Council administrative area raising the following concerns:

- The site has not previously been developed
- The site is not appropriate for the development of tourist accommodation
- Two residential properties were previously refused on the site and the current proposal is not significantly different
- It has not been demonstrated that holiday accommodation would be viable on the application site
- If permitted, the holiday lets could become open market dwellings in future
- Details of pre-application advice have not been included on the application form
- The nutrient budget does not accurately reflect the size of the site or its land use
- Forest Lane is a single-track road with few passing spaces and is used by a number of walkers, horse riders, runners and cyclists. It is therefore unsuitable for increased volume of traffic
- The site is part of an important wildlife corridor
- The proposal would be no less invasive or detrimental to the lane than the previous application for two dwellings
- There have been a number of accidents on Forest Lane
- Inadequate infrastructure

No supporting or neutral representations received from third parties.

### **Relevant Government Planning Policy and Guidance**

#### National Planning Policy Framework (December 2023)

Chapter 2 – Achieving Sustainable Development

Chapter 6 – Building a Strong, Competitive Economy

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving Well Designed and Beautiful Places

Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 15 – Conserving and Enhancing the Natural Environment

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

Policy MTRA1 - Development Strategy Market Towns and Rural Area

Policy MTRA4 - Development in the Countryside

Policy CP8 – Economic Growth and Diversification

Policy CP10 – Transport

Policy CP11 - Sustainable Low and Zero Carbon Built Development

Policy CP13 – High Quality Design

Policy CP15 - Green Infrastructure

Policy CP16- Biodiversity

Policy CP17 - Flooding, Flood Risk and the Water Environment

Policy CP20 – Heritage and Landscape Character

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

Policy DM1 – Location of New Development  
Policy DM15 – Local Distinctiveness  
Policy DM16 – Site Design Criteria.  
Policy DM17 – Site Development Principles  
Policy DM18 – Access and Parking  
Policy DM19 – Development and Pollution  
Policy DM23 – Rural Character

Supplementary Planning Documents

National Design Guide 2019  
High Quality Places 2015  
Residential Parking Standards 2009  
Wickham Village Design Statement 2001

Other Relevant Documents

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

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**

Paragraph 47 of the NPPF requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development is not situated within a settlement boundary therefore countryside policies apply. Policy MTRA4 of the Local Plan Part 1 (LPP1) 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 84 of the NPPF which states that planning decisions should enable '*sustainable rural tourism and leisure developments which respect the character of the countryside*'. Policy MTRA4 does not define low key but indicates that proposals should not cause harm to the character and landscape of the area or neighbouring uses or create inappropriate noise/light and traffic generation.

The proposed development would (based upon the indicative drawings) comprise a two X 2 bedroom units within a single storey building. On this basis it is concluded that the overall scale of built development to be introduced and the amount of accommodation would be small scale (subject to an appropriate detailed design being agreed through any subsequent reserved matters application). With regards to traffic generation, it is accepted that the development site lies in an area which would necessitate the use of a private car. However, having regard to the modest scale of the development and the presence of dwellings immediately adjacent to the site, it is considered that the proposal would not give rise to a significant or harmful increase in vehicular activity in the locality in comparison with the existing situation. Whilst it is acknowledged that third party concerns have been raised in relation to the potential future uses the building (as permanent residences), the occupation of the holiday lets would (in the event that consent were forthcoming) be limited to a maximum period of 4 weeks for no more than 3 times per year, with a break between each occupation) and this would further limit the comings and goings from the site. This is a well-established and accepted approach of controlling the use of holiday accommodation across the District (including rural areas) in accordance with the objectives of LPP1 Policy MTRA4. Any alternative use would require a further planning application.

It should also be recognised that paragraph 88 of the NPPF states that planning decisions should support the sustainable growth and expansion of all types of business in rural areas (including through the introduction of well-designed new buildings). This includes sustainable rural tourism which respects the character of the countryside.

For these reasons the proposal is considered to be sufficiently low key for the purposes of Policy MTRA4 and the principle is considered acceptable in policy terms.

**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.

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**Impact on character and appearance of area**

Planning policy acknowledges that when considering the impacts of development in rural areas it is necessary to have regard to both visual impacts alongside wider impacts upon tranquillity (such as noise and light pollution). These factors are recognised (by LPP2 policy DM23 in particular) as essential components of rural character. As highlighted in the supporting text to LPP2 Policy DM23, the introduction of urban elements, such as significant areas of hard landscaping can detract from the special qualities of the countryside. This policy also highlights that noise and lighting pollution may be more noticeable in rural areas due to the relative tranquillity of the surroundings. It states that the cumulative impact of developments will be considered, including any ancillary or minor development that may occur as a result of the main proposal.

LPP1 Policy MTRA4 is also relevant in that it seeks to ensure proposals which are not located within defined settlements should not cause harm to the character and landscape of the area or neighbouring uses or create inappropriate noise/light and traffic generation.

The application site and the immediate area is rural in character owing to the absence of built development within its boundaries and the dispersed pattern of development in the wider area. The previously scheme (23/01468/OUT) was refused in part because it would result in a harmful physical and visual impact on the rural character of the area especially in relation to views from the public right of way. Notwithstanding this it was concluded that due to the modest number of units proposed the development would not lead to an unacceptably harmful loss of tranquillity. This previous scheme proposed 2 detached (two storey) units with a combined external footprint of approximately 280 square metres.

Whilst this current application is in outline form only, indicative details of siting, layout and design have been provided and it would therefore be appropriate to have regard to these details. As identified above, the plans indicate that the development now proposed would comprise a significantly reduced footprint (just under 160 square metres) and more compact form in comparison with the refused scheme. It is now proposed that the units would be served by a single access (as opposed to the two access points and the more suburban layout previously proposed). This would ensure an informal, rural character whilst also maintaining a sense of enclosure to the site with increased scope for landscape enhancements, particularly along the roadside boundary. These details would be fully assessed at the Reserved Matters stage.

The proposed units would (based upon the indicative plans) incorporate a barn like character with a simple, linear form. The siting of the units would also respect the established building line, building footprints and spacing between buildings along Forest Lane and would therefore be reflective of the general pattern of development in the immediate area. Whilst the details are indicative, the overall size of the plot and the number of units proposed are such that there would be scope to achieve a layout which is reflective of the general layout and grain of established development as part of any reserved matters application. The indicative plans have adequately demonstrated this.

Advice contained within the Wickham Village Design Statement (VDS) seeks to ensure quality design and diversity through the use of semi-detached dwellings in small scale developments, the provision of open space around buildings and also the use of strongly pitched hipped roofs. Whilst these are tourist units and not dwellings, the indicative plans

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indicate that these requirements would be met. Full details would be agreed and secured as part of the reserved matters application.

The previous scheme was not refused on the grounds of loss of tranquillity and it remains the case that the proposal to introduce two units would not lead to an unacceptably harmful loss of tranquillity through increased levels of activity or light intrusion. However, given the very rural character of the locality it is considered necessary to impose a condition requiring the details of the specification and siting of any external lighting to be agreed at reserved matters stage and prior to installation (condition 17).

It is acknowledged that concerns have been raised in relation to views from the public right of way network. Subject to any new building being positioned broadly in line with existing dwellings to the east and west, any scope for views from the public footpath to the southeast towards the development would be negligible due to the presence of intervening vegetation, adjacent properties and also the likely separation distance (in excess of 100 metres depending on detailed layout). Furthermore, the modest scale of the proposal alongside the fact that it would fall within an established linear development of two storey dwellings would ensure the proposal would not impact upon the enjoyment of users of the public footpath or public views more widely. Views will be possible towards the front of the site from the right of way to the east. However, given that the proposal would effectively form a continuation of established residential development along Forest Lane the impact would not be unacceptable or uncharacteristic of the location subject to ensuring an appropriate layout and setback from the highway. The proposal would also bring about the opportunity to introduce enhanced landscaping along the roadside boundary.

Overall, it is considered that subject to agreeing final design details, external finish, landscaping and a sensitive external lighting scheme, the proposed development would not have a harmful impact upon the character of the area. The development is therefore in accordance with LPP1 Policy MTRA4 along with LPP2 Policies DM16 and DM23.

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

The application site is located approximately 650 metres (0.4 miles) from the South Downs National Park which lies to the north of the site.

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

The modest overall scale of the development and the nature of the proposed use is such that the proposal would not give rise to a significant increase in vehicular activity with the potential to impact upon the National Park designation.

It is recognised that the SDNP is a Dark Skies Reserve. However, subject to agreeing an appropriate lighting strategy for the development (to be secured through Condition 17) it

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is considered that any impacts arising from external lighting would not be significant or harmful to the Park's status as a reserve.

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

## **Historic Environment**

### Relevant Legislation

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

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

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

## **Neighbouring amenity**

The indicative plans submitted indicate a distance of 16 metres between the flank wall of the proposed building and the boundary with dwelling to the west and 10 metres to the boundary with the property to the east. Whilst it is appreciated that these details are indicative, the scale of the development and the overall plot size are such that there would be scope to ensure an adequate degree of separation between the proposed holiday lets and existing neighbouring properties. These matters (alongside the further consideration of the position of windows within the building) could reasonably be considered as part of any reserved matters application.

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

## **Sustainable Transport**

It is acknowledged that third party concerns have been raised in relation to the impact the proposed development would have upon the safety and convenience of users of the adjoining highway.

Whilst this is an outline application seeking consent for the principle only, indicative plans have shown that the proposed development would involve the formation of a new vehicular access onto Forest Lane which is an unclassified adopted road, subject to 60mph. Full

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details of the proposed access would be assessed by the Local Planning and Highway Authorities at reserved matters stage.

Whilst it may be the case that under existing conditions there is potential for vehicles to come into conflict with recreational users on the highway, having regard to the modest scale of the development, the Highway Authority is satisfied that the traffic generated by the development will not lead to a significantly greater impact upon the safety and operation of the local highway network in comparison with the existing situation.

Accordingly, the Highways Authority, raises no concerns subject to the access being surfaced in a non-migratory material and also a construction method statement being submitted to the Local Planning Authority for approval in writing before development (Conditions 16 and 13).

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

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

In the case of this proposal, whilst the application is in outline form, the submitted indicative layout plans indicate that there would be sufficient space to accommodate turning areas within the site. Pedestrian access to the highway would be via a shared driveway. No gates are proposed on the main access to the site. The proposal would therefore meet the relevant Standing Advice

The Winchester Parking Standards SPD sets out a requirement of 2 parking spaces per 2 bedroom unit. The submitted indicative site plan indicates that this requirement would be met, with four spaces being provided within the site. The proposal would therefore not give rise to any additional demand for on road parking along Forest Lane.

Paragraph 115 of the NPPF recognises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

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**Ecology and Biodiversity**

The application site lies immediately south of the Wickham Common Site of Importance for Nature Conservation (SINC). Furthermore, the site itself includes a significant amount of undisturbed vegetation and its characteristics are such that there are likely to be on site ecological interests. Accordingly, the application has been accompanied by an ecological survey.

Having regard to the scale of the development, alongside the fact that it is separated from the Wickham Common SINC by Forest Lane, it is considered that the proposals would not give rise to significant harmful direct impacts upon this designation. With regards to impacts during construction, detailed provisions for clearance work and construction activities would be secured through a Construction and Environmental Management Plan (CEMP) (Condition 13) which would include measures to protect adjacent habitats (having regard to potential disturbance of nocturnal species, dust suppression measures, storage and use of chemicals and various other matters).

With regards to on-site impacts, the submitted ecology report has identified low to moderate potential for commuting and foraging bats, moderate potential for nesting birds and great crested newts and confirmed presence of reptiles (common lizard and slow worms).

Subject to existing hedgerows being retained, no harmful impacts upon nesting birds are anticipated subject to any works being undertaken outside bird nesting season (unless an ecologist is on site with appropriate precautionary measures employed).

Because there is a reasonable likelihood of foraging / commuting bats on site, the WCC Ecologist has identified the need for transect and static bat detector surveys to be undertaken. These surveys are necessary to establish the presence of species, activity levels, distribution, predictions of impacts, mitigation measures and development design considerations.

It is acknowledged that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by development, is established before the planning permission is granted (as advised in Government Circular 06/2005). However, in this instance, the proposal would not result in the demolition / removal of any structures or natural features with the potential to contain bat roosts and that potential onsite presence is stated to comprise commuting and foraging activity. Furthermore, given that the application is in outline form with all matters reserved, there would be scope for any further survey work undertaken following the granting of outline consent to inform detailed design / mitigation at the reserved matters stage. The undertaking of further survey work would not impact upon the conclusions reached in respect of the general principle of the development. To this end it is considered appropriate to secure a further bat survey by condition to be submitted as part of the reserved matters submission to ensure any development design responds appropriately to any recommendations which follow the additional assessment (Condition 4).

Because the site has been found to contain reptiles, the WCC Ecologist has recommended that a reptile mitigation strategy should be submitted for approval prior to any works being undertaken (Condition 7). This would include details of trapping/translocation methodology, reptile receptor areas and measures to ensure

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sufficient grassland is maintained and protected to support the existing population of reptiles on site. Such activities are likely to necessitate a protected species licence which would include a range of mitigation measures.

The application also includes potential habitat for Great Crested Newts (GCN) and is within close proximity to a number of ponds. The applicant has therefore entered into the Nature Space District Level Licensing Scheme to provide offsite newt ponds to ensure the long-term provision of habitat for newt populations. The formal views of Naturespace have also been sought and they have confirmed that they raise no objections to the development subject to development being carried out in accordance with the licence and the proposals detailed on the approved impact plan submitted in respect of GCN (uploaded 6 August 2024).

The duties placed on LPAs by the Conservation of Habitats and Species Regulations 2010 in respect of European Protected Species (EPS) when they are considering development applications require that the proposed development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'. In addition, the competent authority (the Local Planning Authority) must be satisfied that,

- (a) 'that there is no satisfactory alternative' and
  - (b) 'that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.
- Natural England applies the tests on a proportionate basis; thus, the justification required increases with the severity of the impact on the species or population concerned.

When considering 'imperative reasons of overriding public interest, including those of a social and economic nature' it is necessary to take into account whether the activities/developments are required to meet or provide a contribution to meeting a specific need such as complying with planning policies and guidance at a national, regional and local level. The right to carry out new development to facilitate low key tourism accommodation is acknowledged within both the Local Development Plan and the NPPF (as identified above) and the proposal is considered to be in accordance with these provisions. It is therefore considered that the first test in respect of public interest is met.

A proportionate approach is adopted in considering the feasibility of alternative solutions relative to the degree of likely impact. In this instance there are no buildings on or near the site which could readily be converted to tourism accommodation. Alternative sites in the locality are also limited as the land to the north falls within the extensive Wickham Common SINC, and other vacant sites between dwellings are either wooded or contain ponds (with areas of higher risk for GCN immediately to the east). It is therefore considered that the second test has therefore been met.

It is also appropriate to consider whether reasonable steps have been taken to minimise the impacts of a development on European Protected Species. The Ecology report states that as much grassland will be retained and improved on site as possible and that fencing and vegetation clearance / destructive search would be carried out before development.

With regards to the third test the WCC Ecologist is satisfied that subject to enough grassland habitat being maintained and protected to support the existing population of

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reptiles (and various other mitigation measures being adhered to during construction) the development would not be unacceptably detrimental to onsite populations. To ensure that the development mitigates for any loss of potential on site habitat for GCN 's, as identified above, the Applicant has agreed to provide offsite newt ponds ensure the long-term provision of habitat for newt populations (secured through the Nature Space District Level Licensing Scheme).

Overall, it is concluded that the relevant tests would be met, and that the proposal would not contravene the Conservation of Habitats and Species Regulations 2010

Having regard to the above it is considered that (as required by local and national policy) the proposal can reasonably be designed to avoid adverse impacts upon protected species, or if unavoidable ensure that impacts are appropriately mitigated, with compensation measures employed as a last resort.

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

In this instance it has been established that the proposed development is exempt from this requirement as the application was submitted prior to the mandatory legislation coming into force.

Notwithstanding this it is recognised that LPP1 Policies CP15 and CP16 seek to ensure development proposals provide a net gain of well-managed, multifunctional green infrastructure and enhance biodiversity through their design and implementation. Accordingly, the submitted ecology assessment and submitted Biodiversity Net Gain assessment proposes a number of on-site enhancement measures which include native hedgerow planting, wildflower grassland, reptile habitats and bird / bat nesting features (amongst others). Full details of these measures would be agreed through a Biodiversity and Landscape Management Plan (BLEP) (Condition 11).

Having regard to the above assessment and the various measures put forward by the Applicant it is concluded that the proposal would avoid unacceptable adverse impacts upon biodiversity, and would retain, protect and enhance biodiversity through its design and implementation whilst also providing a net gain of well-managed, multifunctional green infrastructure. The development would therefore be in accordance with LPP1 Policies CP15 and CP16 and along with paragraph 186 of the NPPF.

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**Appropriate Assessment**

With regards to European sites, the proposal lies within the 5.6km recreational disturbance zone for the Solent Special Protection Area (SPA) and Ramsar designation including the Portsmouth Harbour SPA. Legislation confirms that plans and projects (including planning applications) can only go ahead if it can be shown there will be no adverse effects on the integrity of these protected sites. Addressing this issue and ensuring that new development close to the Solent coastline is in line with the Habitats Regulations is therefore essential. Accordingly, the Applicant has provided the required level of contribution towards the Bird Aware Partnership which falls under the Solent Recreation Mitigation Partnership strategy which applies to all residential development within the zone of influence (which also reflects the recommendations of Natural England). This ensures the development meets the requirements of the Habitat Regulations and advice provided by Natural England in relation to in combination recreational impacts.

A further consideration is that the proposed development is within the catchment area for the Solent SPA / Ramsar site where water is distributed into the European designated areas Solent SPAs/Ramsar sites via water treatment plants. In accordance with advice from Natural England and as detailed in Policy CP16 of the LPP1, a net increase in housing development within Winchester District is likely to result in impacts to the integrity of those sites through a consequent increase in nitrates. New residential accommodation in the Winchester district is therefore obliged to submit a nutrient budget and provide details of any mitigation that will be employed to offset the release of nitrates from the development which would adversely affect the Solent. In this instance, the development will generate 1.93 Kg/N/year of total nitrate per year. This can be offset by the purchase of suitable land which can be removed from an agricultural use or alternatively, nitrate credits can be purchased from an agreed landowner. Whilst neighbour concerns have been raised that the submitted budget contains inaccuracies, the Applicant has provided an amended version which addresses these points (uploaded 3 April 2024).

A Grampian condition has been adopted by the council in order to ensure the mitigation is secured in perpetuity. Subject to this condition being imposed, appropriate mitigation will ensure the development would not give rise to an adverse impact upon the water environment of European sites.

As the 'competent authority' under the Habitat Regulations for considering planning applications an appropriate assessment has been undertaken. This assessment concludes 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. Having regard to this and the fact that the, the applicant has made an upfront payment for the Solent Recreation Mitigation Partnership, it can be concluded that there will be no adverse effect on the integrity of the designated sites identified above in this regard. Natural England have confirmed its acceptance of the appropriate assessment undertaken. The proposal is therefore considered to comply with policies CP15 and CP16 of the LPP1.

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## **Sustainability**

LPP1 Policy CP11 states that developments should achieve the lowest level of carbon emissions and water consumption which is practical and viable. It also states that proposals should (in the first instance) maximise energy efficiency and design out the need for energy use whilst also incorporating renewable energy technologies. The NPPF states that proposals should support the transition to a low carbon future in a changing climate (paragraph 157), avoid increased vulnerability to the range of impacts arising from climate change and help to reduce greenhouse gas emissions (paragraph 159).

The application has been accompanied by a Climate Change Statement which advises that the proposal will seek to utilise locally sourced materials and materials which have a low embodied energy. At detailed design stage consideration will be given to incorporating renewable energy generation alongside water efficiency and recycling measures.

Subject to detailed design it has therefore been demonstrated that the proposal would minimise energy consumption maximise opportunities to incorporate renewable energy as required by LPP1 Policy CP11.

## **Sustainable Drainage**

With regards to surface water drainage the application site does not lie within or adjacent to a flood zone. Whilst the proposal would lead to an increase in impermeable surfacing / build development across the site, the Drainage Engineer is satisfied that subject to ensuring an appropriate drainage design (to be informed by on site testing and secured through condition 4) the proposal would not lead to an unacceptably harmful increase in surface runoff from the site.

With regards to foul drainage, the application form which accompanies the application indicates that the holiday let would be served by a package treatment plant. Full details of siting and design of this aspect of the works would be agreed at reserved matters stage and this would also enable consultation with the Environment Agency to be undertaken.

In accordance with policy CP17 of LPP1 the proposal will therefore not give rise to an unacceptable deterioration to water quality.

## **Equality**

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



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**Planning Balance and Conclusion**

In conclusion, the proposal has been assessed in consideration of the following planning policies: MTRA4, CP11, CP13, CP15, CP16 and CP17 of LPP1 and DM16, DM17, DM18, DM19, DM23 and DM1, DM15, DM16, DM17, DM18, DM23 and DM24 of LPP2.

The proposal would result in the introduction of low-key tourist accommodation which is supported by both local and national policy which encourages sustainable rural tourism which respects the character of the countryside. Subject to appropriate mitigation being in place the development will not give rise to harmful adverse impacts upon ecological interests within or adjacent to the site, harmful visual impacts or detriment to the living conditions of neighbouring residents. It is therefore recommended that planning consent should be granted.

**Planning Obligations/Agreements**

Not relevant

**Recommendation**

Approve subject to the following conditions:

**Legal Agreement – Heads of Terms**

Not relevant

**Conditions**

1. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990 (as amended).

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990 (as amended).

3. The outline proposal subject of this planning permission shall be in accordance with the details as submitted showing the developable area within the application red-line boundary and as otherwise agreed in the plans, drawings, specified materials and written documentary supporting submissions with the application, including the following plans:

Site Location Plan – Drawing Reference WIN-ID-1488.1.01

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Reason: To clearly define the outline proposal for development which will be subject to further reserved matters detail considerations based upon the area for development within the red-line application site.

4. Plans and particulars showing the detailed proposals for all the following aspects the development (hereinafter called "the reserved and other matters" shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. The approved details shall be carried out as approved and fully implemented before the building(s) is/are occupied.

Reserved and other matters: -

- (a) The layout and design (external appearance and scale) of all buildings, (detailed elevations and floor plans) including the colour and texture of external materials to be used together with samples of all external facing and roofing materials (to be informed by relevant ecological assessments undertaken on the site)
- (b) Full detailed proposals for the disposal of foul and surface water (including package treatment plant siting, performance and specification)
- (c) The provision to be made for the access, parking, turning, loading and unloading of vehicles –
- (d) The provision to be made for the storage and disposal of refuse
- (e) The finished levels, above ordnance datum, of the ground floor of the proposed building(s), and their relationship to the levels of any existing adjoining buildings
- (f) Transect and static bat detector surveys to assess the effects of bats and to inform the detailed design of the development

Reason: To comply with Section 91 of the Town and Country Planning Act 1990

5. The tourist accommodation hereby permitted shall be used for holiday accommodation only which shall be limited to any two occupiers 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. 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.

6. 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:

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

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adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites

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

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

E) All measures forming part of that mitigation have been secured and submitted to the Local Planning Authority."

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

7. A reptile mitigation strategy (to be informed by the recommendations within the approved Preliminary Ecological Appraisal, Southern Planning Practice, August 2024) shall be submitted to the local planning authority and shall be approved in writing prior to the submission of any reserved matters application.

The strategy shall include details of the following:

- Timings of works
- Trapping/translocation methodology
- Fencing and vegetation clearance/destructive search methodology
- Location and size of the reptile receptor area
- Measures to ensure sufficient grassland is maintained and protected to support the existing population of reptiles on site

The approved development shall be undertaken fully in accordance with the approved details. All enhancement measures shall be implemented in accordance with the approved details prior to the development being brought into use and shall be retained for the lifetime of the approved development.

Reason: To maintain, protect and enhance biodiversity as required by Policy CP16 of the Winchester Local Plan Part 1: Joint Core Strategy Adopted 2013

8 The proposed development shall be carried out fully in accordance with Sections 7 and 8 of the recommendations contained within the approved Preliminary Ecological Appraisal, (Southern Planning Practice, August 2024) and Biodiversity Net Gain Assessment (17 October 2024). All enhancement measures shall remain in place for the lifetime of the approved development.

Reason: To maintain, protect and enhance biodiversity as required by Policy CP16 of the Winchester Local Plan Part 1: Joint Core Strategy Adopted 2013

9. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR134, or a 'Further Licence') and with the proposals detailed on plan "Land Between Park View And

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Forest Gate: Impact plan for great crested newt District Licensing (Version 1)" dated 31st July 2024.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence (WML-OR134, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

10 The development shall not be brought into use until the approved access, parking and turning arrangements agreed through Condition 4 have been laid out within the site in accordance with the approved details. The access, parking and turning space shall thereafter be kept available at all times for those purposes.

Reason: To ensure that vehicles parked on the site are able to enter and leave in forward gear as required by Policy DM18 of the Winchester District Local Plan Part 2 – Development Management and Site Allocations (LPP2)

11 No development shall take place above slab level until a Biodiversity and Landscape Management Plan (BLEP) (to be informed by the recommendations contained within Section 8 of the approved Preliminary Ecological Appraisal, Southern Planning Practice, August 2024) and Biodiversity Net Gain Assessment (17 October 2024) has been submitted to and approved in writing by the Local Planning Authority. The BEP shall include:

- (a) Native planting specification (including native hedgerow on the north boundary and wildflower grassland)
- (b) Areas for hard surfacing and the materials to be used;
- (c) Other means of enclosure (including any retaining walls and hedgehog fencing);
- (d) Biodiversity enhancement measures
- (d) Establishment and maintenance schedule covering the first five years following the completion of development

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

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

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

12. The approved development shall not be brought into use until a detailed plan showing the layout and surface treatment of the proposed vehicular access into the site has been submitted to the Local Planning Authority, approved in writing and the approved details

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have been implemented in full in accordance with the approved details. The first 6.0m of the existing western access must be improved and made of non-migratory materials to ensure no dirt or debris is tracked onto the highway from the site. The approved access shall thereafter be retained for the lifetime of the approved development.

Reason - In the interest of highway safety.

13. No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:

- (a) A programme of timing and phasing of demolition (if any) and construction work;
- (b) The provision of facilities for contractor parking;
- (c) The arrangements for deliveries associated with all construction works;
- (d) Access and egress for plant and machinery;
- (e) Measures to avoid or mitigate impacts on species and habitats
- (f) Use of fences and barriers to protect adjacent land, footpaths and protected habitats
- (g) Chemical and/or fuel run-off mitigation
- (h) Location of temporary site buildings, compounds, construction material, and plant storage areas;
- (i) Measures to control impacts arising from noise, dust and light pollution

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason - In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality.

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

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

15. Prior to the occupation of the development hereby permitted, information demonstrating (post construction stage) that the development will meet the design stage BREEAM standards for energy and water, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied in accordance with these findings.

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

16 The first 6.0m of the proposed access must be improved and made of non-migratory materials to ensure no dirt or debris is tracked onto the highway from the site.

Reason: In the interest of highway safety.

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17. No external lighting shall be installed on the site unless details of such proposals have been submitted to and approved in writing by the Local Planning Authority.

The lighting scheme should be in accordance with Guidance Note 08/23 produced by the Bat Conservation Trust and Institute of Lighting Professionals. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

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

18. Any access gates provided on site must open away from the highway (inwards) and must be set back 6m from the edge of the carriageway.

Reason - In the interest of highway safety.

19. The approved development shall not be brought into use until full details of cycle parking provision on the site have been submitted to the Local Planning Authority and have been approved in writing. The details shall include both the layout and specification of cycle parking provision.

The approved measures shall be implemented in full prior to the development being brought into use and shall be retained for the lifetime of the approved development.

Reason: To ensure provision of access arrangements in accordance with relevant standards and the needs of the development and to allow for access to the site in a safe and effective manner as required by Policy DM18 of the Winchester District Local Plan Part 2 - Development Management and Site Allocation.

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**Informatives:**

1. In accordance with paragraph 39 of the NPPF (2023), Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

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

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

- Policy MTRA4 - Development in the Countryside
- Policy CP11 - Sustainable Low and Zero Carbon Built Development
- Policy CP13 – High Quality Design
- Policy CP15 - Green Infrastructure
- Policy CP16- Biodiversity
- Policy CP17 - Flooding, Flood Risk and the Water Environment

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

- Policy DM15 – Local Distinctiveness
- Policy DM16 – Site Design Criteria.
- Policy DM17 – Site Development Principles
- Policy DM18 – Access and Parking
- Policy DM19 – Development and Pollution
- Policy DM23 – Rural Character

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

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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](mailto:buildingcontrol@winchester.gov.uk))

8. It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.

9. It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority which permits the development to proceed under the District Licence (WML-OR134, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newt are thereby committed then criminal investigation and prosecution by the police may follow.

10. Please be advised that the Environment Agency should be consulted directly by the applicant regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

11. With regards to drainage details to be submitted pursuant to Condition 4(b) the submission will need to address the following matters:

- Soakaway details / design
- To determine an infiltration rate, onsite testing according to the BRE Digest 365 is required.
- If it is feasible, the design of a soakaway should reflect the results.
- If an infiltration SuDS is not feasible for the site, other drainage options from the drainage hierarchy should be considered.



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- Drainage design should manage the runoff from the whole development site up to and including 1 in 100-year storm events, with appropriate allowances for climate change and urban creep.
- The site's suitability for a drainage field must be determined by percolation testing along with other environmental factors, and the design must be done in accordance with the results.

12. With regards to Condition 4(f) Transect and static bat detector surveys shall be undertaken to assess the effects of bats and to inform the detailed design of the development. The surveys shall be submitted to the local planning authority and shall be approved in writing prior to the submission of any reserved matters application. The surveys shall include the following information:

- Species presence /absence
- Activity levels (abundance)
- Details of how bats are using the site (temporal/special distribution)
- Predictions of likely impacts of the proposed development on bats
- Where appropriate, recommendations for avoidance, mitigation, compensation or enhancement
- Recommendations to inform the detailed development design in accordance with Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition), particularly Table 4.1 and Chapter 8, and Natural England Standing Advice on protected species and development.

The approved development shall be undertaken fully in accordance with the approved details. All enhancement measures shall be implemented in accordance with the approved details prior to the development being brought into use and shall be retained for the lifetime of the approved development.

Reason: To maintain, protect and enhance biodiversity as required by Policy CP16 of the Winchester Local Plan Part 1: Joint Core Strategy Adopted 2013