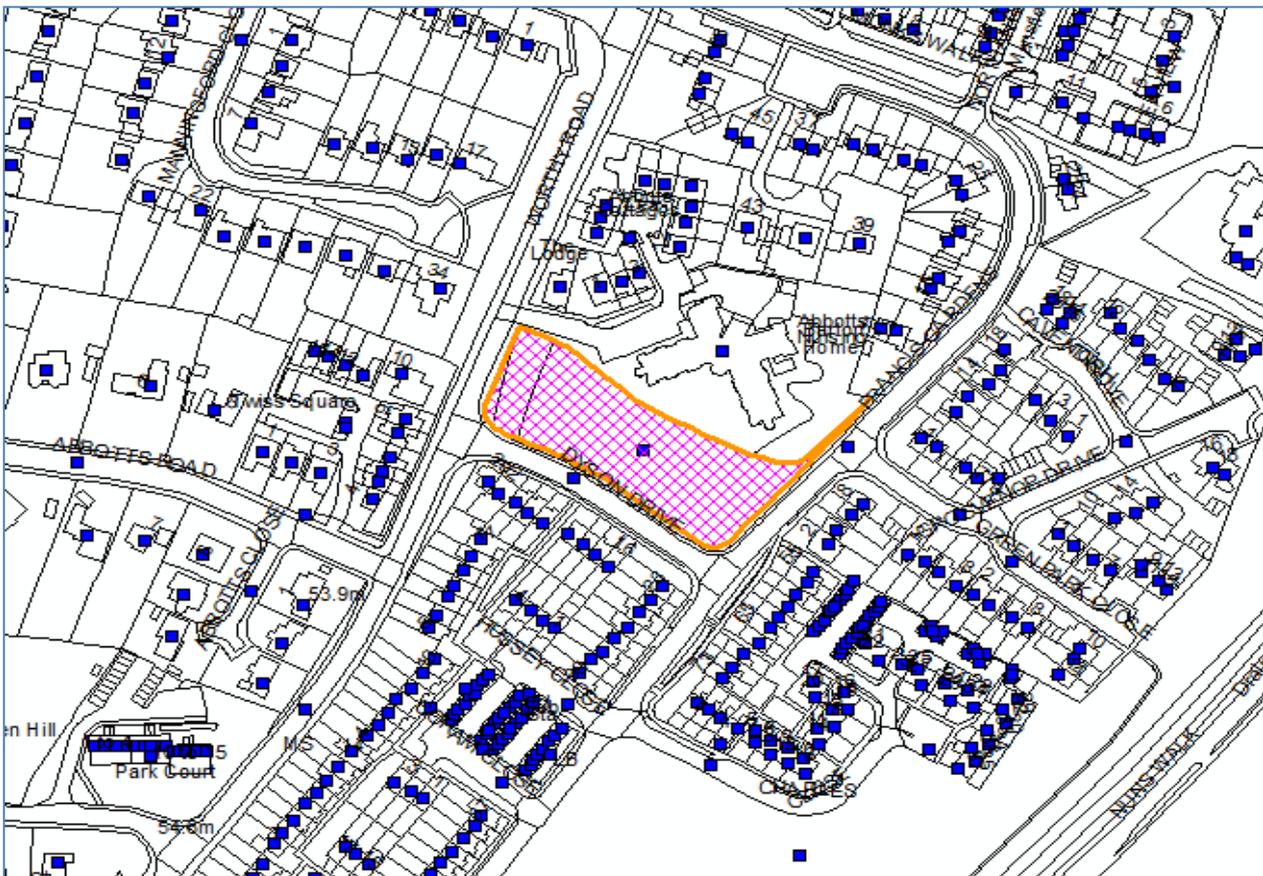


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**Case No:** 22/01725/FUL  
**Proposal Description:** Development of site to provide 8no. two storey, affordable dwelling houses (2no. 2 bed, 6no. 3 bed), including vehicular access from Francis Gardens, plus associated car parking and landscaping.  
**Address:** Site 7, Land Off Dyson Drive, Winchester, Hampshire, SO23 7HN  
**Parish, or Ward if within Winchester City:** St Bartholomew  
**Applicants Name:** Mr Andrew Palmer  
**Case Officer:** Catherine Watson  
**Date Valid:** 1 August 2022  
**Recommendation:** Application Permitted  
**Pre Application Advice:** No

**Link to Planning Documents**

[Link to page – enter in reference number: 22/01725/FUL](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)  
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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**Reasons for Recommendation**

The development is recommended for permission as the benefit to the local community of the creation of more affordable, social housing outweighs the loss of the open space at Dyson Drive. The proposal will not result in a harmful impact on the character of the area or highway safety, and would not harm neighbouring residential amenity.

**General Comments**

The application is reported to committee because of the number of objections received, contrary to the officer's recommendation.

**Amendments to Plans Negotiated**

None

**Site Description**

The site is situated on Dyson Drive in the Winchester suburb of Abbots Barton. It measures approximately 0.37ha in size and is currently in use as green public open space, with a set of football goal posts installed. The north-eastern boundary, adjacent to the Abbots Barton Care Home, is characterised by a leylandii hedge whilst the north-west boundary with Worthy Road is defined by a brick and flint wall with trees, shrubs and ivy present. There are a few individual trees within the site, mostly adjacent to the south-western edge adjoining Dyson Drive, otherwise this part of the site, along with that adjacent to Francis Gardens, has a largely open aspect. The land slopes gently from the north-west to the south-east.

**Proposal**

The proposal is for the construction of 8 two storey dwellings (2no 2 bed and 6no 3 bed), including vehicular access from Francis Gardens with associated car parking and landscaping.

**Relevant Planning History**

None relevant.

**Consultations**

Service Lead for Community and Wellbeing (Landscape and Open Space)

Objection with regards to open space.

It is acknowledged that this open space site has been allocated for development since the Abbots Barton Planning Framework in 2013 and that the current Local Plan Part Two (WIN10) permits about 9 houses to be built here. However, this doesn't fully overcome concerns or objections from an open space perspective.

The council's latest assessment of the adequacy of open space across the district (The Open Space Assessment) finds that there is a shortfall of open space in the St Bartholomew Ward. The open space at Dyson Drive is not surplus to requirements. There is locally a 2.83 hectare deficiency. Moreover it is not clear whether there are any proposals to satisfy either the second or third bullet points of the government policy (NPPF paragraph 99). How is this housing development contributing to alternative sports and recreation provision? Or, if not, where is the replacement open space to be located? Open Space will maintain an objection to this proposal as it fails to accord with the Development Plan (NPPF paragraph 99).

The planting plan is acceptable in terms of the information it has provided.

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Service Lead for Community and Wellbeing (Ecology)

Support

As requested previously, the condition of the proposed habitats have been reconsidered, reducing the net gain to a more realistic 2.88%.

If you were minded to grant permission, it is recommended that the below are secured via suitably worded planning conditions:

- Measures within Section 5 Assessment of Ecological Effects and Mitigation/Compensation / Enhancement Measures” of the submitted Ecological Impact Assessment by Ecosa (July 2022).
  - A sensitive lighting strategy
  - A management plan for the proposed habitats detailed within the submitted Biodiversity Net Gain Assessment by Ecosa (July 2023)
- (Conditions 9 to 11)

Service Lead for Community and Wellbeing (Trees)

Support - no objection to these proposals

Service Lead for Engineering, Transport and Special Maintenance (Drainage)

Support - no objection to this development on the grounds of flood risk because the site is in Flood Zone 1 and there is a very low risk of surface water flooding.

Soakaway has been proposed for surface water drainage, but no additional information or drainage plan has been provided. It should be investigated by conducting on-site trial pit testing for infiltration using the method described in BRE Digest 365 (2016). The calculated infiltration rate should, if appropriate, be used to design an infiltration SuDS. This can be resolved later by imposing a drainage condition.

The area has a foul main that should be utilised for foul drainage. For a capacity check and a connection application, Southern Water should be contacted.

Should this application be granted permission a standard pre-commencement drainage condition for foul and surface water should be imposed to guarantee the provision of a sufficient and sustainable drainage system. (Condition 12)

Hampshire County Council Highways

Comment

HCC require tracking for an 11.2m large refuse vehicle to be demonstrated showing all movements into and out of the proposed site access. The tracking provided previously also shows that a 9.15m vehicle turning left out of the site would overrun the existing parking bays on the southern side of Francis Gardens which would not be acceptable.

Whilst it was mentioned that HCC would raise no concern regarding parking internal to the site leading to overspill parking, there are concerns over the potential displacement of parking in the existing parking bay on the northern side of Francis Gardens as this would be reduced in size to accommodate the proposed site access. Therefore, a parking survey of these parking bays should be conducted and submitted to allow HCC to assess whether the loss of parking would be acceptable in this location. Regardless of the outcome of this survey, the proposed access would require an amendment to the existing Traffic Regulation Order as it means the parking bay will be altered.

Natural England.

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Comment.

Designated Habitats Sites – No objection subject to securing appropriate mitigation

It is Natural England's view that in this case, provided the Council as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

**Nutrient Neutrality**

We note the nutrient budget dated 16 December 2022 has been calculated using Natural England's latest guidance on nutrient neutrality to calculate the proposed development will result in an additional 24.56 kg Total Nitrogen (TN)/year, and 1.09 kg Total Phosphorus (TP)/year pre-2025, reducing to 0.5 kg TP/year post-2025, discharging to the Solent designated sites.

The nutrient budget has been calculated on an estimated water use of 105L/per person/per day. Winchester Council, as competent authority, must be content that this water use is suitably precautionary and can be adequately secured and monitored in perpetuity.

Provided the competent authority is assured and satisfied that the site areas used in the calculation are correct and that the existing land uses are appropriately precautionary, then Natural England raises no further concerns with regard to the nutrient budget.

Please note the calculation is based on all wastewater from the development being treated at Harestock WwTW. If this situation changes, a reassessment of the nutrient calculation will be required and an updated HRA necessary.

**Representations:**

City of Winchester Trust:

- Comment. The application follows lengthy plan/design preparation;
- Local residents have been consulted;
- Agree with the landscape officer that landscape detail should be part of the application.

37 Objecting Representations received from different addresses citing the following material planning reasons:

- Loss of public open space;
- Inadequate access to and from the site, will cause problems in Francis Gardens and Dyson Drive;
- Loss of trees;
- Fewer parking spaces in the vicinity;
- Large amount of non-porous surfacing proposed;
- Overlooking from the new houses to properties on Dyson Drive and Francis Gardens

1 Supporting Representation received citing the following material planning reasons:

- It is a highly sustainable location – city centre and railway station are in walking distance;

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- The new dwellings will be truly affordable;
- The estate has a lot of open space and recreational facilities.

**Relevant Government Planning Policy and Guidance**

National Planning Policy Framework

1. Introduction
2. Achieving sustainable development
3. Plan-making
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
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

Air Quality

Appropriate assessment

Climate change

Community Infrastructure Levy

Consultation and pre-decision matters

Design: process and tools

Determining a planning application

Effective use of land

Flood risk and coastal change

Housing supply and delivery

Natural environment

Open space, sports and recreation facilities, public rights of way and local green space

Plan-making

Renewable and low carbon energy

Use of planning conditions

Water supply, wastewater and water quality

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1). DS1 – Development Strategy and Principles

DS1 – Development Strategy and Principles

CP1 – Housing Provision

CP2 – Housing Provision and Mix

CP7 – Open Space, Sport and Recreation

CP11 – Sustainable Low and Zero Carbon Built Development

CP13 – High Quality Design

CP16 – Biodiversity

CP17 – Flooding, Flood Risk and the Water Environment

CP20 – Heritage and Landscape Character

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

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WIN10 – Abbots Barton  
DM1 – Location of New Development  
DM5 – Protecting Open Areas  
DM15 – Local Distinctiveness  
DM16 – Site Design Criteria  
DM17 – Site Development Principles  
DM18 – Access and Parking  
DM19 – Development and Pollution  
DM24 – Special Trees, Important Hedgerows and Ancient Woodlands

Supplementary Planning Document

National Design Guide 2019  
High Quality Places 2015  
Air Quality SPD September 2021  
Parking Standards SPD 2009  
High Quality Places SPD 2015  
Abbots Barton Planning Framework 2013  
Winchester City Council Open Space Assessment 2022

Other relevant documents

Climate Emergency Declaration Carbon Neutrality Action Plan 2020 – 2030  
Statement of Community Involvement 2018 and 2020

**Planning Considerations**

**Principle of development**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2021) require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposal is for the construction of 8 affordable dwellings to be let as social housing by Winchester City Council. The site falls within the settlement boundary of Winchester where new residential development is acceptable in principle, subject to compliance with other relevant local and national planning policy.

The site is designated as public open space in the Winchester City Council Open Space Assessment 2022. In 2016, the former St John's Ward was deleted and the area the subject of this application was taken into the St Bartholomew Ward which has resulted in an increase of overall population. St Bartholomew Ward has subsequently been identified as having a deficit in certain types of open space, including Informal Green Space, Natural Green Space, play facilities and sports ground provision. Policies CP7 of the WDLPP1 and DM5 of the WDLPP2 do not allow for the loss of public open space other than under exceptional circumstances. Notwithstanding this, the site was identified in the Abbots Barton Planning Framework 2013 and policy WIN10 of the LPP2 as a suitable location for affordable housing in Winchester. Another policy site identified within Abbots Barton has already been delivered, consisting of 13 homes at Hillier Way. To help mitigate for the visual loss of open space here, a financial contribution was made to improve open space provision in Abbots Barton. A piece of previously inaccessible land was turned into a new

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space called Hillier's Haven. Improvements have also been made to existing open spaces, including new and improved pathways and a trim trail.

Despite the area being well-served by open space and recreational facilities (central parkland approximately 100m away, Hilliers Haven and River Park), following extensive community engagement it became clear that the loss of any green space should be compensated for. Between 2012-2019, a number of community consultation exercises were undertaken to identify the type of compensation desired. A Town and Village Green application for Dyson Drive was made by some of the residents in 2013 but was subsequently withdrawn in 2021. A consultation event specifically relating to the site was held on 19.07.2019. Members of the council's Landscape and Open Space team also attended to consult with residents on potential mitigation for the loss of the open space if the development were to proceed. Over 200 residents attended, including members of the Abbots Barton Community Group.

As a consequence of this, the council has provided compensation for land used for new development in a number of ways. These include the reclamation of overgrown derelict land at Hilliers Haven, improved footpath links, the installation of an outdoor gym and a lease granted to the Scout Association to enable them to establish a Scout Troup on the edge of the estate. Further works completed or planned are listed below:

Improvements completed

<b>Name</b>	<b>Completion</b>	<b>Abbots Barton Planning Framework / Public Consultation / Mitigation</b>
<b>Abbots Walk play area</b>	2017	Mitigation Francis Gardens development.
<b>Hillier's Haven</b>	2017	Mitigation Hillier's Way development / Planning Framework
<b>Trim Trail Chaundler Way Park</b>	2018	Planning Framework
<b>Footpath connecting Grosvenor Drive to Nuns Walk in Chaundler Way Park</b>	2018	Planning Framework
<b>Avenue tree planting along Chaundler Rd (within park)</b>	2014	Replacement trees / Planning Framework

Planned work

<b>Refurbishment of Chaundler Rd play area</b>	Programmed 2024	Funded Capital Programme also in Planning Framework
<b>Walking and Cycling improvements to Worthy Road (HCCH)</b>	Hampshire County Council Highways	HCCH have a comprehensive proposal for walking and cycling improvements to include Worthy Road and adjacent to Dyson Drive.

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Other suggestions were made in respect of the wider Abbots Barton area, which are listed below.

- Picnic benches/BBQ areas. Benches were installed at Chaundler Road in 2019;
- Barbeque areas. Fire pits were installed at Hillier's Haven but were then removed due to abuse and anti-social behaviour;
- Wildflowers and planting. More areas, such as road margins, are left unmown to allow wildflowers to grow. There may be further opportunities for this at the Chaundler Road park; this would require a change in mowing regime;
- Play areas/adult gym. There is an informal kick-about with goalposts in the Chaundler Road park. There was discussion about the levelling of the sloping ground, however this would result in a lot of earth-moving and would create steep surrounding slopes. This is not considered necessary for an informal area and it would change the character of the park. Formal sports facilities, including rugby, cricket and tennis pitches/courts are available nearby at North Walls.

It is concluded that all of the suggestions made by the local community via the Framework and 2018 Dyson Drive consultation, that it was practically possible to implement, have been implemented.

In 2018, local members were consulted on initial plans for development at Dyson Drive and were largely supportive of these. Following this, an Outline Business Case was approved by the relevant Cabinet in October 2021 to submit an application for 8 affordable houses with associated landscaping and parking.

A number of further compensation measures to mitigate the loss of the open space have been proposed as part of this planning application, including a potential footway from Nuns Walk to the children's nursery on Hillier Way. However, the footway would only be demarcated from the rest of the road by the use of line markings and there would be no pavement and no physical barrier separating pedestrians and vehicles. It was therefore not considered that this was an appropriate form of mitigation.

Alternatively, it was suggested that a financial contribution be made on behalf of the council towards the planned highway/footway improvements to be carried out by Hampshire County Council at the Dyson Drive/Worthy Road junction. However, as these works were already budgeted for by HCC and no additional funding was required in order to facilitate these works, the financial contribution by WCC was not considered to be appropriate mitigation.

Despite further consideration, no other suitable open space improvements have been identified in the area. All of the deliverable identified options within the framework and as a result of the community engagement, have been provided. It is therefore acknowledged that the delivery of much needed affordable housing would be prevented in this case should the loss of open space at Dyson Drive prove to be unacceptable.

The development therefore needs to be assessed in relation to policies WIN10 and DM5 of the LPP2 as an exception site and the NPPF paragraph 99.

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Policy WIN10 states that within the Abbots Barton area, the council will implement the key principles and proposals that are set out within the Abbots Barton Framework. This includes the provision of about 37 affordable houses, which should meet local needs. It also identifies the potential to improve recreation and greenspace opportunities in the area.

Policy DM5 states that open areas within the defined settlement boundary will be protected from development. Built development on these spaces will only be permitted in exceptional circumstances where it can be demonstrated that the benefit to the community clearly outweighs the harm caused by the loss of all or part of that facility and options for developing elsewhere have been explored.

Policy CP7 of LPP1 states that there will be a presumption against loss of any open space, except where it can be demonstrated that the benefit of the development to the community outweighs the harm caused by the loss of the facility.

The NPPF paragraph 99 says that existing open space should not be built on unless the land is surplus to requirements or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable Location.

Thirteen new homes have already been constructed by the council at Hillier Way. This resulted in the loss of informal open space, however, this was mitigated by the improvement of the existing copse behind the Scout hut to the south-east (now known as Hillier's Haven).

As identified above, a number of significant improvements to open space and recreation provision have already been made or are proposed following the construction of the Hillier Way council housing. These are a direct response to specific suggestions made by local residents both in the Framework and the Dyson Drive public consultation event held in 2018.

Therefore, while there is no directly comparable area of open space being provided as mitigation for the loss of open space land at Dyson Drive, it is accepted that a number of alternative mitigation schemes have or will be implemented in the area and that, to some extent, these can be considered as part of the mitigation package for this scheme of affordable housing.

Furthermore, the proposed development site is listed in the Abbots Barton Framework as a suitable area for much needed affordable housing. The Framework proposes around 50 new council homes over a period of years, 13 of which have already been constructed at Hiller Way. The only site that is currently able to deliver some of the homes detailed within the Framework and WIN10, is Dyson Drive. Policy WIN10 of the LPP2 states that housing shall be provided to meet local needs. The council's proposed affordable housing scheme requires tenants to have a local link to Abbots Barton, such as residing family or employment. This ensures that there would be a clear benefit to the local community which it can be argued, would mitigate the loss of open space as stated in policies CP7 of LPP1 and DM5 of LPP2. As discussed previously, other options for mitigation have been explored and implemented where possible.

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Therefore, weighing up the balance of planning issues, it is considered that the provision of affordable housing, the package of mitigation measures already provided, and lack of suitable further mitigation projects weighs in favour of the proposals and that the loss of open space in this case is acceptable within the criteria of policies DM5, CP7 and WIN10.

**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**

Dyson Drive is situated in the suburb of Abbots Barton, to the north of the city centre. The area is built up, mainly consisting of streets with two storey, terraced and semi-detached dwellings. Dyson Drive is developed along its south-western side, consisting of two blocks of terraced, brick-built dwellings. To the north-east of the site is the Abbots Barton Care Home which consists of a multi-storey brick-built building with a well-manicured hedge along its boundary. Along the western boundary is a brick and flint wall lined with trees.

The layout of the proposed development takes the form of a terrace of 4no 3-bed dwellings (plots 3-6) constructed of a cream, multi-facing brick, slate roof tiles and dark grey window frames and rainwater goods. The terrace slopes down from plot 3 to 6 (north-west to south-east). Plots 1 and 2, 7 and 8 take the form of two pairs of semi-detached 2-bed dwellings. The materials are the same. Plots 1 and 2 are situated nearer to the top (north-west) of the site, whilst plots 7 and 8 are adjacent to Francis Gardens, in the south-eastern part of the site. A central access is proposed from Francis Gardens to serve all of the properties. The terraced plots will have gardens to the rear (the main entrances to the dwellings are from Dyson Drive) and the semi-detached plots 1 and 2 will have gardens to the front (with the main entrances facing into the site), whilst 7 and 8 will have patios to the rear (the main entrances are from Francis Gardens). Parking is provided in a court adjacent to the boundary with the care home (12 spaces), as well as 2 spaces adjacent to plots 1 and 2 and 2 to the front of plots 7 and 8. Each dwelling will have cycle parking and space for bin storage and bin presentation areas within their curtilage.

The grain of the proposed development largely reflects that of the surrounding area, with the dwellings laid out in terraces and semi-detached houses. The layout of the site is less densely developed than its surroundings, with a generous amount of land being retained to the north-west and southern corner of the site. This gives the opportunity for an extensive soft landscaping scheme which will complement the visual amenity of the site and provide additional habitat for wildlife. The materials are considered to be appropriate to the character of the area; the other buildings are predominantly brick-built with tiled roofs and some with white and brown cladding. A condition is to be included which requires details and samples of materials proposed to be submitted to the LPA prior to the commencement of works on site. (Condition 3)

Therefore the proposal complies with policies CP13 of LPP1, DM15, DM16 and DM17 of LPP2, as well as the High Quality Places SPD.

**Development affecting 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 2021. The Circular and NPPF confirm that National Parks

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have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

The application site is located 0.2km from the South Downs National Park within a relatively built up area. Given this distance and the fact that the proposal is for housing which complements the scale and form of the surrounding context, it is not considered that the development will affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

**Historic Environment**

No impact. The works do not affect a statutory listed building or structure, including setting; conservation areas, archaeology or non-designated heritage assets, including setting.

**Neighbouring amenity**

As previously mentioned, the site is adjacent to existing residential properties on three sides – Dyson Drive, the Abbots Barton Care Home and Francis Gardens. The distance between the side of plot 3 and the front of no 10 Dyson Drive is approximately 21m. Between plot 8 and the south-eastern part of the care home is 13.6m and between the front of plots 7 and 8 and no 2 Francis Gardens to the south-east is approximately 26m. These are the closest approximate distances between the development and neighbouring properties. Plots 1 and 2 look into the site and are situated behind the existing trees, shrubs and wall on Worthy Road. It is approximately 24m between plot 1 and the side of the care home and 38m between the rear of plot 1 and Twiss Square on Worthy Road.

There are ground floor windows on plots 1 and 2 which serve the main living/dining/kitchen areas. At first floor level, there are windows serving home offices and bathrooms. Given the distance between these windows and those at Twiss Square (on the opposite side of Worthy Road), along with the boundary treatment, it is not considered that there would be any overlooking. Plots 3-6 have ground floor windows facing Dyson Drive which serve kitchen/dining and living areas. It is not considered that the use of these rooms, along with the distance, would cause any issues in terms of overlooking. At first floor level are windows serving stairwells, bedrooms and bathrooms, which will face the existing Dyson Drive properties. The bathroom windows will be obscure-glazed and it is not considered that there would be any significant harm by means of overlooking from the other windows. Plots 7 and 8 face onto Francis Gardens. The front rooms are living rooms, whilst the kitchen/dining space is to the rear. At first floor level, the bedrooms and bathrooms are at the front. The bathroom windows will be obscure-glazed and it is not considered that there would be any significant overlooking caused by these properties (condition 16).

None of the new dwellings are considered to cause harm to neighbour amenity by means of overshadowing or overbearing.

Therefore the proposal complies with policy DM17 of LPP2.

**Sustainable Transport and parking.**

Vehicular access to the development is proposed via Francis Gardens to the south east of the site. This will consist of a new vehicular access which will serve 6 of the 8 dwellings.

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The remaining 2 properties are proposed to be accessed further to the northeast along Francis Gardens via a vehicle crossover which acts as an extension of the main dropped kerb access and leads to 2 parking spaces located immediately in front of these 2 properties.

The Highway Authority has confirmed that this form of access is acceptable in principle.

The proposed development will have 16 off street parking spaces, 2 for each property. This is considered to be adequate provision and HCC Highways have commented that they would raise no concerns regarding parking on the site leading to overspill parking on the street.

However, the proposed development will have a small impact on parking in the street because the proposed new access onto Francis Gardens will result in the loss of parking bays on the northern side of Francis Gardens. To assess this impact the applicant has submitted a parking survey to determine the existing use of the on-street parking at Dyson Drive and Francis Gardens. This was undertaken between 04.04.2022 and 09.05.2022. The sites were visited at various times over a 5 week period, ranging from morning to early evening, in order to capture an accurate representation of typical parking usage over the course of a day. The number of cars fluctuated considerably with the greatest parking usage often being in the early evening. At Dyson Drive, the number of cars parked in the on-street bays varied from 2 to 8, with an average of 6 cars parked each day. At Francis Gardens, the number of parked cars in the on-street bays ranged from 2-8, with an average of 3 cars parked each day. There were no dates/times when the parking bays were at full capacity. In these circumstances it is not considered that the loss of parking bays would have an unacceptable impact on local parking or highway safety. The reduction in parking bays does however require a Traffic Regulation Order and this is covered by condition 17.

The Highway Authority has raised concerns that the largest size of service vehicle may not be able to access the site. In response to this, it is considered that a suitable waste management strategy would be to locate bin collection points within the site adjacent to the highways to enable bins to be collected via Dyson Drive and Francis Gardens. This is considered to be an appropriate strategy for a site of this size. A condition is therefore attached requiring a waste management plan to be submitted (condition 18).

There were no concerns with regards to highway safety caused by the development and the proposal complies with policy DM18 of LPP2 in terms of potential harm caused to parking and wider highway safety.

### **Ecology and Biodiversity**

The River Itchen SSSI is located 170m east and the River Itchen SAC 410m east. However, the site is within an existing residential estate no concerns have been raised about potential impacts upon the River by Natural England or the council's ecologist.

An Ecological Impact Assessment was submitted with the application. This identified existing habitat and land uses within and close to the site, along with trees that are considered to be of moderate potential for roosting bats. Integrated bat, swift and sparrow boxes are proposed for each building, along with hedgehog highways in any close boarded fencing. Further information was subsequently submitted with regards to biodiversity net gain (BNG). Whilst the mandatory 10% net gain has not yet come into

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force, new development should aim to achieve as high a percentage as possible. Following further surveys and assessment, including the use of the Natural England BNG metric for small sites, it has been concluded that a net gain of 2.88% is possible on this site, which is within an urban setting. This was considered by the council's consultant ecologist to be acceptable in this instance. Conditions 9-11 are attached to secure the mitigation measures, a sensitive lighting strategy and an ecological management plan.

Therefore the proposal complies with policy CP16 of LPP1.

**Appropriate Assessment.**

The application will have a likely significant effect in the absence of avoidance and mitigation measures on European and Internationally protected sites as a positive contribution of 24.56 kilograms of total nitrogen per year (kg/TN/year, with 20% buffer applied) pre-2025 and 24.56 kilograms of total nitrogen per year (kg/TN/year, with 20% buffer applied) pre-2025 is made.

The applicant has determined that there will also be a phosphorous budget which demonstrates that there will be a phosphorous input into the Solent catchment area of 1.09 kilograms of total phosphorous per year (kg/TN/year, with 20% buffer applied) pre-2025 and 0.5 kilograms of total phosphorous per year (kg/TN/year, with 20% buffer applied) post-2025.

Winchester City Council is understood to be pursuing the upgrade of its existing PTPs at Northington and The Goodens. Details of this are contained within the council's Housing Revenue Budget 2023/24 Cabinet Report dated 09.02.2023. The key information is contained within paras 19.3-19.4 of this document and the nitrogen and phosphorous credits in this instance will be generated by the upgraded facilities at Northington. Technical details of the operation and nutrient loads generated at this upgraded plant have been submitted and an appropriate assessment has been discussed with Natural England.

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 nitrogen and phosphorous neutral development and the guidance on nitrogen from Natural England. The authority's assessment is that the application has demonstrated nutrient neutrality.

The council already uses a Grampian condition in respect of the provision of nitrogen mitigation prior to the occupation of the development. As the council now has the means of mitigating against phosphorous, it is considered reasonable that the Grampian condition also provides for phosphorous mitigation to be implemented prior to occupation.

This will be secured by way of condition 8, complying with the Council's strategy and resulting in nutrient neutral development. It can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above in this regard.

This represents the authority's 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

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biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2018.

**Landscaping and trees**

The north-western part of the site, adjacent to Worthy Road, will have a combination of species-rich turf and thicket planting around the retained trees. This will be to the rear of plots 1 and 2 and along the boundary with Dyson Drive. Closer to these dwellings will be a meadow planted mix and then a landscaped buffer immediately to the rear. The gardens will be laid to lawn, with hedges enclosing them. The meadow planting extends to the south-west as far as plots 3-6. The front and rear gardens are laid to lawn and to the rear, will be enclosed by ornamental hedging which in turn will be bordered with native-species hedging. The meadow planting then continues from the south-eastern edge of the terrace to the border with Francis Gardens. Plots 7 and 8 propose similar soft landscaping to the terrace.

A hedgerow mix of planting will border the communal parking area. Throughout the site, new trees and shrubs are proposed.

Hard landscaping will be secured by condition to be appropriate to the site and for surface water drainage (condition 6).

A number of the existing trees are to be retained. These include those along the boundary with Worthy Road, which are subject to a group TPO, as well as two trees along the Dyson Drive boundary T1 – Sweet Chestnut; T2 – Lime and T4 – Oak). Along the boundary with the care home T13, which is a field maple, is also to be retained. Tree T3 (Whitebeam), towards the north-west of the site, is to be felled. All of the retained trees will be protected during the construction process. A condition is included to ensure the trees are protected (condition 5)

The proposed landscaping is therefore considered to be appropriate for the site and scale of development and therefore complies with policy CP13 of LPP1 and DM16 of LPP2.

**Sustainability**

Developments should achieve the lowest level of carbon emissions and water consumption which is practical and viable. Policy CP11 expects new residential developments to achieve Level 5 for the Energy aspect of the Code for Sustainable Homes and Level 4 for the water aspect.

The proposed dwellings are to be constructed to Passivhaus standard. Mechanical and electrical plant equipment will be required, including MVHR and Hot Water Storage Cylinders, insulation etc in order to be able to achieve this standard.

Design-stage data for energy and water have already been submitted and are acceptable.

Condition 13 then requests as-built data prior to the occupation of the unit to ensure that the requirements have been met.

The proposal therefore complies with policy CP11 of the LPP1.

The site is not within any of the air quality receptor sites (Jewry Street, Romsey Road and St George's Street). An Air Quality Statement has been submitted which confirms that no  
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solid fuel appliances will be installed, secure cycle storage will be constructed, no gas boilers are proposed and EV charging points will be installed in the main parking court.

The development is therefore acceptable and complies with policy DM19 of LPP2 and the WCC Air Quality SPD.

### **Sustainable Drainage**

The site is in Flood Risk Zone 1 and therefore there is a very low risk of surface water flooding. The site can connect up to the mains sewers. Soakaways are proposed for surface water drainage. Further information regarding infiltration testing is required however, this will be secured prior to commencement via condition 12.

Therefore the proposal complies with policy DM17 of LPP2.

### **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**

While the development will result in the loss of an area of open space with no direct equivalent replacement available, there has been a package of mitigation schemes implemented in the area in response to the Abbots Barton Framework and local consultation. The benefit of the scheme which is a material consideration of some weight is the provision of much needed affordable housing for local people. In these circumstances the loss of open space is considered to be acceptable. The scheme is considered to be well designed and will make a positive contribution to the local area and will not have any harmful impacts on residential amenity. Issues such as ecology, sustainability, parking and highway safety drainage and nitrates have been properly addressed by the application. The proposals are therefore considered to be acceptable and in accordance with local plan policies.

### **Recommendation**

Application Permitted subject to the following conditions:

#### **Conditions**

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.

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

2. The development hereby permitted shall be carried out in accordance with the plans and documents listed below unless otherwise agreed in writing by the local planning authority:

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- Site Location Plan 1740\_EX\_001
- Topographic Survey 1740\_EX\_010
- Proposed Block Plan 1740\_PR\_001
- Roof Plan 1740\_PR\_005
- Site Layout Plan 1740\_PR\_010
- Plots 1 – 2 Floor Plans 1740\_PR\_100
- Plots 3 – 6 Ground Floor Plan 1740\_PR\_101
- Plots 3 – 6 First Floor Plan 1740\_PR\_102
- Plots 7 – 8 Floor Plans 1740\_PR\_103
- Elevation to Dyson Drive 1740\_PR\_200
- Proposed Sections 1740\_PR\_201
- Plot 1 – 2 Elevations 1740\_PR\_300
- Plot 3 – 6 Proposed Front and Rear Elevations 1740\_PR\_301
- Plots 3 & 6 Side Elevations 1740\_PR\_302
- Plots 7 – 8 Elevations 1740\_PR\_303
- Arboricultural Implications Assessment and Method Statement 18059-AA2-CA
- Tree Protection Plan 18059-3
- Planting Plan 1443-PP-300 Rev X 13/10/2022

Reason: For the avoidance of doubt, to ensure that the proposed development is carried out in accordance with the plans and documents from which the permission relates to comply with Section 91 of the Town and Country Planning Act 1990.

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

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

4. No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved by the Local Planning Authority, to include details of:

- Development contacts, roles and responsibilities
- Construction parking
- Public communication strategy, including a complaints procedure.
- Dust suppression, mitigation and avoidance measures.
- Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
- Use of fences and barriers to protect adjacent land, footpaths and highways.
- Details construction traffic management measures including the provisions to be made for the parking and turning on site of operative and construction vehicles during the period of development
- Details of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway
- Avoidance of light spill and glare from any floodlighting and security lighting installed.
- Pest Control

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Works shall be undertaken in accordance with the approved details for the duration of the construction period.

Reason: To ensure that development should not prejudice highway safety nor cause inconvenience to other highway users or result in any other significant harm to the amenity of local residents, or to existing natural features.

5. Works shall be carried out in accordance with the Arboricultural Implications Assessment and Method Statement Ref:- 18059-AA2-CA and the following measures:

- a) 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.
- b) A pre-commencement meeting will be held on site before any of the site clearance and construction works begins. This will be attended by the site manager, the Arboricultural consultant and the LPA tree officer.
- c) No arboricultural works shall be carried out to trees other than those specified and in accordance with the Arboricultural Implications Assessment and Method Statement Ref:- 18059-AA2-CA. Any deviation from works prescribed or methods agreed shall be agreed in writing to the Local Planning Authority.
- d) Protective measures, including fencing and ground protection, in accordance with the Arboricultural Implications Assessment and Method Statement ref:- 18059-AA2-CA written by Chris Alder of Barrell Tree Consultancy and submitted to the Local Planning Authority shall be installed prior to any demolition, construction or groundwork commencing on the site.
- e) 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. Telephone Tree Officer. 01962 848360.

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

6. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

*Hard Landscape Works:*

- All boundary treatment;
- Hard surfacing materials;
- Means of enclosure, including any retaining structures;
- Car parking layout;
- Other vehicle and pedestrian access and circulation areas;

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*Soft Landscape Works*

- The precise size, species and location of the new tree species as specified in the Tree Protection Plan provided by Barrell Tree Consultancy, ref:- 18059-3
- - Planting plans, written specifications, schedules of plants and implementation programme which shall be in accordance with Planting Plan 1443-PP-300 Rev X 13/10/2022

Hard landscape Works shall be completed in accordance with the approved details prior to the occupation of the dwellings hereby approved.

Soft Landscape works 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.

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

7. No development, or works of site preparation, shall take place until details, including plans and cross sections of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory relationship between the new development and adjacent buildings, amenity areas and trees.

8. 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; and
  - c) All measures forming part of that mitigation have been secured and submitted to the Local Planning Authority.

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

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9. The development shall be carried out in accordance with the measures, conclusions and recommendations set out within Section 5 “Assessment of Ecological Effects and Mitigation/Compensation/Enhancement Measures” of the submitted Ecological Impact Assessment by Ecosa, dated July 2022.

Thereafter, the compensation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To provide adequate mitigation and enhancement for protected species.

10. Details of any external lighting of the site shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. The lighting scheme should be in accordance with Guidance Note 08/18 produced by the Bat Conservation Trust and Institute of Lighting Professionals. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To ensure that bats and other nocturnal species are not adversely impacted by the lighting.

11. No development shall commence until a management plan for the proposed habitats detailed within the Biodiversity Net Gain Assessment by Ecosa, dated July 2023, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and permanently maintained in accordance with the approved details.

Reason: To provide adequate mitigation and enhancement for protected species.

12. Detailed proposals for the disposal of foul and surface water 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 occupation of the development hereby permitted.

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

13. Prior to the occupation of the dwelling hereby permitted detailed information to demonstrate that the dwellings will achieve Passivhaus standard shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied in accordance with these findings.

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2019 and to accord with the requirement of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

14. Eight electric vehicle charging points (EVCP) in accordance with the Air Quality SPD (September 2021) Appendix F - Electric Vehicle Infrastructure Specification shall be installed prior to the commencement of the parking or any other ancillary or incidental use of the development hereby approved, and thereafter maintained and kept in good working order for the lifetime of the permission.

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Reason: To ensure a satisfactory standard of development which meets the needs of current and future generations, and in accordance with WCC Air Quality SPD and LPP1 Policy CP13 which requires measures to minimise carbon emissions and promote renewable energy.

15. 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, AA, B, C, D, E, F of Part 1; of Schedule 2 of the Order, and Classes A and B of Part 2; of Schedule 1 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

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.

16. All bathroom windows in the dwellings hereby permitted shall be glazed with obscure glass which achieves an obscuration level at least equivalent to Pilkington Obscure Glass Privacy Level 4, unless otherwise agreed in writing by the local planning authority, and the glazing shall thereafter be retained in this condition at all times.

Reason: To protect the amenity and privacy of the adjoining residential properties.

17. No development shall commence on site until a Traffic Regulation Order has been approved for the reduction of the parking bay on Francis Gardens.

Reason: In order to ensure adequate space within the street for the new accesses to the site in the interests of highway safety.

18. No development shall commence on site until a waste management plan showing details of bin collection points is submitted to and approved in writing by the local planning authority. The bin collection points shall be provided in accordance with the approved details before the dwellings are first occupied.

Reason: To ensure adequate provision for waste management.

**Informatives:**

01. In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

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

In this instance the applicant was updated of any issues after the initial site visit.

02. This permission is granted for the following reasons:

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The development is in accordance with the Policies and Proposals of the Development Plan set out below, 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.

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

DS1 – Development Strategy and Principles  
CP1 – Housing Provision  
CP2 – Housing Provision and Mix  
CP7 – Open Space, Sport and Recreation  
CP11 – Sustainable Low and Zero Carbon Built Development  
CP13 – High Quality Design  
CP16 – Biodiversity  
CP17 – Flooding, Flood Risk and the Water Environment  
CP20 – Heritage and Landscape Character

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

WIN10 – Abbots Barton  
DM1 – Location of New Development  
DM5 – Protecting Open Areas  
DM15 – Local Distinctiveness  
DM16 – Site Design Criteria  
DM17 – Site Development Principles  
DM18 – Access and Parking  
DM19 – Development and Pollution  
DM24 – Special Trees, Important Hedgerows and Ancient Woodlands

04. 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.

05. 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.

06. 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.

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For further advice on this please refer the Construction Code of Practice  
<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

07. 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](http://www.winchester.gov.uk).

08. Replacement of trees is enforceable in law and failure to comply with the condition could result in the issue of a tree replacement notice and prosecution if the local planning authority believes that the criteria of the condition has not been met. Trees make an important contribution to the character of the landscape, creating a green environment which we all enjoy. Winchester City Council encourages the planting of new trees to replace any that are felled in order to maintain the positive benefits that trees provide.