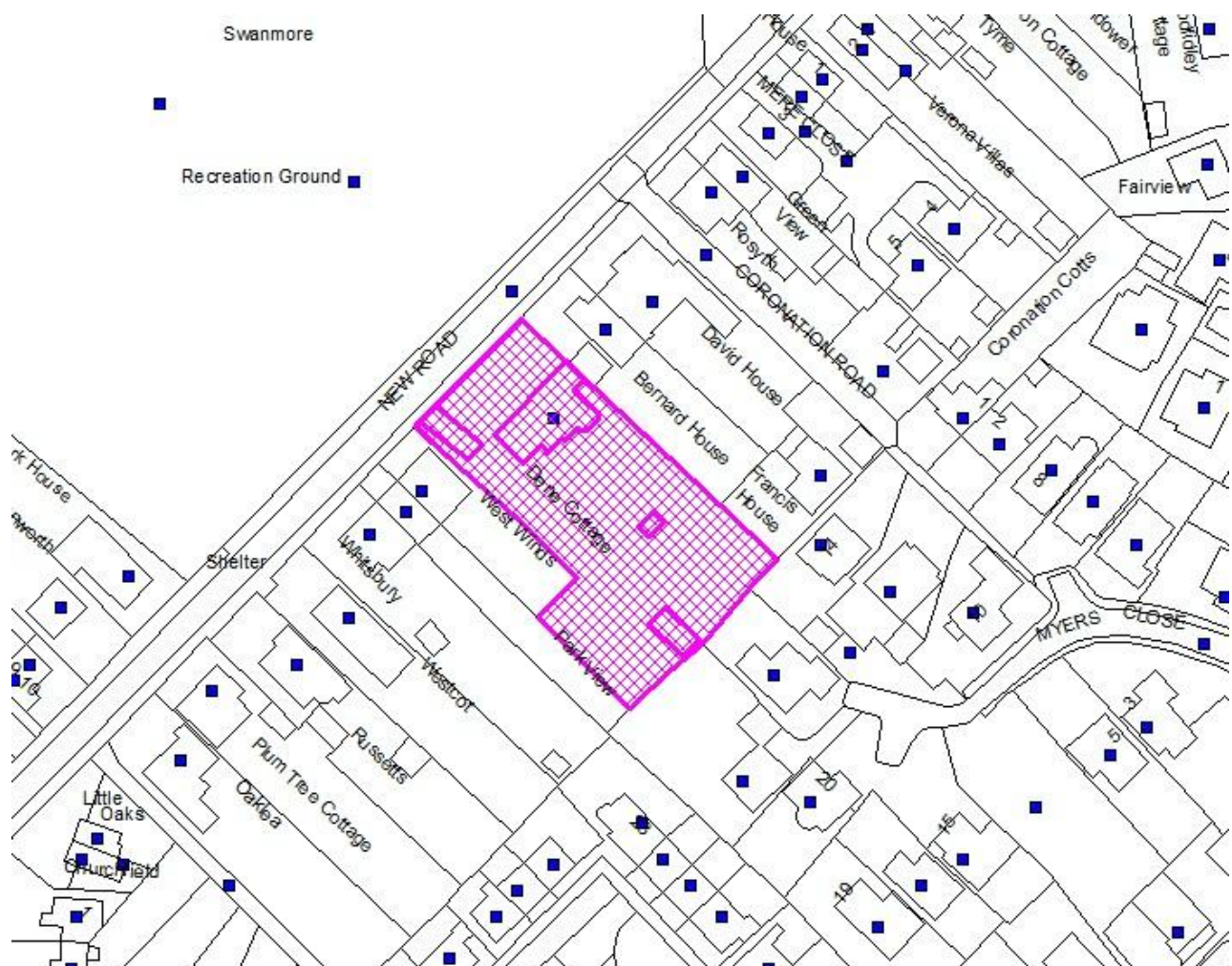


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 25/01431/OUT
Proposal Description: Proposed new 4-bedroom self-build house and garage within the rear garden of Dene Cottage.
Address: Dene Cottage New Road Swanmore Southampton Hampshire
Parish, or Ward if within Winchester City: Swanmore Parish Council
Applicants Name: Mr Keith Emery
Case Officer: Cameron Taylor
Date Valid: 28 July 2025
Recommendation: Permit
Pre Application Advice: No

Link to Planning Documents

[Link to page – enter in reference number 25/01431/OUT](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
Case No: 25/01431/OUT

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

The development is recommended for permission as it is considered that it will not have an adverse impact on the character of the area in accordance with policies SP2, D1, D8, T2, T4, NE5, NE6, NE16, H2 and H3 of the Local Plan 2020-2040 and would not result in a significant adverse impact upon neighbouring residential amenity in accordance with policy D7 of the Local Plan 2020-2040.

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 application site comprises a large detached dwellinghouse within the settlement boundary of Swanmore. The application site is located on the southern side of New Road, surrounded by other residential development that lines the southern side of the road. The site lies adjacent to Swanmore Recreation ground. The existing dwelling is a two-storey detached dwellinghouse comprised of red brick and set underneath a red tiled roof. There is a large amount of trees and vegetation along all sides of the application site's boundary.

Proposal

This application seeks outline consent for a self-build dwellinghouse, with all matters reserved. The proposed dwelling would be sited within the rear garden of Dene Cottage.

Relevant Planning History

Application Ref.:	Proposal	Decision & Date
05/01098/FUL	Conservatory to rear	Permitted 16/06/2005
80/01362/OLD	Erection of garage extension and new roof over garage and kitchen	Permitted 17/06/1980

Consultations

Service Lead – Engineering (Drainage) –

No Objection subject to condition

Service Lead – Public Protection (Environmental Health) –

No Objection subject to condition

Natural England -

No objection subject to mitigation secured by condition

Hampshire County Council Highways-

Case No: 25/01431/OUT

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

The Highway Authority raises no objection in principle, confirming that the access has adequate visibility. However, it notes that insufficient detail has been provided to demonstrate safe on-site access, turning, and parking arrangements. It therefore recommends that, if permission is granted, conditions are imposed to secure appropriate parking, manoeuvring space, and access design in the interests of highway safety.

Representations:

Swanmore Parish Council:

Swanmore Parish Council OBJECTS to this application.

The proposal is back garden development which the Parish Council does not support, and which contravenes paragraphs 2.3 and 5.2 of the Swanmore Village Design statement:

“2.3 When considering new development, in particular an area previously used as a garden, the plot should be protected from over development and insensitive or inappropriate infilling. The scale of new development should respect our rural village environment, and maintain reasonable levels of privacy and amenity for occupiers of neighbouring properties.”

“5.2 Its positioning should be chosen to enhance visual variety, respect the neighbours’ privacy and avoid any undesirable intrusion into established views of existing open landscape.”

And paragraph 75 of the 2024 National Planning Policy Framework:

“...Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”

The proposed development would not be in keeping with the existing pattern of development in the surrounding area; there is a clear building line along New Road and no other back garden development in this part of New Road (save for Francis House which is orientated towards and accessed from Coronation Road).

A similar application 3 doors down from this property was rejected (Whitsbury, New Road, Swanmore, 12/00319/OUT) and the reasoning given would apply here:

“(i) the proposal, by reason of its indicative size and siting would result in a cramped and inappropriate form of development which would not respond positively to the character, appearance and variety of the local environment and does not respond positively to the existing building lines;

(ii) the building, due to its indicative scale, the extent of its footprint, and its proximity to the neighbouring boundaries to the north-east and south-west, would have an overbearing and intrusive impact and would therefore be harmful to residential amenity and outlook.

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

(iii) the development is considered to be an inappropriate development of a residential garden and would set a precedent for backland development which may make it hard for the Local Planning Authority to resist other similar proposals which would cumulatively further detract from and erode the character, appearance and variety of this part of Swanmore."

The proposed 4-bedroom house would negatively affect the amenity of surrounding neighbours in terms of being overlooked, loss of privacy and possibly loss of daylight.

A 4-bedroom house would result in the overdevelopment of the site.

We would be concerned about the access on to a busy road where visibility is an issue because of the many parked cars.

7 Objecting Representations received from different addresses within the district citing the following material planning reasons:

- Principle of development
 - Objections to the proposal as inappropriate back-land / garden development, which is considered incompatible with the established pattern of frontage development along New Road.
 - Concerns that residential development within the rear garden undermines the characteristic spacious plot layout of the area.
 - Fears that approval would set an undesirable precedent for further subdivision of garden land locally.
- Character and appearance
 - Concerns that a new dwelling to the rear would be out of character with the surrounding area.
 - Objections that the development would erode the open, semi-rural character currently provided by long rear gardens.
 - Views that a 4-bedroom dwelling would appear disproportionate within a rear garden setting.
- Impact on neighbouring amenity
 - Concerns regarding loss of privacy to neighbouring gardens and dwellings.
 - Objections citing potential overlooking from windows and private amenity areas.
 - Fears of increased noise and disturbance, including from general residential activity, parking and vehicle movements.
- Overdevelopment
 - Objections that the proposal would represent an overdevelopment of the original plot.
 - Concerns that the remaining garden areas would be uncharacteristically small, resulting in a cramped form of development.
- Access, parking and highway impacts
 - Concerns about the safety and suitability of the access arrangements.
 - Objections to increased traffic movements on New Road.
 - Fears that additional vehicles would be harmful to highway safety and residential living conditions.
- Trees, landscaping and ecology
 - Concerns that development would result in the loss of existing trees, vegetation or wildlife habitat within the rear garden.

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

- Objections that insufficient detail has been provided to demonstrate that existing green features would be adequately protected.
- Drainage and infrastructure
 - Concerns relating to surface water drainage and the ability of the site to manage additional runoff.
 - Fears that development could place additional pressure on local services and infrastructure.
- Outline application concerns
- Objections that the outline nature of the application provides insufficient information to fully understand the impacts of the proposal.
- Concerns that matters such as layout, scale, appearance and landscaping are unresolved and could result in greater impacts than anticipated.

No Supporting Representations received.

Relevant Government Planning Policy and Guidance

National Planning Policy Framework (NPPF)

- 2. Achieving sustainable development
- 3. Plan-making
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)

- Appropriate assessment
- Biodiversity net gain
- Determining a planning application
- Effective use of land
- Flexible options for planning permissions
- Noise
- Self-build and custom housebuilding
- Use of planning conditions

Local Plan 2020 – 2040

- SP2- Spatial Strategy and Development Principles
- CN1- Mitigating and adapting to climate change
- CN2- Energy Hierarchy
- CN3- Energy efficiency standards to reduce carbon emissions
- CN4- Water efficiency standards in new developments
- D1- High Quality, well designed and inclusive places
- D8- Contaminated land
- T2- Parking for New Development
- T4 - Access for New Developments

Case No: 25/01431/OUT

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

NE1 - Protecting and Enhancing Biodiversity and the Natural Environment in the District
NE5- Biodiversity
NE6- Flooding and Flood Risk and the water environment
NE16- Nutrient Neutrality Water Quality Effects on the Special Protection Areas (SPAs),
Special Areas of Conservation (SACs) and Ramsar Sites of the Solent and the River
Itchen
H1- Housing Provision
H2- Spatial Housing Distribution
H3- Development within Settlements

Supplementary Planning Document

National Design Guide 2019
High Quality Places 2015
Swanmore Village Design Statement

Other relevant documents

Climate Emergency Declaration, Carbon Neutrality Action Plan 2020-2023
Nature Emergency Declaration
Statement of Community Involvement 2018 and 2020
Position Statement on Nitrate Neutral Development – February 2020

Planning Considerations

Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 48 of the National Planning Policy Framework (NPPF) require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Local Plan 2020-2040 Policy SP2 sets out the overarching Development Strategy for the district. Development proposals will be expected to make efficient use of land and prioritise the use of previously developed land/buildings in accessible locations, in accordance with the development strategies set out in policies H1 and H2 of the Local Plan 2020-2040.

The application site is located within the settlement boundary of Swanmore and is noted as a Larger Rural Settlement. Policy H3 notes development that accords with the Development Plan will be permitted and Swanmore falls within this list as having a defined settlement boundary. The proposal is therefore considered acceptable in principle, subject to compliance with the relevant policies of the Winchester District Local Plan 2020–2040.

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 proposed site is situated within the existing residential curtilage of Dene Cottage which is a two-storey detached dwelling with a larger garden to the side and rear, with an access road which runs along the site's southern boundary.

Case No: 25/01431/OUT

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

The proposal seeks outline permission with all matters reserved for a 4-bed dwelling and garage.

As this is an outline application with all matters reserved the plans provided are indicative and do not provide detail of what would be built out at this stage. A previously refused outline permission (12/00319/OUT) at Whitsbury has been highlighted. The site of Whitsbury is located to the south of the site of Dene Cottage with the properties of West Winds and Park View in between. This previous application sought a dwelling within a smaller plot which resulted in development across the width of the site with a small gap to the boundary within a smaller site.

This outline application does not seek permission for the site layout or scale of the dwelling, and the scale and appearance of the dwelling would be subject to a reserved matters application. The indicative plans show the footprint of the dwelling and garage and the overall site area proposed for the dwelling. The proposed dwelling would replace an existing detached garage located on the site. The dwelling has an overall footprint that is reflective of dwellings within the area, as does the proposed curtilage of the dwelling. The indicative plans also show a garage to the front of the dwelling of a scale subservient to the host dwelling. There are other examples in the area of similar garages. The overall site has a large plot which even when subdivided to accommodate the proposed dwelling remains proportionate to the overall scale of the dwelling and the area.

The surrounding area is residential in nature with examples of backland development visible in the area. Therefore, the siting of the dwelling and garage are acceptable and would not result in a significant adverse impact upon the character and appearance of the site and wider area. Therefore complying with policy D1 of the Local Plan 2020-2040

Development affecting the South Downs National Park

The application site is located over 330metre to the west of 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 2024. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 189 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

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

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

Historic Environment

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

Case No: 25/01431/OUT

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Neighbouring amenity

As this is an outline planning application supported by indicative plans, the detailed size, siting and fenestration of the proposed dwelling have not been formally defined at this stage. Accordingly, a full assessment of the proposal's impact on residential amenity including matters such as overlooking, overbearing impact and overshadowing would be undertaken as part of a subsequent reserved matters application.

However, the likely impact of the proposal, based on the indicative plans and an assessment of the context is necessary.

The proposed residential curtilage would adjoin West Winds to the northwest, Park View to the southwest, Nos. 16 and 18 Myers Close to the southeast, and the remaining land associated with Dene Cottage to the northeast.

The indicative siting of the dwelling retains a separation distance of approximately 6 metres to the southeastern boundary with Nos. 16 and 18 Myers Close.

The rear elevation of No. 16 Myers Close faces northwest, whilst the rear of No. 18 faces southwest. The proposed dwelling would not be directly aligned with No. 16, with an intervening distance of approximately 14.5 metres, and there would be a separation distance of approximately 22 metres to the flank elevation of No. 18.

Separation distances to West Winds, Park View and Dene Cottage exceed 25 metres at the closest point, which in this instance relates to the proposed garage rather than the principal dwelling which is located further away.

Having regard to these separation distances, alongside the siting of the dwelling away from site boundaries, a two-storey dwelling in the indicative position is not considered to result in any significant adverse overbearing or overshadowing impacts on neighbouring properties.

No detailed design or fenestration plans have been submitted at this stage; however, the proposal achieves separation distances exceeding 22 metres to the majority of neighbouring properties. Whilst No. 16 Myers Close is located approximately 14.5 metres away and is not directly aligned with the proposed dwelling, any potential for overlooking could be addressed through careful design, including the positioning of windows and the incorporation of appropriate landscaping and boundary treatments.

It is noted that the proposed dwelling will be in close proximity to what will become the northeast boundary of the plot, adjacent to land to the rear of the host dwelling, Dene Cottage. If this area of land remains as part of the extended garden of Dene Cottage, while a new dwelling would be prominent on this boundary, due to the overall scale of the land, it is not considered that it would be unacceptably overbearing or intrusive, subject to detailed design. The plans suggest that this area of land to the rear of Dene Cottage may be subject to future development, but there is currently no application for such development and therefore this cannot be taken into account.

Overall, whilst some limited potential for overlooking towards No. 16 Myers Close is acknowledged due to the distance and orientation, this can be satisfactorily mitigated

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

through design and landscaping measures. The proposal is therefore considered to comply with Policy D7 of the Local Plan (2020–2040).

Sustainable Transport

For residential developments creating between one and five new dwellings, the Local Highway Authority (LHA) only wishes to be consulted directly where the proposed development would be accessed directly from an A, B, or C classified road.

The proposal seeks outline planning permission with access to be determined at the reserved matters stage. However, the indicative plans show that access to the proposed dwellings would be taken along the site's southern boundary, utilising the existing access from New Road and a section of the existing driveway. It is noted that New Road benefits from adequate visibility at the proposed access location.

Nevertheless, in order to ensure that the development would not result in an adverse impact on highway safety, detailed highways drawings are required as part of part of the reserved matters under condition 3(c). This requires the submission and approval of details relating to the widening of the access, the provision of appropriate visibility splays, on-site parking arrangements, and measures to ensure that all vehicles can enter and leave the site in a forward gear.

Subject to the satisfactory submission and implementation of the details required by Condition 3(c), the proposal is not considered to result in an adverse impact on the safe and efficient operation of the local highway network and therefore complies with policies T2 and T4 of the Local Plan (2020–2040).

Ecology and Biodiversity

The application site is not located within, adjacent to, or in close proximity to any European designated sites, including the River Itchen Special Area of Conservation (SAC), the Solent SAC, Special Protection Areas (SPAs) or Ramsar Sites.

The site forms part of the established residential curtilage of Dene Cottage and comprises a well-maintained domestic garden. There are no records of notable or protected species present on the site, nor is the site situated within an area of particular ecological sensitivity. Given the domestic nature of the land and the absence of nearby statutory ecological designations, the proposal is not considered likely to result in an adverse impact on ecological interests or biodiversity value.

As the proposal is for a self build dwelling, it would be exempt from mandatory Biodiversity Net Gain (BNG) requirements. However, a precautionary condition has been attached to ensure that, should the dwelling not be constructed as a self-build project, the development would be required to demonstrate compliance with the relevant Biodiversity Net Gain criteria (Condition 7).

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

In addition, to secure some level of biodiversity enhancement on the site, condition 5 has been imposed requiring the submission and implementation of appropriate biodiversity mitigation and enhancement measures.

On this basis, the proposal is considered to comply with Policies NE1 and NE5 of the Local Plan 2020–2050.

Appropriate Assessment.

In regard to the nitrates issue, the application will have a likely significant effect in the absence of avoidance and mitigation measures of European and Internationally protected sites as a positive contribution of 1.12Kg/N/year is made. The proposal falls outside of the Itchen river catchment, therefore does not require phosphate mitigation. 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 effects on the integrity of the designated sites identified above in this regard.

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 and policy NE16 of the Local Plan 2020-2040.

Sustainable Drainage

The site lies within Flood Zone 1 and is therefore at low risk of fluvial flooding. There is also no evidence to suggest a significant risk of pluvial flooding. However, the proposed development would involve the replacement of permeable garden land with areas of built form and hard surfacing, which has the potential to increase surface water runoff. Any increase in runoff must not result in an increased risk of flooding elsewhere.

Subject to the submission and approval of an appropriate sustainable drainage strategy, incorporating SuDS in accordance with DEFRA's Non-Statutory Technical Standards for Sustainable Drainage Systems, no objection is raised on flood risk or drainage grounds. The site is unlikely to be suitable for infiltration techniques and no watercourse is present within or adjacent to the site, therefore the method of surface water disposal will need to be carefully considered and appropriately designed.

Condition 3(b) which lists the details required to be submitted as reserved matters includes full details of both surface water and foul water drainage arrangements to be approved prior to commencement of development. This will ensure that the drainage strategy is robust, sustainable and does not adversely impact flood risk either on or off site. On this basis, the proposal is considered to comply with Policy NE6 of the Local Plan 2020–2040.

Case No: 25/01431/OUT

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Sustainability

The adopted Local Plan 2020-2040 has a suite of policies dealing with Carbon Neutrality and Designing for Low Carbon Infrastructure and of these Policies CN1 to CN4 are relevant to this proposal. While it is not practical to apply these policies to some proposals which pre-date the new local Plan, as this is an outline application it is expected that the subsequent reserved matters would comply with these requirements. Therefore condition 3(h) is applied to ensure that the reserved matters submission includes suitable sustainable measures.

As such the proposal is considered to comply with Policies CN1 to CN4.

Contaminated Land

The site had a GIS trigger relating to contaminated land and as such consultations were undertaken with the Environmental Health team. There were no adverse comments raised in regards to contaminated land subject to condition 6 that relates to unexpected contamination. The proposal therefore complies with policy D8 of the Local Plan 2020-2040.

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 development in this site is acceptable as it is situated within the settlement boundary of Swanmore, with the proposal seeking outline permission with all matters reserved for a detached dwelling. While the application reserves all detailed matters, the indicative information demonstrates that the site is capable of accommodating a dwelling and associated garage of an appropriate scale and footprint, consistent with the character of the surrounding residential area. The plot remains proportionate, and the presence of similar backland development nearby reinforces the acceptability of the proposal. Subject to consideration of detailed design at reserved matters stage, the development would not result in significant harm to the character and appearance of the site or wider area.

The indicative layout demonstrates that the site can accommodate a dwelling with sufficient separation from neighbouring properties to avoid significant adverse impacts. Any potential issues relating to overlooking or amenity can be appropriately addressed at the reserved matters stage through careful design and landscaping.

Therefore, the principle of development is acceptable and as the indicative plans show, the proposed dwelling and garage would not result in a harmful impact upon the site and wider area, subject to compliance with the attached conditions and subject to the submission of the subsequent reserved matters applications in respects of the access, appearance, landscaping, layout and scale.

Case No: 25/01431/OUT

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

In conclusion it is considered that the proposal accords with national planning policies and the Development Plan policies SP2, D1, D7, D8, T2, T4, NE5, NE6, NE16, H2 and H3 and does not raise any material matters that weigh sufficiently against the granting of outline planning permission.

Recommendation

Approve subject to the following conditions:

Conditions

1. 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.

The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

2. The 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:

- Outline Application for 1 New 4 Bedroom Property and Garage- Dwg No. DC-001-A- Received 22.08.2025

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.

3. 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.

The plans and particulars shall specify the following detailed proposals:

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.

(b) Full detailed proposals for the disposal of foul and surface water.

(c) The provision to be made for access to the site and proposed dwelling to include:

Case No: 25/01431/OUT

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

- the proposed means of vehicular access onto New Road, including the extent of access widening and associated visibility splays;
- the proposed on-site parking provision for the dwelling;
- a vehicular turning area sufficient to enable vehicles to enter and leave the site in a forward gear
- A swept path analysis for an appropriate vehicle type.

The submitted Highways details shall be implemented in full prior to first occupation of the development and thereafter retained.

(d) A construction management plan.

(e) The provision to be made for the storage and disposal of refuse.

(f) 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.

(g) Hard and soft landscape details.

(h) Details of how the proposal will provide sustainable development to satisfy policies CN1 to CN4 of the Local Plan 2020-2040.

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

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

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 NE5 and NE16 of the Local Plan 2020-2040.

5. Prior to the commencement of development hereby permitted above slab level, a biodiversity enhancement and mitigation plan shall be submitted to and approved in writing by the local planning authority. The works shall then proceed in strict accordance with the approved submission.

Case No: 25/01431/OUT

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Reason: To ensure that the ecological value of the site is not adversely impacted upon by the development

6. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before a site assessment has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details. NB - potentially contaminated ground conditions include infilled ground, visual evidence of contamination or materials with an unusual odour or appearance.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants.

7. The residential unit in the development hereby permitted shall be constructed as a self-build dwelling(s) within the definition of self-build and custom build housing in the Self-build and Custom Housebuilding Act 2015 (as amended):

- i.) The first occupation of the unit in the development hereby permitted shall be by a person or persons who had a primary input into the design and layout of the unit(s) and who intends to live in the unit(s) for at least 3 years;
- ii.) The Council shall be notified of the persons who intend to take up first occupation of the unit in the development hereby permitted at least two months prior to first occupation.

In the event that the dwelling is not built and occupied for a minimum 3 years as a self-build/custom build property, a biodiversity net gain plan shall be submitted to and approved by the Local Planning Authority. The biodiversity net gain plan shall be implemented in accordance with the approved details.

Reason: To ensure the development complies with the self-build and custom build housing definition and help meet the Council's self-build requirement, in accordance with National Planning Policy, and in light of the exemption from biodiversity net gain being obtained because the dwelling is a self-build/custom build property.

Informatives:

1. In accordance the NPPF (2024), 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:-

Local Plan 2020-2040:- SP2, CN1-CN4, D1, D8, T2, T4, NE5, NE6, NE16, H1, H2 and H3

3. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the

Case No: 25/01431/OUT

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

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.

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 Practice <http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-ofconsiderate-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)

8. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements (as set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024) are considered to apply as follows:
- The development is for Self and Custom Build Development of no more than 9 dwellings and on a site which has an area no larger than 0.5 hectares

9. As the dwelling hereby approved was exempt from Biodiversity Net Gain due to being a self-build/custom build property, it therefore needs to be constructed as a self-build/custom build property, as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 and occupied only as a self-build/custom build dwelling for a period of at least 3 years from date of the first occupation of the dwelling.

In the event that the dwelling is not built and occupied for a minimum 3 years as a self-build/custom build property, then the development would be in breach of the statutory biodiversity gain condition which sets a Biodiversity Net Gain of 10% for developments as a mandatory requirement in England under

Case No: 25/01431/OUT

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and the Environment Act 2021. In these circumstances the applicant is advised that a revised planning application for the development would be required to include a biodiversity gain plan providing details how the 10% biodiversity net gain will be achieved.