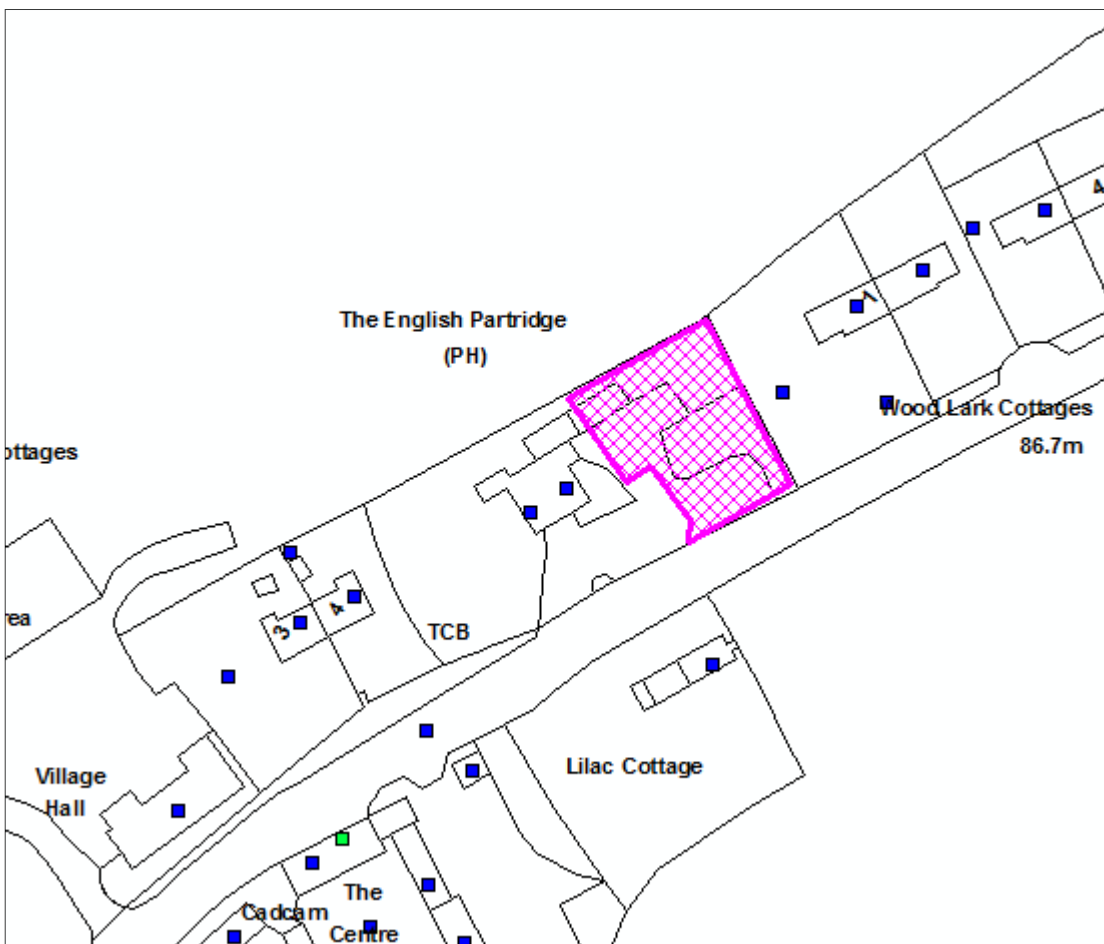


Case No: 18/00251/FUL
Proposal Description: A new dwelling within the curtilage of the English Partridge Pub in Bighton.
Address: The English Partridge Bighton Alresford Hampshire SO24 9RE
Parish, or Ward if within Winchester City: Bighton
Applicants Name: Mr Ashley Levett
Case Officer: Robert Green
Date Valid: 29 January 2018
Site Factors:

CIL Zones for Winchester City Council
Southern Water Operational Area
Recommendation: Permit



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Case No: 18/00251/FUL

General Comments

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

The application is also reported at the request of Bighton Parish Council, whose comments have been included as an appendix to this report.

It is noted that the English Partridge pub and its curtilage, including the application site, is listed as an Asset of Community Value (ACV).

Site Description

The application is 0.07 hectares in size and sits to the east of the English Partridge, between the pub and 1 Wood Lark Cottages.

The English Partridge is an attractive Grade II listed structure which sits in the centre of the plot. To the west of the building, a pub garden area is screened from the roadway by hedgerows. The car park of the pub lies to the front of the building, which extends along the roadway to join the mature Western Red Cedar trees which provide a strong border to the site's eastern boundary. The application site itself lies between the pub and this strong band of trees.

The slope of the site increases from the roadway toward the open fields to the rear. Currently, the site contains part of the existing smoking shelter, open space and part of the car park. A large band of Western Red Cedar trees lies to the east of the site and provides a visual break between the pub site and surrounding dwellings.

Proposal

The proposal is to construct a 3 bedroom detached dwelling on land to the east of the English Partridge pub.

This is accessed by a new entrance point from the existing roadway which enters into a parking area with access to a detached garage and storage for bins/bikes. Access to a terrace area (above the garage) can also be taken from this point.

The dwelling, which sits to the right of the parking area, uses blackened timber with a plain tile roof with a red brick chimney. The design of the building reflects the form of an agricultural barn with a contemporary use of windows, openings and materials.

The dwelling is 19.9m from 1 Wood Lark Cottages, 13.7 from The English Partridge pub and 30m from Lilac Cottage, opposite the application site. The garage (with terrace above) is 2m from the side elevation a pub building at its closest distance.

The dwelling is kept in line with the pub building, and a retaining wall runs between the dwelling and the pub, and then runs parallel to the road before a low lying hedge is used in the open, visible section of the dwelling plot.

Relevant Planning History

No relevant planning history.

Consultations

WCC Engineers: Drainage:

- Options offered are preferred sustainable choices with no flooding issues.
- Condition required to obtain details of drainage field location

WCC Engineers: Highways:

- 14 car parking spaces accord with standards to provide pub with sufficient parking.
- Condition requested to ensure spaces are made available prior to the commencement of development.

WCC Head of Environmental Protection:

- The submitted odour and noise reports find no adverse impact when assessing the current status of the pub.
- Additional mitigation is required regarding the two bedrooms facing the pub and conditions have been requested to this effect.

WCC Head of Historic Environment:

- The existing car park provides a neutral value to the site and historically some form of outbuilding occupied the eastern end of the plot.
- The dwelling would offer a building that would simultaneously contrast with the listed building whilst providing a modern interpretation of agricultural outbuilding which is likely to have stood in this location.

WCC Head of Historic Environment - Archaeology:

- No objection, subject to inclusion of conditions.

WCC Head of Landscape:

- No objection raised subject to the inclusion of conditions

Southern Water:

- Advises applicant to contact Environment Agency directly regarding the use of a package treatment plant.

Environment Agency

- No objection in principle
- Further applications to the Environment Agency are required providing further technical details as site is located within a Source Protection Zone.

Representations:

Bighton Parish Council

- The designation of the pub as an ACV confirms its importance as a community

Case No: 18/00251/FUL

facility.

- The proposal would affect the future viability of the pub and its ability to re-open.
- The close proximity to the listed building will affect its setting and cause harm to its significance as a heritage asset.

52 letters from 45 addresses received objecting to the application for the following reasons:

- Pub is listed as an ACV
- Granting permission will not improve viability of the pub
- Impact on listed building and setting of pub
- Existing drainage problems on Bighton Road
- Inappropriate parking for pub
- Loss of open space around pub
- Will result in an unequal symmetry on the plot
- May make re-opening of the pub difficult
- Impact of noise/smell from pub on new dwelling
- Parking issues from new dwelling
- Amenity issues with elevation facing English Partridge
- New dwelling is not affordable

Reasons aside not material to planning and therefore not addressed in this report

- Personal views of pub management
- Service provided by pub prior to closure
- 'Motives' of the application

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy

MTRA3 – Other Settlements in the Market Towns and Rural Area

CP2 – Housing Provision and Mix

CP6 – Local Services and Facilities

CP11 – Sustainable Low and Zero Carbon Built Development

CP13 – High Quality Design

CP20 – Heritage and Landscape Character

Winchester Local Plan Part 2 – Development Management and Site Allocations

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

DM29 – Heritage Assets

Case No: 18/00251/FUL

National Planning Policy Guidance/Statements:
National Planning Policy Framework

Supplementary Planning Guidance
Winchester High Quality Places

Planning Considerations

Principle of development

The application site is located outside of a defined settlement boundary.

Policy MTRA3 of the LPP1 clarifies that there is scope for development on sites outside the defined built-up areas of settlements when it states that "*within settlements which have no clearly defined settlement boundary, development and redevelopment that consists of infilling of a small site within a continuously developed road frontage may be supported, where this would be of a form compatible with the character of the village and not involve the loss of important gaps between developed areas*".

Bighton is one of the settlements listed under Policy MTRA3 of the LPP1.

In the circumstances of this case, the application site is considered as 'small' and is bordered by the English Partridge pub to the west, and 1 Wood Lark Cottage to the east creating an 'infill' plot.

The site also sits within a continuously developed line of built form, starting at 5 New Cottages and terminating at Thatched Cottage, 390m to the east.

The infilled gap previously contained ancillary buildings for the pub, including most recently a wooden framed smoking shelter. This, combined with the dwelling's location set against existing high boundary vegetation allows the dwelling to sit well with its host surroundings and does not involve the loss an important gap.

Policy CP2 of LPP1 requests the majority of new development is in the form of 2 or 3 bedroom properties. The details submitted with the application show a 3 bedroom property and the proposal complies with this policy.

Policy CP6 of LPP1 covers Local Services and Facilities. This policy is applicable as the application site is within the grounds of The English Partridge pub, and involves alterations to the parking area as part of the application. CP6 does not allow development which threatens or results in the loss of premises or sites used to provide services and facilities.

Whilst the development does result in the loss of land which is currently part of the community facility, the pub retains a garden to the west which, due to its flat level and more secluded nature, lends itself to such a purpose and plays an important part in the functioning of the pub.

Whilst requiring the alteration of the parking facilities for the pub, this is considered acceptable under current non-residential parking standards as discussed in the 'Highway'

Case No: 18/00251/FUL

section below and provides sufficient parking space for the continued use of the pub. The Environmental Health consultations, and the submission of noise and odour assessments, also show that the continued use of the facility as a pub is not affected by the introduction of a residential dwelling from an Environmental Health perspective.

Based upon the above assessment it is therefore considered that the principle of the new house is acceptable in this location in accordance with MTRA3 of the LPP1.

Design/layout

The design of the dwelling is agricultural in nature by duplicating the size and form typical of a countryside barn. Contemporary residential elements are added in the form of fenestration, particularly the central window on the western elevation which contains wooden louvres, reflecting the large central opening which is common in English barns.

White brick is to be used on the ground floor level of the western elevation and on the surrounding wall, which will relate to the white render of the neighbouring pub. A cat slide roof is also used on the eastern elevation in keeping with the style of the building. A tall red brick chimney also protrudes from western flank of the roof which is set back far from the roadway and reflects the existing chimney on the pub building.

It is considered that the proposal has successfully introduced contemporary elements to a design which has a traditional agricultural form. The result is a high quality building that adds interest to the street scene whilst still continuing to respect the important rural characteristics of the area.

The application site is 752sqm in size, resulting in 36% of the land currently owned by the pub being used for the development site. The dwelling is set to the furthest eastern boundary of the site, with the parking area lying between the house and the pub to continue to provide a gap between built form and to allow views to the countryside beyond. The functioning of this gap is as a result of the building turning at a 90° angle to the pub and presenting its gable end to the public realm. This allows sufficient distance between the pub and dwelling and although the majority of dwellings in the area do use an east-west roof form, the choice of a north-south alteration allows for the space mentioned above to be retained.

The amenity area of the dwelling is to the front and bordered by a tall hedge, allowing the dwelling to sit relatively in line with the pub building. The dwelling is excavated into the slope, so first floor accommodation to the rear (providing the living space) is level to the neighbouring agricultural fields. The layout therefore responds well to the characteristics of the site, being set at an appropriate distance to allow views between buildings whilst also being set against the backdrop of the band of Western Red Cedar trees.

Impact on character of area, listed building and neighbouring property

The surrounding area is rural in character. The northern side of Bighton Road uses a linear form of development with an identifiable building line for the majority of dwellings. The English Partridge pub is set slightly forward of the line used for surrounding

Case No: 18/00251/FUL

dwellings. As a consequence, dwellings in the area are generally of an equal distance to the roadway which encourages the rural and spatial characteristics of the area. To both sides of the site, semi-detached dwellings of uniform design sit within spacious plots, with non-domestic buildings also within close proximity to the site at the Village Hall.

The southern side of Bighton Road maintains a much more rural characteristic, with The Cadcam Centre containing buildings of an agricultural appearance which use black timber for external wall coverings. Directly opposite the site, Lilac Cottage is a traditional countryside dwelling and an area of open countryside lies to the east of the cottage. The characteristic created is therefore rural with the majority of development on the northern side of the roadway in a linear format. The rural characteristics of the wider area are supported by the undeveloped nature of the southern side, which contains design and building form which is typical of a countryside environment.

The application has sought to reflect the rural characteristics of the area by using a barn-like structure as its design basis. The result is a form and appearance of building which is not alien to a rural environment. In addition to this, although of a smaller scale, similar buildings exist approximately 58m to the west of the site at the Cadcam centre, and these buildings would be glimpsed in association with the new dwelling when approaching the site on Bighton Dean Lane.

The Western Red Cedars, which are outside of the development site but considered and protected by this application, play an important role in the character of the area by providing a visual break in the development line. Their retention and protection as part of this application is therefore an important consideration, and the dwelling being set against this backdrop of trees creates an attractive addition to the street scene.

However, if for any reason the trees are removed, attention has been made to ensure that the dwelling is set in line with the English Partridge pub which allows an appropriate space between built form and the roadway, so as to maintain a suitable distance between the roadway and built form which is characteristic of this side of the roadway. Although this would result in the building becoming more prominent when approaching from a westerly direction, the use of a cat slide roof on this elevation results in this view largely consisting of an appropriate clay tile roof with glimpses of the black timber cladding. This would not be considered harmful to the characteristics of the area.

Therefore, the development is not considered to have an adverse impact on the character and appearance of the area and introduces a building of interest into the street scene without harming its rural character.

In regards to assessments on the residential amenity of surrounding properties, the ancillary accommodation above the English Partridge is 17m to the west of the dwelling. The majority of windows of the new dwelling do face this direction; however sufficient distance remains between the single side elevation window of the ancillary accommodation, preventing an adverse overlooking impact.

1 Wood Lark Cottages (no. 1) is to the east of the site. The new dwelling would be 5m from the boundaries between the properties, and 19m from the dwelling's side elevation. Due to the orientation of the sites, an adverse overshadowing impact cannot be demonstrated.

From this perspective, the development is largely screened by the mature group of Western Red Cedars which borders the site and this limits any overbearing and overlooking impact.

If the trees are removed in the future, an overbearing impact could not be demonstrated on account of the distance of the dwelling from the prime amenity space of the dwelling (namely land to the rear). Notwithstanding this, from this perspective the dwelling would have a maximum eaves height of 4.4m from ground level before decreasing following the slope of the land. This is then capped with the cat slide roof which slopes away from no. 1 to reach a maximum height of 8.2m.

A narrow ground floor window serving the kitchen faces this direction which, due to the distance between prime amenity space and the window's ground floor location, does not create an adverse impact. Two roof windows (serving WCs) also face this direction which are to be obscure glazed as per condition 16.

Therefore, an adverse impact on the residential amenity of 1 Wood Lark Cottages cannot be demonstrated with or without the Western Red Cedar tree band.

Lilac Cottage is 30m to the south of the dwelling, divided by the garden areas of the respective properties and the roadway. Sufficient distance is maintained between the two dwellings to prevent an adverse residential amenity impact.

From an Environmental Health perspective, an assessment on the impact of the proximity of a dwelling close to a public house has been assessed following the receipt of comments of this nature. In discussion with Environmental Health officers, noise and odour assessments were requested and received which concluded there would be no adverse harm created by the construction of the development. It is noted that such assessment took place assessing the current layout of the pub. Notwithstanding this, mitigating measures have been included in the design, including the location of the dwelling to the furthest corner of the site away from the main producer of noise during summer months (western pub garden) and the construction of the dividing wall which goes some way to block noise to the lower level of the property. In regards to the upper floors, it is acknowledged that two bedrooms face the direction of the pub car park. To ensure that this aspect has been considered at a later design stage, condition 17 requests a noise attenuation plan which will detail the methods taken to protect occupants from external noise, such as the use of alternative ventilation systems in these two rooms to allow the option for the windows to be kept closed.

Therefore, through a combination of existing design arrangements and details which are to be submitted via condition 17, an adverse harm from an Environmental Health perspective cannot be demonstrated.

Historic Environment

The English Partridge is a public house and an important historic and social asset within the village. Historic map based evidence has revealed that the wider setting of the listed building was not part of a large informed and planned landscape, and that a large detached outbuilding on a square footprint was positioned to the east of the plot in the C19. Although this building has now been lost, the maps illustrates that the historic setting of the listed building was not as open as now experienced. Furthermore, upon assessment, the existing smoking shelter and car park area is of limited architectural merit and this part of the site is of limited visual interest. Consequently, the contribution this part of the site affords the significance and setting of the heritage asset is neither positive, nor negative, but would be considered neutral, and therefore could accommodate some form of re-development.

Introducing a single building in the area proposed of a high quality design would be acceptable in this location from a conservation perspective. Views from the west towards the listed building would not be adversely harmed and the existing eastern boundary is bounded by mature trees, thereby obscuring views to the new unit from the east. The listed building, due to its size and orientation would therefore retain its historic significance.

Furthermore, the proposed contemporary barn-like design would not appear overly domestic and would contrast with the style of the existing historic building. It would not compete, nor appear overly detrimental to its wider setting given the previous ad hoc arrangement of outbuildings. It would also present a modern interpretation of an agricultural outbuilding which is likely to have once stood in this location in the past and thus would not be considered an overly intrusive structure within the street scene. For these reasons, the proposals would have a limited impact upon the setting of the listed building.

Landscape/Trees

The development site runs adjacent to a row of established Western Red Cedar Trees, which are outside of the development site. Notwithstanding this, arboricultural assessments have been requested to assess whether the construction of the dwelling would impact upon these trees and to allow the submission of a methodology for their protection.

The submitted information has been assessed by the Council Tree Officer who raises no objection to the application. Condition 09 has been included to ensure compliance with the submitted information.

The submitted plans also show natural vegetation on the front elevation between the plot boundary and the roadway, with a low lying hedge running a right angle to the road along the entrance driveway.

A 2m wall runs between the dwelling site and the curtilage of the pub. This serves a structural retaining wall function to the rear of the plot, and decreases following the change in levels on the site. This then runs for 5.5m parallel to the road (set back by 13m from the roadway). Whilst the wall is to be white in colour which intelligently plays a role in tying the dwelling site to the characteristic white render of the pub, climbing plants are to be used on the wall to assist in softening this elevation from the public

realm. Further details of the specification have been requested by condition prior to commencement.

Highways/Parking

The Highway Engineer notes that the retention of 14 car parking spaces accords with current standards based on available floor areas for eating and drinking (1 space per 4 square metres of bar/dining area and that a Highway objection cannot be sustained to the application.

The dwelling also meets residential parking standards by providing 2 car parking spaces for a 3 bedroom dwelling.

The Highway Engineer has requested a condition to ensure that the parking layout to serve the pub is implemented prior to the commencement of the dwelling. As this area is within the blue edge of the application, a Grampian condition has been included to ensure that the car park is implemented prior to the construction of the dwelling.

Although not requested by the Engineer, a condition requesting a plan for the washing of construction vehicle wheels has also been included in the interest of highway safety.

Drainage and flooding

The Drainage Engineer notes that the methods chosen for disposal of water are the most sustainable options but, due to the size of the amenity space, has requested details by condition.

The Environment Agency have also commented (as the site lies within a Source Protection Zone) raising no objection in principle to the application, but reminding the applicant a separate permission to the Environment Agency is required to finalise technical details.

Other Matters

The development site is within the grounds of the English Partridge public house. The planning statement submitted with the application discusses how the construction of the dwelling is required to improve the viability of the establishment as a business, and this has been included and referred to in various public comments.

The recommendation formed for this application has taken account of the principle of the dwelling and its material planning considerations alone. The suggested role of the development to improve the viability of the public house, whilst providing background to the development, is not a material planning consideration that can be taken into account when determining the planning application.

The English Partridge pub is listed as an Asset of Community Value (ACV). This is where the use of the land/building is considered to *further the social wellbeing or social*

interests of the local community, and is covered under legislation separate to Planning (namely the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012). The pub was successfully listed on 3rd August 2017.

If the building or land associated with its listing is to be disposed of (sold or long leasehold), an initial six week period (the Interim Moratorium) allows a qualified community group the opportunity to express an interest in bidding for the ACV. If it does so, a six month period (The Full Moratorium) gives the group opportunity to compile a bid to acquire the ACV but the seller is under no obligation to accept the group's bid.

In reference to where this sits within the planning system, Central Government released 'Assets of Community Value – Policy Statement' in September 2011 where it reads;

The provisions do not place any restriction on what an owner can do with their property, once listed, if it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions – it is open to the Local Planning Authority to decide that listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case.

It is acknowledged that the role of the pub as a community facility is further highlighted by its listing as an ACV. However, this application seeks approval for the construction of a new dwelling adjacent to the pub . Whilst reference is made to the pub throughout the application, the proposal does not involve the removal, conversion, closure, alteration (other than the removal of a modern smoking shelter) of the pub so as to threaten its role as a community facility.

Notwithstanding the above, the Council does employ policy CP6 of the LPP1 which only allows development proposals which do not threaten or result in the loss of premises or sites used to provide services or facilities.

In the circumstances of this case, consideration has been made to ensure that the function of the pub is not threatened through retaining sufficient parking provision and avoiding adverse environmental conflict between the uses. On this basis the functioning of the pub is not considered to be at risk due to the development proposal and therefore complies with policy CP6.

Conditions

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

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

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

Location Plan

Proposed Ground Floor Plan [drawing 060] received 29.01.2018

Proposed First Floor Plan [drawing 061] received 29.01.2018

Case No: 18/00251/FUL

Proposed Roof Plan [drawing 62] received 29.01.2018
Proposed Site Elevations [drawing 070] received 29.01.2018
Proposed Building Elevations [drawing 071] received 29.01.2018
Proposed Building Elevations [drawing 072] received 29.01.2018
Proposed Site Location Plan [TO ADD]
Proposed Block Plan of the Site [TO ADD]
Proposed Site Plan (including landscape annotations) [drawing number 051 B]
received 22.05.2018
Arboricultural Impact Assessment [by Bill Kowalczyk of Professional Tree Services,
dated 21.12.2017 under reference SNUG/2095d and received 29.01.2018

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

3 No development shall take place until details and samples of the materials to be used in the construction of the following have been submitted to and approved in writing by the Local Planning Authority:

- External materials used in the construction of the dwelling (including windows),
- Materials used in the construction of the boundary wall between the dwelling site and The English Partridge public house. The colour of the boundary wall must be white.
- Details of the entrance gates to the plot, including dimensions and materials.

Development must be carried out in accordance with the approved details.

3 Reason: To ensure high quality materials are used in the development given the site's location in a rural environment and its relationship with a heritage asset. The colour of the boundary wall (white) is important to tie in the development with the heritage asset, and a dark coloured material would appear dominant from the street scene.

4 Prior to the commencement of the development hereby permitted detailed information (in the form of SAP design stage data and a BRE water calculator) demonstrating that the dwelling shall meet the Code 4 standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these findings.

4 Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2012 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

5 Prior to the occupation of the dwellings hereby permitted detailed information (in the form of SAP "as built" stage data and a BRE water calculator) demonstrating that the dwelling meets the Code 4 standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied in accordance with these findings.

5 Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2012 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

Case No: 18/00251/FUL

6 Detailed proposals for the disposal of foul and surface water, notably how a package treatment plant + drainage field will fit onto the site whilst meeting building regs, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted., The approved details shall be fully implemented before development can begin.,

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

7 No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority:

Hard landscaping details must include:

- Materials used in the hard surfacing of the parking area and access drive.

Soft landscape details must include:

- Species of hedgerow to be used in boundary planting,
- written specifications and schedules of plants and vegetation noting species, planting sizes and proposed numbers/densities where appropriate,
- Implementation programme.

7 Reason: To improve the appearance of the site in the interests of visual amenity.

8 All hard and soft landscape works shall be carried out in accordance with the approved details. Hard landscaping works shall be completed prior to the occupation of the dwellings. The soft landscaping shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

8 Reason: To improve the appearance of the site in the interests of visual amenity.

9 Protective measures, including fencing and ground protection, in accordance with the Arboricultural, Impact Appraisal and Method Statement reference SNUG095d written by Bill Kowalczyk of Professional Tree Services Ltd and submitted to the Local Planning Authority shall be installed prior to any demolition, construction or groundwork commencing on the site.

The Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with SNUG095d. Telephone 01962 848403

No arboricultural works shall be carried out to trees other than those specified and in accordance with the Arboricultural Impact Appraisal and Method Statement SNUG095d., , Any deviation from works prescribed or methods agreed in accordance with the

Case No: 18/00251/FUL

Arboricultural Impact Appraisal and Method Statement SNUG095d shall be agreed in writing to the Local Planning Authority.

No development, or site preparation prior to operations which has any effect on compacting, disturbing, or altering the levels of the site, shall take place until a person suitably qualified in arboriculture, and, approved as suitable by the Local Planning Authority, has been appointed to supervise construction, activity occurring on the site. The arboricultural supervisor will be responsible for the implementation of protective measures, special surfacing and all works deemed necessary by the approved arboricultural method statement. Where ground measures are deemed necessary to protect root protection areas, the arboricultural supervisor shall ensure that these are installed prior to any vehicle movement, earth moving or construction activity occurring on the site and that all such measures to protect trees are inspected by the Local Planning Authority Arboricultural Officer prior to commencement of development work.

9 Reason: To ensure the protection and long term viability of retained trees and to minimise the impact of construction activity.

10 No development shall commence until details of the alterations to the car parking area of The English Partridge have been submitted to and approved in writing by the Local Planning Authority. The details must include:

- Sections showing the level changes proposed to increase the size of the car park on the western end of the car park,
- Details of the boundary treatment to be used on western and southern borders of the car park,
- Materials to be used in the surfacing of the car park.

Development must then continue in accordance with the approved details.

No development shall commence until such time as the parking layout for the pub as shown on drawing numbered P730 Rev A has been implemented to the satisfaction of the Local Planning Authority. The spaces hereby agreed shall be provided for the public house in perpetuity.

10 Reason: In the interests of highway safety and to ensure that the parking area to serve the English Partridge is implemented to allow the pub to function as a community facility with appropriate parking facilities.

11 No development shall commence until details of wheel-washing procedures for construction vehicles have been submitted to and approved in writing by the Local Planning Authority. Development must then continue in accordance with the approved details and no vehicle can leave the site until its wheels have been sufficiently cleaned.

11 Reason: In the interest of highway safety.

12 No development or any works of site preparation shall take place until the applicant or their agents or successors in title have implemented of a programme of archaeological mitigation works, in accordance with a Written Scheme of Investigation that has been submitted to and approved by the local planning authority in writing. No development or site preparation shall take place other than in accordance with the Written Scheme of Investigation approved by the LPA. The Written Scheme of Investigation shall include:

- The programme and methodology of site investigation and recording,

Case No: 18/00251/FUL

- Provision for post investigation assessment, reporting and dissemination,
- Provision to be made for deposition of the analysis and records of the site investigation (archive),
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

12 Reason: To mitigate the effect of the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations , Policy DM26 Winchester District Local Plan Part 2; Policy CP20 of the Winchester District Joint Core Strategy

13 Following completion of archaeological fieldwork, within 9 months (unless otherwise agreed in writing) a report will be produced in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports and publication. The report shall be submitted to and approved by the local authority.

13 Reason: To ensure that evidence from the historic environment contributing to our knowledge and understanding of our past is captured and made publicly available. , Policy DM26 Winchester District Local Plan Part 2; Policy CP20 of the Winchester District Joint Core Strategy

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C, D and E of Part 1; of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

14 Reason: To ensure that the development is proportionate to the site in order to protect the amenities of the locality and to maintain a good quality environment.

15 The garage serving the dwelling hereby permitted must be used for the storage of private motor vehicles or for storage purposes ancillary to the residential use on the site.

15 Reason: To prevent the creation by conversion of further areas of living accommodation which may lead to over intensive use of the site.

16 The roof windows on the eastern elevation serving the WC and en-suite must use obscure glazing which achieves a level of at least Pilkington Privacy Level 4 and be thereafter retained in this condition.

16 Reason: In the interests of the residential amenity of number 1 Wood Lark Cottages

17 Prior to any work commencing on site, details of a scheme for protecting the proposed dwelling from external noise shall be submitted, and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the dwelling.

17 Reason: To ensure that acceptable noise levels within the dwelling and the curtilages of the dwelling are not exceeded.

Informatives:

1.

In accordance with paragraphs 186 and 187 of the NPPF, Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

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

In this instance a site meeting was carried out with the applicant.

2.

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

Local Plan Part 1 - Joint Core Strategy: MTRA3, CP2, CP6, CP11, CP13, CP20

Local Plan Part 2 - Development Management and Site Allocations: DM1, DM2, DM15, DM16, DM17, DM18, DM23, DM29

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.

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 Practise

<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

Case No: 18/00251/FUL

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.

The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works can commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with. If works commence on site before all of the pre-commencement Conditions are discharged then this would constitute commencement of development without the benefit of planning permission and could result in Enforcement action being taken by the Council.

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

The name of the planning officer who dealt with application

The application case number

Your contact details

The appropriate fee.

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

9.

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development with sufficient capacity in foul sewerage network, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>

10.

The applicant is reminded a licence is required from Hampshire Highways Winchester, Bishops Waltham Depot, Botley Road, Bishops Waltham, SO32 1DR prior to commencement of access works.

Appendix 1



Robert Green
Development Management
Winchester City Council
Colebrook Street
Winchester
SO23 9LJ

Our Ref: WIN/1281/NM
Your Ref: 18/00251/FUL
Email: neil@southernplanning.co.uk
Date: 9 March 2018
Status: Letter of objection

By Email – planning@winchester.go.uk

Dear Mr Green,

Planning application ref: 18/00251/FUL – A new dwelling within the curtilage of the English Partridge Pub in Bighton, The English Partridge, Bighton, Alresford, Hampshire, SO24 9RE

Bighton Parish Council have asked me to provide planning advice and to comment on the above application.

Please accept this as a letter of objection on their behalf.

The English Partridge public house (formerly the Three Horseshoes) is the only pub in Bighton.

It is currently closed and has been for nearly 12 months. The applicant / current owner claims that the business is not viable, although the local community disputes this – they maintain that the pub was poorly managed and was not therefore given the opportunity to succeed as a viable and sustainable business.

The Parish Council successfully nominated for the pub to be designated as an 'Asset of Community Value' (ACV), which was confirmed by Winchester City Council on 3 August 2017 (Asset ref: ACV26, expiring on 3 August 2022). The process, which is otherwise known as 'Community Right to Bid', means that if the premises is put up for sale, the local community is given time to prepare a bid and can attempt to buy the asset themselves. In order to be accepted as an ACV, the nominated facility must meet the following definition:

"The main use of the land and/or building furthers the social well-being or social interests of the local community now, or in the recent past, and it is realistic to think that this can continue into the future"

Having been granted ACV status, it has, therefore, already been accepted by the City Council that the pub is an important community facility that has furthered the social well-being or social interests of the local community in the past and has the potential to do so in the future.

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Designation as an ACV is a significant material consideration in the determination of the application¹.

The primary concern of the Parish Council and a large number of residents of Bighton who attended a recent Parish Council meeting is that the proposed dwelling would sever approx. 40% of the site area of the Public House. Without doubt, this would adversely affect the viability of the pub and any attempts to re-open it in the future.

The pub has previously hosted weddings (in a marquee within the grounds of the pub). There have also been community and private functions, which have utilised the open areas within the curtilage of the pub. The severing of the pub site in such a manner would therefore severely reduce the potential to hold such events in the future and therefore affect its viability.

Potential purchasers of the pub may well want to extend the premises in order to increase revenue, e.g. by providing letting rooms or a larger dining area, although this would be jeopardised if the current proposal were to go ahead.

The Parish Council and local residents are concerned that this is an attempt by the applicant to asset strip the pub or a ploy to increase the value of the land before putting it up for sale. If the whole site is sold with planning permission for a dwelling, then this will significantly increase the value of the site, potentially affecting the ability of the consortium to be able to afford to purchase the site. Excluding the dwelling from the sale would reduce the site area and therefore make the pub a less viable proposition. The outcome of this application is therefore unquestionably linked to the viability of the pub and the ability for it to remain a community facility in the future.

At the recent Parish Council meeting, the applicant's representatives confirmed that the applicant was intending to sell the site if permission was granted. This confirms that the application is purely speculative and is not therefore linked to the future of the pub or its viability or upkeep (e.g. as enabling development).

Section 5 of the application form indicates that there has been pre-application discussion with the Council and the advice given by officers is that the principle of development is acceptable on the basis that it is a 'small' site 'within a continuously developed road frontage' – which is reference to Policy MTRA3 of the Joint Core Strategy.

There is no mention anywhere in the application (or in the details of the pre-application advice provided) of Policy CP6 of the Joint Core Strategy – Local Services and Facilities.

Policy CP6 is extremely relevant to the application as it seeks to retain and improve services across the District, including Public Houses.

¹ Assets of Community Value – Policy Statement (Sept 2011) confirms that the listing of a community facility as an ACV is capable of being a material planning consideration.

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Policy CP6 states that:

Development proposals should not threaten or result in the loss of premises or sites used to provide services and facilities unless it can be demonstrated that:

- *the site/premise is not required because the service or facility has been satisfactorily relocated or is no longer needed to serve the locality ; and*
- *the site or building has no reasonable prospect of being used for an alternative service or facility which would benefit the local community.*

In this case, the proposed development would threaten the future viability / loss of the public house for the reasons stated. Moreover, the applicant is not able to demonstrate that the facility is no longer needed to serve the locality as this letter clearly shows that there is a desire for the pub to be re-opened and there is a mechanism in place (ACV) that can enable this to happen. Nomination of the pub as an ACV by the local community and the subsequent approval by Winchester City Council is clear confirmation of the intent of the local community to try to retain the pub for the social well-being of the wider community.

The application is therefore contrary to Policy CP6 and on that basis alone should be refused.

National Planning Policy Framework

National planning policy makes specific reference to the retention and development of community facilities, including public houses:

- *promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship (Section 3, Supporting a prosperous rural economy)*

One of key principles of the framework is improving social well-being for all and delivering community facilities to meet local needs.

- *take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. (Paragraph 17)*

Impact on the setting of the listed building

The Public House is a Grade II listed building (18th Century and early 20th Century).

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be given to the setting of the listed building when considering development proposals.

Paragraph 129 of the NPPF states that



'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.'

The public house is situated centrally within the site, with large open and (largely) undeveloped spaces either side. The openness of the plot gives the listed building increased significance and informs the setting of the building.

The proposal to construct a large dwelling on the north eastern part of the plot, covering approximately 40% of the total site area, would unbalance the plot and would therefore affect the setting of the listed building.

The proposed Site Plan shows the close proximity of the proposal to the listed building and especially the raised terrace, which is a modern adjunct which would be wholly out of keeping with the character and appearance of the listed building.

The proposal would also bring residential paraphernalia in very close proximity to the listed building and not just built development.

The proposed Site Elevations drawing appears more like a suburban streetscene than a rural village.

The open space around the pub has enabled the parking area to remain largely informal and unmarked, which is part of its rural charm. The drawings show that the pub parking area would need to be reconfigured with a new layout, which will need to be formally laid out with appropriate markings. This, along with the new development and its associated buildings, and paraphernalia, will have an urbanising effect on the setting of the listed building and would therefore be detrimental to its simple rural characteristics and charm.

Paragraph 131 of the NPPF states that:

In determining planning applications, local planning authorities should take account of:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

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Emphasis is placed on heritage assets being used appropriately for viable uses consistent with their conservation. Clearly, in order to preserve and enhance the significance of the listed building, which has been a pub serving the local community for as long as anyone can remember, the most appropriate use of the listed building is as a pub. Development proposals that would affect the viability of the pub and therefore affect its ability to re-open and to continuing operating as a pub in the future would not be in the best interests of the heritage asset and would put its long term conservation at risk.

The framework also acknowledges the positive contribution that heritage assets can make to the economic vitality of sustainable communities, which is exactly what the local community is seeking to achieve in their desire and sustained efforts to re-open the pub.

Siting of a new dwelling next to a pub

Siting a brand new, modern, purpose built dwelling in close proximity to a pub could lead to complaints from future occupants about noise and odours emanating from the pub. This could lead to conflict over how the pub can operate, which could further affect the viability of the pub if it were to re-open.

Conclusion

This application is much more than just Policy MTRA3.

The designation of the pub as an ACV confirms its importance as a community facility and is a significant material consideration.

The proposal would unarguably affect the future viability of the pub and its ability to re-open, and is therefore contrary to Policy CP6.

The close proximity of the proposed development to the listed building will undoubtedly affect its setting and, along with the re-modelled car park, cause harm to its significance as a heritage asset.

For these reasons, the application should be refused.

Yours sincerely,



Neil March Bsc (Hons) Dip TP MRTPI
Associate Planner

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