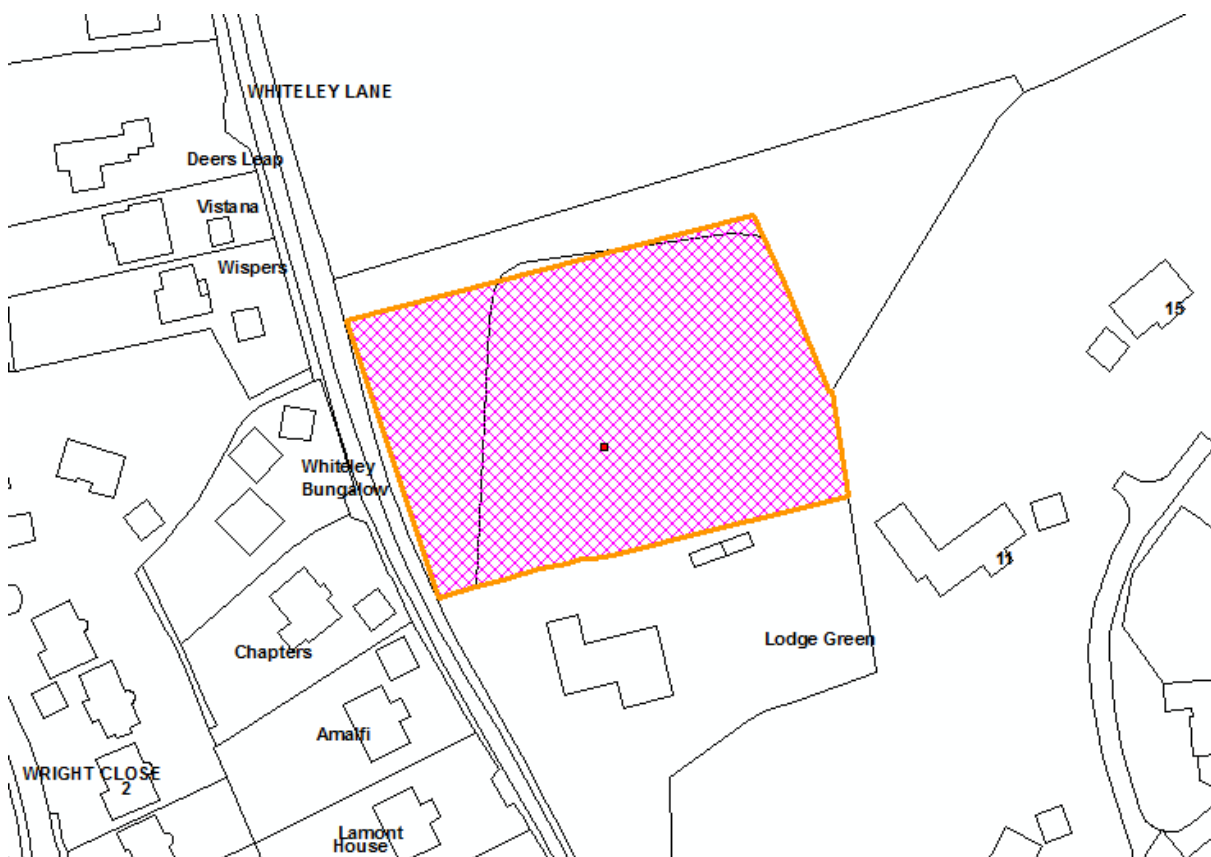


Case No: 19/00426/FUL
Proposal Description: Erection of two detached 5 bedroom houses with detached garages.
Address: Land Adjacent Lodge Green Whiteley Lane Titchfield
Parish, or Ward if within Winchester City: Whiteley
Applicants Name: Whiteley Developments Ltd
Case Officer: Nicola Clayton
Date Valid: 26.02.2019

Recommendation: Application Refused



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General Comments

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

Site Description

The application site is an area of meadow/scrubland of 0.39ha. The site is generally level with the highest point being approximately 40m AOD at its southern boundary, dropping to a low point of approximately 35m AOD at its southwestern corner. The site is located along Whitley Lane, a narrow, single lane private no-through road which is also a PROW and provides access to a number of properties along its length.

To the north the site lies alongside the Botley Wood and Everett's and Mushes Copses a designated Site of Special Scientific Interest (SSSI); to the east and south of the site are large dwellings within large plots including those within Skylark Meadows and also Lodge Green immediately to the south (NB Lodge Green is not associated with this application). The site's western boundary is formed by Whiteley Lane along the western side of which run a number of slightly smaller detached residential properties, also accessed from Whitley Lane.

There are a number of large trees within the site many of which are the subject of Tree Preservation Orders although it appears that historically a substantial part of the site has been cleared of trees. The side and rear boundaries of the site are enclosed by timber fencing, the front boundary onto Whiteley Lane by post and wire fencing.

Proposal

Construction of two five-bedroom dwelling and associated garages.

Relevant Planning History

16/00142/FUL Erection of a 5 bedroom detached dwelling with a detached garage (RESUBMISSION - 15/02048/FUL) REF 20 March 2016. The application was dismissed at appeal. The inspector concluded that 'the proposed development would be in conflict with Policy MTRA4 of the LPP1 which restricts development within the countryside to certain uses and it would cause considerable harm to the character and appearance of the area, and these are sufficient reasons to dismiss the appeal.'

16/00141/FUL Use of the land as a caravan and camping site for the pitching of 11 caravans and area for camping. Ongoing

15/02048/FUL Erection of a 5 bedroom detached dwelling with a detached garage. WDN 11/01/2016

14/00977/OUT Residential development comprising 1 no. 2 bedroom dwelling, 1 no. 3 bedroom dwelling and 1 no. 4 bed dwelling with associated detached garages (OUTLINE - considering access and layout). REF 17th September 2014

06/00178/FUL Replacement of existing mobile home. REF 21st March 2006

06/00600/TPO Fell 7 no. Birch Trees. REF 7th April 2006

99/00514/OUT Detached dwelling with double garage and new access. REF 8th September 1999

98/00031/FUL 2 No five bedroom dwellings with detached double garages and new access. REF 18th March 1998

97/01372/FUL 3 No five bedroom dwellings and 2 no four bedroom dwellings with integral garages and new access. REF 19th November 1997.

Consultations:

Natural England - No comments received.

WCC Ecology - No objection subject to conditions.

WCC Landscape - Recommends refusal for this scheme.

WCC Trees - No objection in principle to the development, however the requirement for a method statement for protection of Root protection areas together with a number of conditions for the protection of trees would be required should the application be approved.

WCC Drainage - No objection subject to conditions relating to Sustainable Urban Drainage techniques.

WCC Highways - The application would not result in a material increase in traffic and is unlikely to cause demonstrable harm to the existing users of Whitely Lane. No objection subject to conditions.

WCC Strategic Policy - Recommends refusal for this scheme.

Representations

6 letters of support raising material planning reasons have been received for this application from local residents:

- Visual improvements to site
- Good design
- Positive impact on wildlife
- Prevents further adverse development

6 letters of objection have also been received on the grounds that a) this scheme does not differ from earlier refused applications; b) the site is not within the Whiteley settlement boundary; c) the impact of the development on wildlife.

Whiteley Town Council supports the neighbouring residents' agreement to the proposals.

Relevant policy

The Development Plan for the area comprises;
Winchester District Local Plan Part 1: Joint Core Strategy ' Adopted March 2013;
Winchester District Local Plan Part 2: Development Management and Site Allocations - Adopted April 2017;
Hampshire Waste & Minerals Plan ' Adopted October 2013.
Local Plan Part 1 - Joint Core Strategy (LPP1)

The following policies are relevant to this application:

DS1 ' Development Strategy and Principles
MTRA4 ' Development in the Countryside
CP1 ' Housing Provision
CP2 ' Housing Mix
CP10 ' Transport
CP11 ' Sustainable Low and Zero Carbon Built Development
CP13 ' High Quality Design
CP14 ' Effective Uses of Land
CP18 ' Settlement Gaps.
CP20 ' Heritage and Landscape Character.

The LPP1 development strategy sets the requirement for the overall housing growth in the District at 12,500 dwellings between 2011 and 2031. It focuses substantial growth in three strategic allocations (W of Waterlooville, N Whiteley and N Winchester) whilst setting targets for more limited growth in the market towns.

Local Plan Part 2: Development Management and Site Allocations

The following policies are particularly relevant to this application:

DM1 ' Location of New Development.
DM2 ' Dwelling Sizes
DM15 ' Local Distinctiveness
DM16 ' Site Design Criteria
DM17 ' Site Development Principles
DM18 ' Access and Parking
DM23 ' Rural Character
DM24 ' Special Trees, Important Hedgerows and Ancient Woodlands.

Planning Considerations

Principle of development

The application proposes the erection of two detached 5 bedroom houses with detached garages on land adjacent to Lodge Green, Whiteley Lane. The site is located within the countryside (policy MTRA4) and within a settlement gap (policy CP18). There is considerable planning history on the site. The most recent application (16/00142/FUL) which was for one 5 bedroom detached dwelling with a detached garage was refused and dismissed at appeal (decision dated 12 January 2017) with the Inspector finding conflict with policy MTRA4 which restricts development within the countryside to certain uses and that the development would cause considerable harm to the character and appearance of the area in dismissing the appeal. The Inspector did find that particular proposal would not diminish the Strategic Gap, however that proposal only considered the impact of one dwelling; the current proposal for two dwellings each with detached garage, could have significant impact due to increased visual impact.

In terms of policy the only significant change from the last appeal is that LPP2 is now fully adopted (April 2017). The site remains within the countryside and the gap and so the proposed development is still contrary to the provisions of the development plan. The Council is able to demonstrate in excess of a 5 year supply of land with a 5% buffer and so there is no justification in terms of need for allowing two additional

dwellings within the countryside. The Council has also passed the Housing Delivery Test further strengthening the view that housing development should be in accordance with the development plan. The proposed development does not fall under any of the categories within MTRA4 which allows for certain types of development in the countryside.

Community led housing scheme

This housing proposal is not a community led scheme. It is just agreement of the closest neighbours who have suffered through unauthorised uses on the site and clearly would prefer 2 houses, this is not what is meant by community led in the policy and could set a very dangerous precedent for future abuse of planning policy. Community led housing should be formed through a legitimate community process such as neighbourhood planning that gathers support from the local community.

Landscape

The wider countryside cannot be seen from Whiteley Lane due to the ridgeline and surrounding woods and trees. However the application site does not have the appearance of being urban or suburban. Its openness and backdrop of mature woodland gives rise to a rural character.

While some of these areas of housing development are relatively recent and have been built since the Council's Landscape Character Assessment was written in 2004, neither the houses on Skylark Meadows nor Lodge Green itself significantly impinge on the rural character of the application site.

The site sits within the 'Whiteley Woodlands Landscape Character Area'. The key characteristics of this landscape are inter alia its woodland, its small paddocks, its nurseries and smallholdings. A 'Key Issue' in the area is 'suburbanisation and urban fringe encroachment'. Its 'Built Form Strategies' for the area include the recommendation to 'resist development which further suburbanises local settlements'.

From Whiteley Lane, the openness of the site is quite striking as it appears as an isolated finger of undeveloped wooded countryside which has endured and survived intact, while modern residential development has grown up around it. It is considered that while the context is suburban, the application site is lending a strong rural character to the immediate residential area.

The amount of new development in the area is changing its character, but this just serves to make the remaining pockets of undeveloped open space more valuable, not less.

The visual envelope of the site is small and there is only one public view into the site from the lane, however the development as proposed would be visually prominent and intrusive from this viewpoint. The development would represent further suburbanisation and urban fringe encroachment into this landscape character area and erode rural character, subsequently detracting from the enjoyment of the countryside from the public right of way -Whitley Lane footpath.

Highways

This application is for two 5 bedroom detached dwellings which will not result in a material increase in traffic and is unlikely to cause demonstrable harm to the existing users of Whiteley Lane. Sufficient off road parking is provided within the scheme.

Trees

The significant trees are protected by Tree Preservation Order. This creates a further restriction in respect of the Root Protection Area of these trees. This restriction extends the buffer to 18 metres in the main although one of the double garages impinges on the 18 metres without impacting on any of the trees.

Ecology

The site boundary is adjacent to Botley Wood and Everette's and Mushes Copses SSSI. A Habitat Management Plan (Daniel Ahern Ecology Ltd, October 2018) is included in support of this application. This states that a 15m buffer will be maintained between the northern site boundary and the edge of the development footprint. No works will be undertaken within this buffer zone. The proposed development is situated within the zone of influence of Solent & Southampton Water (Ramsar, SPA) and Solent Maritime (SAC). To mitigate against the potential adverse effects of the development on the integrity of the European site, it is agreed that contributions will be paid towards the Solent Recreation Mitigation Partnership Strategy.

Given the close proximity of the SSSI and European protected sites, Natural England have been consulted on this application.

An Ecological Impact Assessment (ECOSA, November 2018) is included in support of this application. The site is considered suitable for roosting bats, foraging and commuting bats, badger, breeding birds, reptiles and European Hedgehog. The broadleaved woodland, scattered trees and species poor defunct hedgerow habitats will be retained and protected during the development to ensure that protected species such as bats, breeding birds and Hazel Dormouse are not impacted. eDNA surveys undertaken in three of the five ponds situated within 500m of the application site, during 2015, found that Great Crested newts were not present within these ponds. The two remaining ponds were dry during the time of survey. It is considered unlikely that Great Crested Newt will be using the terrestrial habitat on site. Records of Hazel Dormouse are present within Botley Wood and Everette's and Mushes Copses SSSI, however it is considered unlikely that this species would be present within the woodland habitat on site, because of the limited understorey. Therefore no objection has been raised by the Ecologist.

Impact to neighbours residential amenity

The proposed development would be set back approximately 20m from the nearest residential property (Lodge Green) and over 50m from the residential properties on the opposite side of Whiteley Lane. No adverse effect on residential amenity would be expected to arise as a result of the proposed development.

Contributions

Financial contributions will be dictated by the Community Infrastructure Levy (CIL) charges. As the site lies within Zone 3 there will be a charge of £80 per m² (index

linked to BICS all-in tender price index). A CIL Form has been submitted with this application as required.

The site is located within the Solent Disturbance and Charge Zone therefore the appropriate sum will be paid in contribution to the Solent Recreation Mitigation Partnership Strategy.

The developable area of the site measures 0.39 ha which is beneath the threshold for the requirement to make a contribution towards affordable housing.

Conclusions

Based upon the above assessment the proposed development would result in the erection of two dwellings within the countryside and the gap, contrary to the policies of the development plan and in particular MTRA4 (countryside) and CP18(gaps).

The proposed development would cause considerable harm to the character and appearance of the area and would conflict with:

CP 20 - 'Heritage and Landscape Character' in that it would fail to conserve and enhance local distinctiveness;

DM15 - 'Local Distinctiveness' in that it would fail to respect the qualities, features and characteristics that contribute to the distinctiveness of the local area;

And DM23 - 'Rural Character' in that it would have an unacceptable effect on the rural character of the area by means of visual intrusion and would detract from the enjoyment of the countryside from public rights of way.

Recommendation

Application refused for the following reason(s)

01 The proposed development is contrary to Policies MTRA4 and CP18 of the Local Plan Part 1 and the National Planning Policy Framework in that the proposal relates to land which is outside the settlement boundary of Whiteley and within a Settlement Gap and would be a harmful visual intrusion into an area where residential development would not normally be acceptable.

02 The proposed development is contrary to Policies CP20, DM15 and DM23 of the Local Plan Part 1 in that the addition of two dwellings in this countryside location would fail to conserve and enhance local distinctiveness and would have an unacceptable affect on the rural character of the area by means of visual intrusion and would detract from the enjoyment of the countryside from public rights of way.