

PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE

17 June 2005

Attendance:

Councillors:

Baxter
Davies (P)

Busher (Chairman) (P)

Bennetts (P)
Beveridge (P)

Others in Attendance who Addressed the Meeting:

Councillors Johnston and Steel

Officers in Attendance:

Mr J Hearn: Planning Team Manager
Ms L Hutchings: Planning Officer

1. **DEVELOPMENT OF 2 NO. TWO BEDROOM AND 1 NO. THREE BEDROOM COTTAGES WITH EXTENSION AND ALTERATION TO EXISTING BARN TO PROVIDE GARAGING; RE-PROVISION OF CAR PARKING (AMENDED DESCRIPTION): THE DOWER HOUSE, SPRINGVALE ROAD, HEADBOURNE WORTHY, WINCHESTER**

The Sub-Committee met at the application site to consider the proposals. The Chairman welcomed to the meeting Councillor Steel (as Ward Member), County Councillor Porter, Councillor Johnston, the applicant (Mrs Lywood) and her agent (Mr Smallman of Drewett Neatt) and approximately ten local residents.

Ms Hutchings explained that the Viewing Sub-Committee had been formed following consideration of the application at the Planning Development Control Committee on 25 May 2005. The application sought to develop three cottages (1 no. three bedroom and 2 no. two bedroom) within the grounds of The Dower House residential home for the elderly in Headbourne Worthy. The proposed dwellings had rendered elevations with stone cornering, pyramid-style slate roofs and timber windows. Each of the three dwellings would be effectively split into two separate two-storey square buildings joined by flat roofed two storey link. The architect, Huw Thomas, had split the design so as to reduce the appearance of the buildings' bulk. Members also noted that none of the proposed properties would feature a private garden.

The site contained a significant change in levels rising away from the Springvale Road frontage and that part of one and all of the other two proposed developments would be cut into the bank between an existing row of residential flats and the road.

The Sub-Committee noted that most of the significant trees on the site carried tree preservation orders and Ms Hutchings confirmed that the development did not propose that any trees should be felled. Furthermore, a condition of the recommendation stipulated that the trees would be properly protected during the construction process.

Members also noted that the proposed development would be partly built on an existing car park and that this car park would be re-located to a new site, nearer the Dower House. The application also sought the slight re-positioning of the existing wooden barn, associated with the Dower House.

Access to the Dower House and two of the three new proposed properties would be achieved through re-opening an access onto Springvale Road and it was noted the Engineers had raised no objection to these proposals.

With regard to the site's history, Members noted that three previous applications to develop dwellings in the grounds had been refused as they had not adequately taken account of the site constraints and the tree belt. One of the refusals had been taken to appeal, where the Inspector had upheld the decision as he considered the proposed buildings to be too large and detrimental to the character of the area and because of the need to retain the tree belt. However, Ms Hutchings underlined that the Inspector had approved the principle of the development.

In response to questions, Ms Hutchings clarified that the current application differed from the previous in that size of the proposed dwellings had been reduced, there was greater protection of the trees and less encroachment into the bank.

It was explained that the site had been subject to a Local Authority Section 52 legal agreement. Signed in February 1980, this agreement related to the occupation of the dwelling and set out an area that should be retained as amenity space which included the area proposed for development. However, Mr Hearn explained that subsequent developments had been permitted through variations in the agreement. He added that in considering the recent appeal, the Planning Inspector had concluded that, given that the site fell within the development boundary of Headbourne Worthy, the introduction of Planning Policy Guidance Note 3 and that it had been identified in the Urban Capacity Study, the existence of this legal agreement was not an over-riding factor. Legal advice had recommended that if the application were approved the developer would need to seek a variation in the Agreement before works began.

At the invitation of the Chairman, Councillor Steel (as the Ward Member) raised concerns regarding the status of the 1980 legal agreement, and the access arrangements. County Councillor Porter questioned the character of the development. In response, Mr Smallman explained that there was no one-single or strong architectural theme on the site which had freed the architect to develop a design which they considered to be unobtrusive, modern and attractive.

At the invitation of the Chairman, Mrs Lywood explained that the proposed dwellings would be sold to families (one of whom must be 55 years or older) and who, she envisaged, could have an interest in using the facilities of the residential care facilities of Dower House.

At the invitation of the Chairman, a number of Dower House residents spoke against the proposals. In summary, they raised concerns regarding loss of light, loss of view, massing, and proximity to the existing properties. Mr Robson (a solicitor acting on behalf of one of the residents) explained that it had been assumed that the legal agreement would protect the open space and that the proposed development would adversely effect the residents' enjoyment of their properties. He added that the residents' age and lack of mobility accentuated this problem and that the proposals were an over-development of the site. He added that disturbance caused during the construction period was likely to cause an additional stress.

During the debate on these concerns, Mr Hearn explained that the proposed dwellings would be between 17 – 22 metres from the existing flats and, at its closest, 2.3metres from the hedgerow between the proposed and existing buildings. It was noted that the rear elevations of the proposed buildings, facing the existing flats, had no windows at the first floor level so as to prevent overlooking.

With regard to the concern of the loss of views, Mr Hearn explained that this was not a material planning consideration and Members noted that because of the considerable separation between the buildings and the pyramid design of their roofs, glimpses of the view of the field opposite were likely to remain.

In response to concerns regarding the size of the dwellings, Mrs Lywood confirmed that the buildings had been designed to accommodate wheelchair users and so that the downstairs studies could be easily converted into a bedroom.

At the conclusion of the debate, whilst Members were sympathetic to the concerns raised by the residents they agreed with the officers' recommendation that there were no sustainable planning reasons to refuse the application. However, Members also agreed that a suitable additional condition should be included to restrict the construction hours of the development and that the Committee should receive further legal advice regarding the Section 52 Legal Agreement to prevent any delay during the construction.

RECOMMENDED:

That permission be granted subject to the following conditions:

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

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

02 No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the dwellings 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.

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

03 The existing trees shown as being retained on the approved plan shall not be lopped, topped, felled or uprooted without the prior written approval of the Local Planning Authority. These trees shall be protected during building operations by the erection of fencing in accordance with details specified within Barrell Tree cares report ref: 5017-AIA-MW and plan BT1 and in accordance with BS 5837, before development commences.

03 Reason: To retain and protect the trees which form an important part of the visual amenity of the area.

04 The Local Authority Arboricultural Officer shall be contacted once the protective fencing measures are in place prior to the commencement of development of the site on 01962 848102.

04 Reason: To ensure that the trees are adequately protected.

05 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 and these works shall be carried out as approved. These details shall include the following, as relevant:

05 - means of enclosure, including any retaining structures:

05 - hard surfacing materials:

05 - minor artefacts and structures (eg. street furniture, play equipment, refuse or other storage units, signs, lighting etc):

05 - planting plans:

05 - written specifications (including cultivation and other operations associated with plant and grass establishment:

05 - schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate:

05 - implementation programme:

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

06 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before the use hereby permitted is commenced and prior to the completion of the development or in accordance with the programme agreed with the Local Planning Authority. If within a period of five years after planting any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

06 Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

07 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, specifically the woodland area to the front of the site, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the details hereby approved.

07 Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation and historic significance.

08 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

08 Reason: In the interests of the visual amenities of the area.

09 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C, E of Parts 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

09 Reason: To protect the amenities of the locality and to maintain a good quality environment.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order, with or without modification), no windows other than those expressly authorised by this permission shall, at any time, be constructed in the east elevation(s) of dwellings hereby permitted.

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

11 Details of provisions to be made for the parking and turning on site of operative and construction vehicles during the period of development shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the construction period.

11 Reason: In the interests of highway safety.

12 The parking area including the garage shall be provided in accordance with the approved plans before the dwelling is first occupied and thereafter permanently retained and used only for the purpose of accommodating private motor vehicles or other storage purposes incidental to the use of the dwelling house as a residence.

12 Reason: To ensure the permanent availability of parking for the property.

13 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage shall be passed through an oil bypass interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

13 Reason: To prevent pollution of the water environment.

14 The method of demolition and construction for the development shall be carried out in accordance with a scheme to be approved in writing with the Local Planning Authority prior to any development commencing.

14 Reason: The site is in a very sensitive location with respect to groundwater and in order to protect the quality of drinking water supplies the working methods will need to be carefully considered.

15 No development shall be commenced until a scheme for the provision of a surface water regulation system is designed and implemented to the satisfaction of the planning authority and supported by detailed calculations. The regulation system for the site must ensure that the runoff from the 1% probability storm is controlled and will restrict the outflow to that which would have occurred had the site been a green field. The scheme shall include a maintenance programme and establish ownership of the storage system for the future.

15 Reason: To prevent flooding and ensure future maintenance.

16 Unless otherwise agreed in writing by the Local Planning Authority, no dwelling hereby permitted shall be used otherwise than to provide residential accommodation for persons where at least one member of the household is aged fifty five (55) or over (the "specified age") save that such restriction shall not apply to the continued occupation of any of the dwellings by a surviving spouse or partner or member of the household under the specified age after the death of the member of the household who was of the specified age.

16 Reason: To ensure that the development is retained in the terms of the application as housing for the elderly in the interests of the amenities of the area and as the floor area proposed for the small dwellings hereby permitted would otherwise not have been allowed.

17 All work relating to the development hereby approved, including works of demolition or preparation prior to operations, shall only take place between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of adjoining properties during the construction period.

Informatives

01. This permission is granted for the following reasons:
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.

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

Hampshire County Structure Plan Review: UB3, H7, E6, E16.
Winchester District Local Plan Proposals: H1, H7, EN1, EN4, EN5, EN8, T9.
Emerging Development Plan- WDLP Review Deposit and Revised Deposit:
H2, H7, DP1, DP3, DP4, DP5, T1.

03. If dewatering of the site and discharge of associated water is necessary during construction operations, the Environment Agency should be notified regarding the dewatering and consulted regarding the need for discharge consent.

04. Any watercourse within a development should have ownership fully resolved before work commences, this is to ensure that during development and in the future any problems can be resolved quickly. Upon completion of the development, riparian owners must be informed of their rights and responsibilities particularly regarding future maintenance, to prevent the situation arising where no-one admits to owning a watercourse with subsequent maintenance problems.

The meeting commenced at 9.30am and concluded at 11.20am.

Chairman