

OFFICERS ASSESSMENT

Case Reference: 20/00758/FUL

Proposal: To build a new detached two bedroom chalet style bungalow plus a detached double garage with workshop, on a vacant paddock. Construction vehicles to use existing field accesses.

Site Address: Land Adjacent To The Maples Church Road Newtown Hampshire

Decision Type: Delegated Decision

Recommendation: Application Permitted

Officer: Liz Marsden

Date: 26 October 2020

Date of Site Visit:

EIA:

Extension of Time Date(if applicable) 27 October 2020

Consultee:

Parish Consultation Letter

Highway Engineers

Ecology

Highway Engineers

Drainage Engineer

Officers Report:

The owner of the land wishes to maximise the potential of the site. Amended plans were received on 29.07.20, to remove the proposed access from the development and increase the area within the red line to enable existing accesses to be used for construction purposes in order to avoid conflict with ecological concerns. It is understood that once the ecological survey has been completed and appropriate mitigation measures identified a separate application will be made an access in the same location as originally proposed.

Principle of development

This site is located in the countryside, where new residential development is not generally permitted unless in certain circumstances set out in Policy MTRA4 of the Winchester District Local Plan Part 1 - Joint Core Strategy. However, Newtown does fall within Policy MTRA3, as a settlement with no clearly defined settlement boundary, where development which consists of infilling of a small site within a continuously development road frontage may be supported.

The site is located on the corner of Church Road and Lodge Hill (which becomes Hundred Acres Road), with a long frontage along Lodge Hill, from where it is accessed by a field gate. It is currently a level and featureless area of grass, with hedges along the boundaries. There are dwellings located to the north and east of the site along both sides of Church Road and further dwellings to the south, on the other side of Lodge Hill. It could therefore be argued that there is continuous development along this road.

Policy MTRA3 also states that development should be of a form compatible with the character of the village and, whilst the width of the proposed plot is greater than those immediately adjacent to the site, it is not dissimilar to other properties in this part of the village (notably those to the east of the site) and the overall plot size is in keeping with the characteristics of the village.

Potential impact on:

- Site and surrounding area. The proposal will introduce built form into an existing featureless field and, given the corner location of the site will be visible. The area is characterised by a variety of types of dwelling, including a few one and a half storey buildings, though the majority are two-storey. Given the prominent corner location, the dwelling will be visible in the streetscene and it is important that the design and materials used are of high quality and appropriate in this predominantly rural area to ensure that it does not have an adverse impact on the character and appearance of the surroundings.
- Neighbour amenity. The nearest residential property is The Maples, to the north of the site, which has ground and first floor windows in its southern elevation, looking over the site, which will be affected by the proposal. However, the ground floor window is obscured by an existing closeboard fence on the boundary and the distance between the nearest point of the properties (7.5m) is such that, although the gable end and hip of the proposed building will be clearly visible from the first floor window, they will not result in undue loss of light or be unduly intrusive in the outlook from that property so as to justify a refusal on this basis. There are no windows proposed at first floor level in the northern elevation of the dwelling and therefore no adverse impact on privacy, though as there appears to be potential for additional accommodation to be created in the roof void, it would be appropriate to include a condition requiring consent to be obtained for any further openings at first floor height in order to protect the amenities of the neighbour.

There are dwellings to the south of Lodge Hill and to the east of Church Road, both of which are located around 27m from the nearest point of the proposed

house and will not therefore be unduly affected. The garage building is located closer to the south boundary, in the region of 14m from the front of Clamp Cottage, and the upper part of the building will therefore be clearly visible above the boundary hedge, though will not result in shading or loss of light.

- Highways. The plans as originally submitted incorporated a new access onto Lodge Hill, classified as a C road and, following some amendments requested by the highways authority, it has been confirmed by them that this access is acceptable. However, due to ecology issues and in order not to delay the construction phase of the development, it has been decided to remove the access from the current application and use existing alternative accesses to the field in which the site is located. One is via a field gate from Lodge Hill to the south and the other from a yard (previously used as a commercial garage and workshop) to the north. These have also been confirmed as acceptable for the temporary construction period.

- Drainage. The original proposal was to discharge surface water into a ditch and this was not considered to be acceptable as there is no evidence of a ditch around the site and local concern has been raised about flooding of the crossroads due to the inability of the existing drains to cope with increased surface water runoff. The plans have been amended to incorporate 2 soakaways, which will be subject to a condition requiring infiltration tests to ensure their adequacy.

- Ecology. A comprehensive phase 1 ecological survey has been submitted in support of the application, which identifies the potential for a number of species on the site and sets out appropriate mitigation measures that should be implemented in order to ensure that there is no adverse impact on the ecology of the area. It concludes that with these measures, there should be at least a 10% improvement to the biodiversity of the area.

The surveys that were required were for reptiles and dormice. Whilst it was possible to carry out the reptile survey, the optimum time for dormice surveys and the length of time required would effectively delay any possibility of commencing the development by a year. The principle concern relating to the dormice was the loss of the section of hedgerow that would be required in order to create the new access. As it is not possible to condition the appropriate mitigation of any impact on dormice until the results of such surveys were available it was decided that revised plans be submitted, removing the proposed access from the scheme and using either of the two existing accesses into the field, which the site forms part of. This would enable construction of the building and the new access could be dealt with by means of a subsequent application, once the dormouse survey and results were available.

The site is also located in an area where Natural England has raised concern regarding the continued discharge of nitrates and phosphorus (nutrients) due to its proximity to and impact, resulting from eutrophication, on the Solent water environment, recognised as being internationally important for its wildlife and safeguarded by Special Protection Area designations. In relation to this

proposal a Nitrate budget has been submitted, which demonstrates that the development would result in additional nitrogen being released into the sewerage system and appropriate mitigation will be required in order to achieve the neutrality that is required.

The applicants have agreed to the the Grampian condition, set out in the Council's Position Statement on nitrate neutral development. An Appropriate Assessment has been undertaken in accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017 and policy CP16 of the Local Plan Part 1 and subject to the provision of these mitigation measures the development will not result in an adverse impact on the ecology of the area and is therefore acceptable in this respect.

Nitrates

Other Matters

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.

The development therefore complies with Policies MTRA3, CP11, CP13, CP14, CP16 of LPP1 and DM1, DM15, DM17, DM18 of LPP2

Representation

Highways - requested more details required about the proposed new access, including visibility splays, position of gate and materials for driveway which have been provided and raise no objection subject to conditions. This access has subsequently been removed from the plan and further advice sought about the use of the existing field accesses, which is considered to be acceptable subject to the use of temporary matting on the field and the provision of wheel wash facilities. Would also like to see a condition that the originally intended access is in place prior to the occupation of the house.

Drainage - Soakaways would be better than drainage to a ditch and infiltration testing results will be needed in order to discharge any condition.

Ecology - Dormouse and reptile surveys are required and need to be carried out and appropriate mitigation measures identified prior to permission being granted. It has been agreed verbally that the dormouse surveys relate primarily to the existing hedgerow, which would be affected by the new access. However, if there is an alternative access to the site which could be used during construction, the dwelling could be built, provided that the hedges are protected. This would enable the required survey to be carried out prior to approval being given for the proposed access.

Following the submission of the reptile survey, the recommendations of the report are supported and should be conditioned. Still unclear as to which areas of grassland are to be retained as suitable habitat for reptiles and these details should be provided, together with measures for protection during construction, in a Biodiversity Mitigation and Enhancement plan.

Natural England - no objection provided that the proposed mitigation package will ensure that the proposal is nutrient neutral.

1 letter of objection on grounds of:

- loss of view
- reduction in value of objectors property
- scale of the dwelling

4 letters, not objecting but raising concerns about:

- drainage
- treatment of northern boundary
- construction traffic access
- wildlife considerations

Following amended plans to alter the access for construction 1 further letter of objection received objecting to the use of the field access onto Lodge Hill for construction purposes on the grounds that Lodge Hill unsuitable for heavy vehicles and mud on the road would make it more hazardous for other users.

Application Permitted subject to the following condition(s):

Recommended Conditions

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

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02 No development shall take place above slab level until details and samples of the materials to be used in the construction of the external surfaces of the building 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 the satisfactory appearance of the development.

03 The recommendations within the Reptile Survey Report (Camps Environment Services Ltd, 2020), particularly the avoidance and mitigation measures in section 6.2 and the Reptile Sensitive Working Methodology, shall be adhered to throughout all phases of the development.

Reason: To safeguard protected species and maintain biodiversity.

04 A Biodiversity Mitigation and Enhancement Plan shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This shall include:

- identification of the areas of grassland to be retained as suitable habitat for reptiles during the construction period and following the completion of the development.
- The measures to be undertaken for the protection of the retained areas and hedgerows during the construction period
- Details of the proposed biodiversity enhancement features, including the proposed pond and new native species hedge. These biodiversity enhancements shall be implemented prior to the development coming into its intended use and retained thereafter.

Reason: To ensure the protection of existing ecology and a net gain in biodiversity.

05 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.

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.

06 Prior to the occupation of the dwelling 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.

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 - Core Strategy.

07 Detailed proposals for the disposal of foul and surface water, including the results of infiltration testing and location of any drainage field, 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 commences.

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

08 Details of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway shall be submitted

and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the duration of the construction period. No lorry shall leave the site unless its wheels have been cleared sufficiently to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

09 The dwelling hereby permitted shall not be occupied until a permanent access to the site has been permitted and constructed. The temporary surfacing for the access to be used during the construction period shall be removed and the land restored to its original condition.

Reason: To ensure a long-term satisfactory access to the site.

10 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.

11 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 alteration to the approved windows or insertion of additional windows at first level, in either the gable ends or roof slopes, shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of occupants of neighbouring properties.

12 The development shall be carried out in accordance with the following approved plans:

- o 19-081-100 rev. E Site and Location Plan
- o 19-081-101 rev. B - Proposed ground floor plan and East and South elevations

*Grampian
Condition
Nitrates*

- 19-081- 102 - Proposed first floor plan and North and West elevations
- 19-081-104 rev. A - Proposed garage plans and elevations
- o 19-081-105 Site Construction plan

Reasons: For the avoidance of doubt and in the interests of proper planning

Informatives:

1. In accordance with 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 pre-application advice was given and additional information sought to address issues that arose during the consideration of the application.

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

Local Plan Part 1 - Core Strategy: MTRA3, CP11, CP13, CP14, CP16

Local Plan Part 2 - Development Management and Site Allocations: of DM1, DM15, DM17, DM18

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.

End of Report



TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Grant of Planning Permission

Planning Application Reference: **19/01025/FUL**

Decision Date:- 07.04.2020

Winchester City Council **GRANTS** planning permission for

Erection of detached 3 bedroom dwelling and garage at 2 Winters Croft, Twynhams Hill, Shirrell Heath, Southampton, Hampshire, SO32 2JL, subject to the following 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; 240419 1A1; 230419 1A1
 - 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 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.
 - 3 Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.
 - 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 all homes 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).

If you need information in a different format e.g. large print, Braille, electronically or a translation, contact our Customer Service Centre on 01962 840 222 or by email customerservice@winchester.gov.uk



5 Prior to the occupation of the dwelling hereby permitted detailed information (in the form of SAP "as built" stage data and a BRE water calculator) demonstrating that all homes 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 occupy 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).

6 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 the occupation of the proposed dwelling.

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

7 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.

7 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.

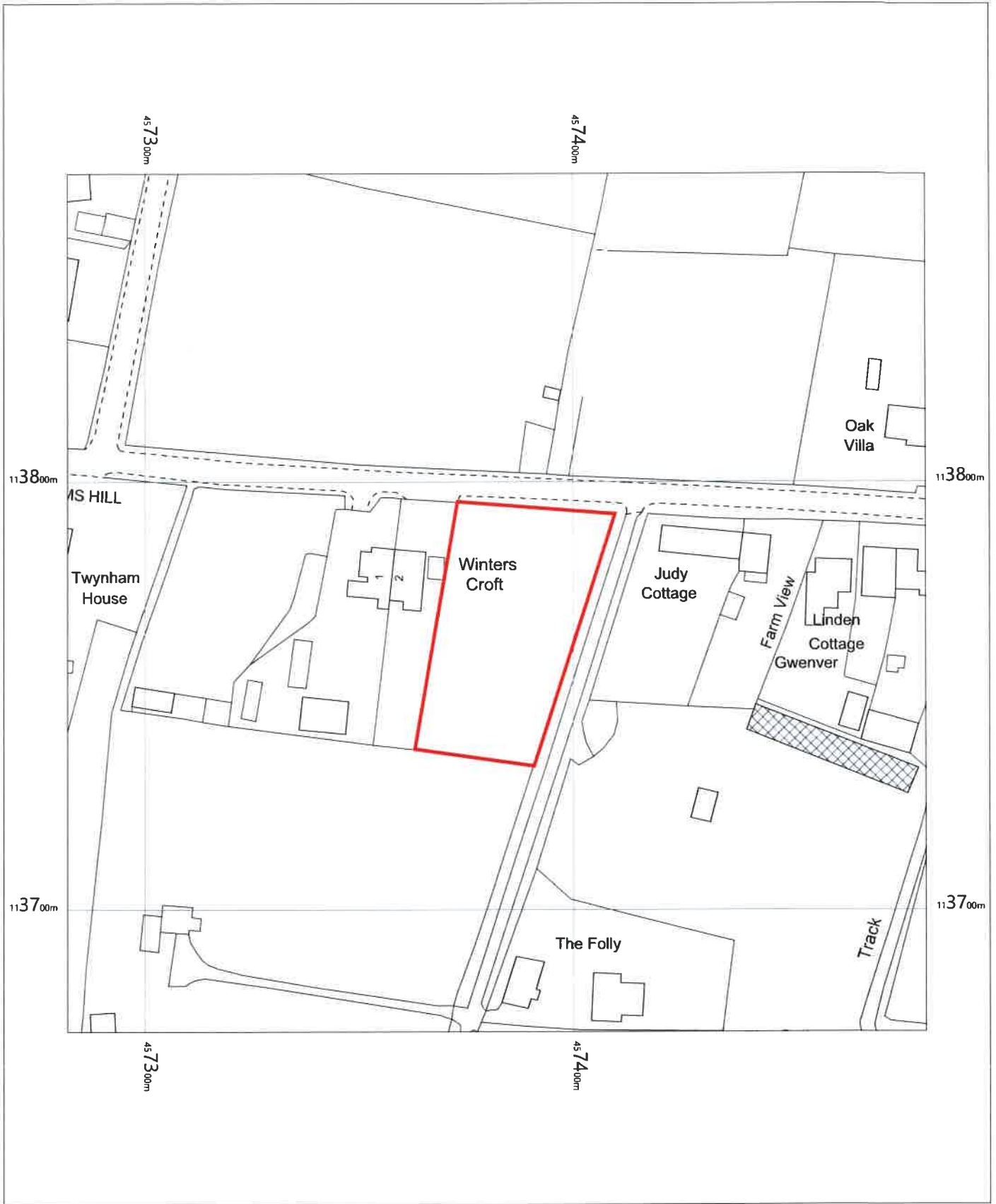
8 The recommendations within the Reptile Presence/Absence Survey Report (The Ecology Co-op, 24th September 2019) shall be adhered to throughout all phases of the development.

8 Reason: To safeguard protected species and maintain biodiversity.

J Pinnock
Julie Pinnock BA (Hons) MTP MRTPI
Service Lead – Built Environment

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2 Winters Croft
 Twynhams Hill
 Shirrell Heath
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OS MasterMap 1250/2500/10000 scale
 Wednesday, March 27, 2019, ID: BW1-00788470
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1:1250 scale print at A4, Centre: 457382 E, 113772 N

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