

PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE

19 July 2007

Attendance:

Councillors:

Jeffs (Chairman) (P)

Baxter (P)
Busher (P)
Evans
Huxstep (P)
Lipscomb

Johnston (P)
Pearce (P)
Ruffell (P)
Saunders (P)
Sutton (P)

Officers in Attendance:

Mr R Ainsley (Planning Officer)
Mr N Culhane (Highways Engineer)
Mr F Sutherland (Planning and Information Solicitor)

1. **APOLOGIES**

Apologies were received from Councillors Evans and Lipscomb.

2. **RESIDENTIAL RE-DEVELOPMENT FOLLOWING DEMOLITION OF 4-7 MORNINGTON DRIVE, WINCHESTER FOR 14 NO. DWELLINGS, ASSOCIATED GARAGES/PARKING AND LANDSCAPING (RESUBMISSION) CASE REFERENCE 07/00901/FUL**
(Report PDC698 refers)

The Sub-Committee met at the Guildhall, Winchester where the Chairman welcomed to the meeting approximately 25 members of the public and representatives of the applicant.

At its meeting on 3 July 2007, the Planning Development Control Committee had agreed to refer determination of the application to the Viewing Sub-Committee, so that Members could consider in greater detail the character of the area and its effect on neighbouring properties (in particular, 3 Mornington Drive).

Immediately prior to the public meeting, the Sub-Committee had visited the application site. Members viewed the site from all three of the existing bungalows that the application proposed to demolish and from the junction of Mornington Drive and Dean Lane. With the permission of the occupants, the Sub-Committee also viewed the probable effect of the application from the adjacent properties of 3 Mornington Drive and 39 Dean Lane. Whilst the Sub-Committee were at these properties, the applicant demonstrated the eaves height of the nearest proposed buildings with a neck-tie attached to a long pole.

Mr Ainslie introduced the application to the Sub-Committee. He explained that the site covered approximately 0.6 hectares of the combined land of 4-7 Mornington

Drive. Approximately 0.075 hectares of this land comprised woodland on the western side to the entrance of Mornington Drive, which would be retained as an important landscape feature.

Each of the existing bungalows had large rear gardens and were set back 5 metres from the road. The site was enclosed on the eastern, western and southern boundaries by a variety of mature vegetation and trees, which obscured views of the site. A mature hedge ran along the northern boundary with 3 Mornington Drive and the southern boundary was marked by a belt of protected trees.

Members had noted the semi-rural character of Dean Lane which was typified by predominately detached properties in large plots, set back from the road with soft landscaping at the front boundaries. The majority of the properties in the area were two storey, although the two immediate to the northern boundary of the application site (3 Mornington Drive and 39 Dean Lane) were both bungalows.

The proposal sought permission for the demolition of the existing four, detached bungalows and the erection of 14 dwellings with associated garages/parking and landscaping. The new dwellings would be arranged around two small courtyards of car parking and hard surface to the east and west of the site. The western courtyard would include two detached properties and two semi-detached properties. The eastern courtyard would include one detached property, four semi-detached properties and three terraced properties. In the middle of the site, fronting onto Mornington Drive, the applicant proposed two detached properties, linked only by their attached garages. These central dwellings were the only buildings that would be visible from Dean Lane.

All the dwellings were two storey and some included living space within the roofs with dormer windows. The dwellings featured a variety of styles to make the site appear organic, although they were all related by a similar use of materials and design features such as door styles.

During the public participation element of the meeting, Mr Rosa spoke against the application. In summary, he underlined the local opposition to scheme (85 letters had been received opposing the application) and he objected to the scale of the proposed dwellings. He considered the dwellings with three floors would be overbearing and would overshadow the adjacent bungalows, especially in the winter,. He reminded the Sub-Committee that a previous application for the site had been refused because of the proposed mass and bulk and that the removal of the pyramid apex of Plot 6's roof did not adequately address this concern. Mr Rosa also stated that the density of the development was too great and at odds with the leafy character of Dean Lane. Finally, Mr Rosa raised concerns regarding the proposed shared surface between cars and pedestrians (which he considered contrary to DP3); the likelihood of overspill parking on Mornington Drive and Dean Lane; and that the ecology of the site was likely to suffer from the felling of three mature trees (including a protected western red cedar on the southern boundary) and from the increased area of hardstanding.

Mr Farrelly, Mr Thomas, Mr Moorman (representatives of the applicant) and Mr Pattison (a local resident) spoke in support of the application. The applicants explained their surprise at the number of objections which had been received, as the application had been amended in light of residents' comments on the previous application, which had received only seven objections. In summary, the applicants highlighted the unique screening afforded by the significant boundary landscaping of the site. This would be reinforced where necessary and the location of the buildings had been carefully considered to avoid overlooking and overshadowing. Mr Patterson

added that he considered the scheme was of a good quality and that the replacement of the existing bungalows would improve the environment of the area.

In response to the comments made by Mr Rosa, Mr Ainslie explained that the previous application had also been refused because of concerns regarding the diagrams submitted by the applicant and that these had now been overcome. Furthermore, he stated that in addition to the alteration to the roof of Plot 6, the revised application increased the area for landscaping at the front of the site. He added that the majority of the public consultation had been conducted in relation to the previous application.

With regard to the suggested loss of the protected red cedar, Mr Ainslie agreed to investigate this further as part of Condition 20. The Sub-Committee noted the applicant's desire to retain and re-enforce the boundary screening and that no objection had been raised by the Arboricultural Officer. This included the loss of a mature sycamore near to 3 Mornington Drive and various small trees within the site.

During their debate on the density of the development, the Sub-Committee noted that the figure of 27 dwellings per hectare excluded the area of woodland at the north of the site onto Dean Lane.

In response to questions, Mr Ainslie confirmed that Natural England had raised no objection to the application (subject to the protections set out in Condition 14) and that an ecological survey had been submitted with the application. He also explained that the flooding concerns raised by the City of Winchester Trust had been considered by the Environment Agency, Southern Water and the City Council's Drainage Engineer, all of whom had raised no objection to the application, subject to the protections set out in Condition 26.

Members discussed the highways concerns raised by the objectors and Mr Culhane explained that the proposal, with its shared surface and parking provision, was in accordance with Government policies and the "Manual for Streets". Therefore, it was not possible to sustain a highways reason to refuse the application. He added that the amount of hard surfacing proposed was likely to prevent overspill parking outside the development site. Mr Culhane also explained that the net increase of ten dwellings on the site was likely to result in a negligible increase of traffic at local junctions during peak hours and that this was well within the capacity of the network.

In response to a Member's question, Mr Ainslie confirmed that the application was in accordance with the St Barnabas West Neighbourhood Design Statement. This included the proposed terrace of three dwellings.

During debate, Members considered the mass and height of the proposed buildings and their effect on adjacent properties. Mr Ainslie explained that the height of the dwellings nearest 3 Mornington Drive would be 5.5 metres to the eaves and 7.8 metres to the ridge line of the roof. However, the visual impact of this would be reduced as the pitch of the roof drew away from 3 Mornington Drive. Plot 4 at the rear of the site, had a 10.6 metre high ridge line, but Mr Ainsley stated that this would not dominate The Orchard House (an adjoining property off Downside Road) because of the significant number of mature trees to be retained at the southeast corner of the site. Members noted that the dormer windows, where provided, overlooked the courtyards and that there was no overlooking onto the existing properties.

Mr Ainslie also stated that, using the BRE guidelines on sunlight, the proposals were unlikely to cause material harm in terms of overshadowing adjacent properties.

A Member raised concerns regarding the size of the smaller dwellings and suggested that these were likely to offer the new occupants cramped accommodation. In response, Mr Ainslie stated that the policies of the Local Plan demanded that 50% of the development on these sites should be small dwellings.

At the conclusion of debate, Members agreed to grant planning permission as set out, as they considered it be a comprehensive scheme which was sympathetic to its surroundings and which retained and improved the significant landscaping.

RESOLVED:

That the application be approved, subject to conditions, and provided the applicant is prepared to make the appropriate contribution towards provision for public open space through the open space funding system and contributions towards off-site highway improvements

APPROVE - subject to the following:

1. A financial contribution of £30,000 towards highway improvements
2. A financial contribution of £21,332 towards the provision of public open space through the open space funding system.

(Note: If the Legal Agreement is not completed within 6 months then the application may be refused without further reference to Committee)

Conditions

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

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

- 2 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.

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

- 3 Before development takes place fully annotated 1:50 scale drawings of all plans (including roof plans), elevations, sections; and 1:20 scale drawings of typical detail for door, windows, chimneys, eaves, rainwater goods, garden gates, ramps, street lighting, boundary walls, and other external furniture, shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details before the development is occupied unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

4 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:

- existing and proposed finished levels or contours:
- means of enclosure, including any retaining structures:
- hard surfacing materials:
- minor artefacts and structures (eg. street furniture, play equipment, refuse or other storage units, signs, lighting etc):

Soft landscape details shall include the following as relevant:

- planting plans:
- written specifications (including cultivation and other operations associated with plant and grass establishment:
- schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate:
- retained areas of grassland cover, scrub, hedgerow, trees and woodland;
- implementation programme:

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

5 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.

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

6 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.

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

7 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 to 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 cleaned sufficiently to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

8 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.

Reason: In the interests of highway safety.

9 Prior to the completion of development a cut off drain shall be provided to prevent the egress of surface water onto the public highway.

Reason: In the interests of highway safety.

10 The garages hereby approved shall not be used for any other purpose than the parking of cars.

Reason: To ensure the provision and retention of the IN: in the interests of local amenity and highway safety.

11 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 first floor of the south west elevation of plot 4, the first floor of the north east elevation of Plot 6 and the first floor of the north elevation(s) of Plot 14 hereby permitted.

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

12 The first floor window(s) in the north west elevation of Plot 1, the first floor window in the south west elevation and the en-suite window in the south east elevation of Plot 4, together with the first floor window in the north east elevation of Plot 6 hereby permitted shall be glazed in obscure glass and thereafter retained.

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

13 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, D, E of Parts 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

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

14 No development pursuant to the permission hereby granted shall commence until the applicant or their agents or successors in title has undertaken a detailed ecological investigation and survey of the site and submitted the findings to the Local Planning Authority for consideration together with a scheme of mitigation and programme for implementation of such measures. The approval in writing of the LPA shall be obtained before any work is commenced and the approved details shall be fully implemented as approved before the dwellings are occupied.

Reason: To ensure that any ecological interest on the site is properly dealt with.

15 Protective measures, including fencing and ground protection, in accordance with the Arboricultural Impact Appraisal and Method Statement reference HTAS/1384d written by Bill Kowalczyk Associates and submitted to the Local Planning Authority shall be installed prior to any demolition, construction or groundwork commencing on the site.

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

16 The Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with Method Statement HTAS/1384d. Telephone 01962 848317.

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

17 The Arboricultural Officer shall be informed prior to the commencement of construction of special surfacing under tree canopies so that a pre commencement site visit can be carried out. Telephone 01962 848317.

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

18 No arboricultural works shall be carried out to trees other than those specified and in accordance with Method Statement HTAS/1384d.

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

19 Any deviation from works prescribed or methods agreed in accordance with Method Statement HTAS/1384d shall be agreed in writing to the Local Planning Authority.

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

20 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.

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

21 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, 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.

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 in particular the shared woodland amenity space.

22 No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the existing and proposed levels and contours, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Earthworks shall be carried out in accordance with the approved details prior to the completion of the development.

Reason: In the interests of maintaining the amenity value of the area.

23 No development, or works of site preparation or clearance, 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.

24 Details of the design of building foundations and the layout, with positions, dimensions and levels of service trenches, ditches, drains and other excavations on site, insofar as they affect trees and hedgerows on or adjoining the site, shall be submitted to and approved in writing by the Local Planning Authority before any works on the site are commenced.

Reason: To ensure the protection of trees and hedgerows to be retained and in particular to avoid unnecessary damage to their root system.

25 Prior to any demolition, construction or groundwork commencing on the site, details of construction method, foundations and potential impact on trees shall be submitted to the local planning authority for approval in relation to the shed/bin store proposals, where such proposals fall with root protection areas of retained trees.

Reason: to protect tree roots of retained trees

26 No development approved by this planning permission shall be commenced until a scheme for the foul and surface water drainage has been submitted to and approved in writing by the local Planning Authority.

Reason: This site is within the Groundwater Source Protection Zone II, the mains foul water sewer is in close proximity to the site: There is a presumption for connection to this system.

Informatives:

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.

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

Hampshire County Structure Plan Review: UB3, T1, T2, T4, T6, H5, H7, R2, E6, E8

Winchester District Local Plan Review 2006: DP1, DP3, DP4, DP5, H3, H7, RT4, T1, T2, T3, T4, T5, T6, CE10

The applicant is advised that a licence will be required to carry out highway works. Please contact: Hampshire Highways, Central Depot, Bar End Road, Winchester, SO23 9NP. (Telephone: 01962 892850).

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water's Network Development Team (Wastewater) based in Otterbourne, Hampshire or www.southernwater.co.uk.

A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water's Network Development Team (Water) based in Chatham, Kent or www.southernwater.co.uk

The meeting commenced at 11.00am and concluded at 12.25pm.

Chairman