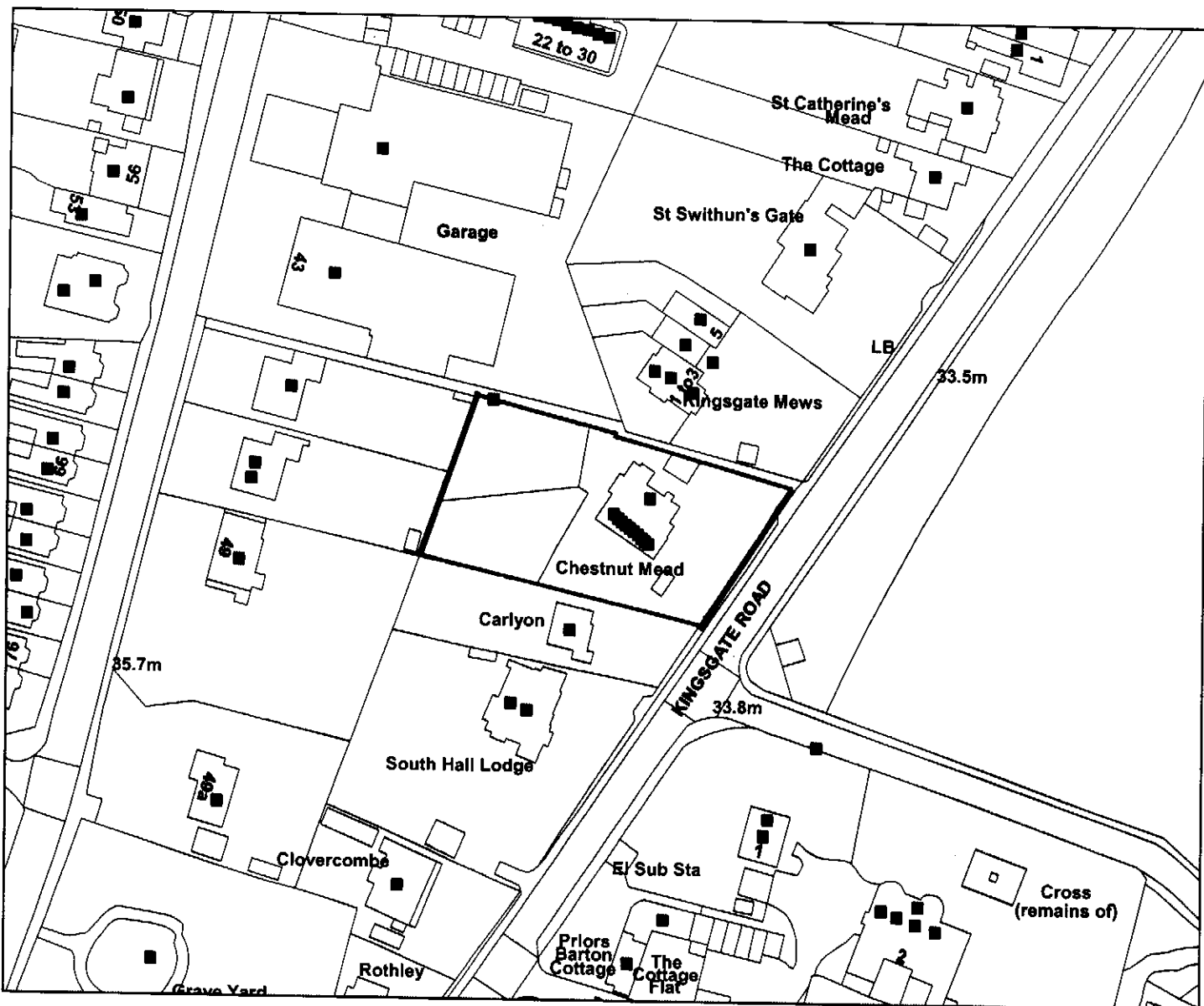


Chestnut Mead, Kingsgate Road, Winchester

10/00253/FUL

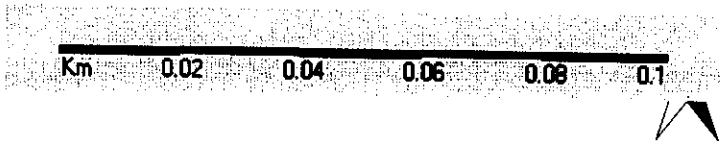


City Council



Legend

Scale:



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Organisation	Winchester City Council
Department	Planning department
Comments	
Date	13 October 2010
SLA Number	00180301

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No: 1
Case No: 10/00253/FUL / W12466/13
Proposal Description: Renovation and conversion of Chestnut Mead into 1no. 4 bed dwelling and 3no. 2 bed flats. Erection of 2no. 4 bed dwellings to rear.
Address: Chestnut Mead Kingsgate Road Winchester Hampshire
Parish, or Ward if within Winchester City: St Michael
Applicants Name: Mr Michael Willis
Case Officer: Elaine Walters
Date Valid: 5 February 2010
Site Factors: Winchester Conservation Area
Recommendation: Approve

General Comments

This application is reported to Committee because of the number of objections received.

Two applications were refused in 2008, for the conversion of Chestnut Mead and the erection of two houses in the rear garden. Copies of the refusal notices are attached at Appendix A.

The application is a stand alone application for a comprehensive re-development and is not for enabling development.

An amended landscape plan, site layout plan and amended street scene have been submitted.

Site Description

The site area measures approximately 0.203Ha. This is a rectangular shaped plot, perpendicular to Kingsgate Road. Levels rise gently from the road by approximately 2m to the rear boundary line. The building on site is Chestnut Mead, a non-listed but historic building in the Conservation Area. It was in use as 10 no. student bed-sits but the building has been vacant since 2006.

There are mature trees and hedging on the boundaries of the site. The larger trees are protected under Conservation Area legislation.

There is a hardstanding at the front of the site with vehicle access from Kingsgate Road. The front boundary hedge to Kingsgate Road was removed at the time of the last planning application. The developer states this was because it was not considered to be viable and for security reasons.

The northern side boundary is marked by a brick wall of varying height which forms the boundary with a pathway which connects Kingsgate Road to St Cross Road.

The character of this part of the St Cross Conservation Area is typified by large Victorian villas, set in spacious plots and screened with mature trees and hedging. The dwelling to the south of Chestnut Mead is a detached 1970's property 'Carlyon' measuring

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approximately 8m to the ridge line, which has recently been extended to the side and rear. To the north beyond the footpath lies Kingsgate Mews (formerly known as The Pightle), which is a three storey building accommodating 3 no. flats with 2 no. dwellings on site.

Proposal

It is proposed to convert the existing building, Chestnut Mead, into 3 no. two bedroom flats and 1 No. 4 bed house. This involves some slight alterations to the existing building, by removing a single storey element to the northern side, and adding a single storey element to the south.

Erection of two new 3 and 4 bedroom dwellings in the rear garden. Dwelling No. 2, which is closest to Chestnut Mead, has a ridge line of approximately 8m in height. The ridge line of Dwelling No.3 is approximately 8.3m in height and has a tower with an apex of approximately 10.4m in height. Chestnut Mead itself measures approximately 10m in height to the ridge and approximately 13.4m to the apex of the tower.

Facing bricks, with slate roofs, are proposed to match the materials of Chestnut Mead. The existing driveway is to be extended to the north of Chestnut Mead to serve the two new dwellings, with tandem parking proposed to the side of each new house.

The proposed flats labelled No.1 and 2 on the ground and first floor of Chestnut Mead measure approximately 75 sq.m. Internal floor area of flat 3 measures 58sq.m internal floor area.

Relevant Planning History

99/01596/FUL - W12466/04 - Side extension to provide 4 no two bedroom flats with associated parking and landscaping - Permission 1999

03/00126/FUL - W12466/07 - Residential redevelopment of existing flats to provide 12 no. two bedroom apartments with alterations to car parking and provision of landscaping - Refused. Appeal dismissed. 16 Dec 2003

03/00194/LBC - W12466/08LBCA - Demolition of existing flats and associated storage/garage facilities - Refused. Appeal dismissed. 16 Dec 2003

07/00841/FUL - W12466/09 - Erection of 2 no. detached dwellings; conversion of existing house to create 3 no. dwellings with conservatory to side of existing house; associated parking/cycle and bin stores - Refused 25.05.2007

07/02490/FUL - W/12466/10 - Erection of 2 no. detached dwellings, conversion of existing house to 3 no. 2 bedroom flats and 1 no.4 bedroom house with associated parking, cycle and bin stores, replace northern boundary wall with railings - Refused 10.01.2008. Appeal withdrawn.

07/02496/FUL - W/12466/11 - Erection of 2 no. detached dwellings, conversion of existing house to 3 no. two bedroom flats and 1 no. four bedroom house with associated parking, cycle and bin stores - Refused 10.01.2008. Appeal withdrawn.

08/01032/FUL - W/12466/12 - Side extension to provide 4 no two bedroom flats and conversion of existing building to provide 2no one bedroom flats and 2no two bedroom flats and 1no three bedroom flat, with associated parking, landscaping and bin/cycle store - Refused 20.08.2008

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Consultations

Conservation:

The Conservation Officer raises no objection and states:

"On balance I believe that the proposal would not harm the conservation area but would bring considerable public benefit by ensuring restoration of the building and tidying up of the site." "Whilst I do not condone the owner's neglect in this case, I do have deep concerns about the continued state of limbo and the continuing deterioration of this prominent and important building". "It is vital for the overall quality of the conservation area that this site be restored appropriately and very soon". "It is clear that unless the owner is prepared to invest large amounts into the restoration of the building without a likelihood of reaping back financial benefit, then some kind of additional development opportunity will be required. This is not enabling development and must comply with local plan policies if it is to be acceptable". "There has never been an issue with the principle of developing the rear garden of this site since there had been an earlier permission for its extension which was never implemented". "The initial advice was that development in the rear garden should follow a style which might reflect the common situation where large detached houses of that period had additional outbuildings in the gardens which originally served the main house". "Backland development is usually something that is undesirable especially in conservation areas, but I am minded that the principle of redevelopment of the rear of Chestnut Mead has already been established by my predecessors. With this in mind, I feel that my considerations must concentrate on whether or not the level of development detrimentally affects the character of the conservation area."

"I have therefore looked very carefully at how the appearance of two houses at the rear of Chestnut Mead would affect the overall character of the area. I believe that much care has been taken to ensure that the new buildings are obscured from view from the public domain". "The design of the proposed two new houses has been considerably subdued from initial ideas and, assuming that materials can be well controlled, should settle into the conservation area well." **Conditions 03-12.**

Note: Permission was not granted for a rear extension. The consent related to a side addition. This is covered in more detail in the Planning Consideration section under the principle of development.

Landscape

On original scheme: Visually prominent and sensitive location within the Conservation Area and the College Townscape Character Area (no 6). Local characteristics of value include boundary walls adjacent public footpath on northern boundary and a well established landscape of variable condition. It is imperative that proposals not only retain but enhance local character particularly to boundaries. Larger tree species should be encouraged whilst ensuring sufficient space has been allowed within the layout for their long term retention.

An amended landscape plan was received following these comments: the thin landscape strip along the northern boundary wall was omitted and alterations made to consolidate planting at the site entrance. **Conditions 13-16.**

Trees

Raise no objection but recommend **condition 17** for tree protection and Tree Officer inspection.

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Engineers: Drainage:

The existing dwelling is connected to the public foul sewer in Kingsgate Road and the additional dwellings could connect on as well. Storm water to go to soakaways. Suggest drives and hardstanding are constructed of permeable material and that water butts are promoted in the interest of water conservation. An interceptor drain on the drive is necessary. **Condition 18.**

Engineers: Highways:

Initially raised objection to the proposal on the grounds of insufficient car parking. However following further information from the applicant the objection was withdrawn. It was established that the Council's Parking Office had 40 no. on-street parking permits allocated to this site, which can be transferred to the proposed development at a rate of 4 per unit, equating to 24 no. permits thus reducing the pressure for on-street parking here.

Two spaces per unit are proposed for each of the four bedroom dwellings, which equates to 6 parking spaces, which leaves 2 spaces to serve the remaining 3 no. two bedroom units. This is an identified shortfall of 1 car parking space.

Also the site is considered to be in a sustainable location. Policy 7 of the Council Residential Parking Standards SPD December 2009 states "In the Winchester Town Controlled Parking Zone, as an area of high accessibility car parking may be provided to a lower standard than elsewhere in the district. Each development will be negotiated on an individual basis."

A highways contribution of £7811 is necessary based on calculations of the likely traffic trips generated. The proposed dwellings would generate 51.6 trips whilst the existing use would have generated 37 trips.

Therefore consider it difficult to sustain a highway reason for refusal at appeal, and suggest a condition regarding the marking out of the car park. **Condition 19.**

Environmental Protection:

Initially requested that a contamination assessment was submitted prior to determination but have now clarified that the assessment is necessary prior to commencement of development. **Condition 20.**

Hampshire County Council Ecologist:

A revised Phase 2 Bat Survey has been provided. The proposal will result in disturbance to bat roosts (3 species of bat have been confirmed to be (non-breeding) roosting in the building in low numbers.

The mitigation measures set out in the report (including working methodology and schedule of works, plus provision of compensatory roosts) are adequate and I consider that with these measures secured through any planning consent the third test of the Habitats Regulations can be met. **Condition 22.**

Southern Water:

Initial investigations indicate that Southern Water can provide foul water disposal to the proposed development. **Condition 18** requires details of foul and surface water drainage.

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English Heritage:

Raise concerns regarding the transfer of the material and stylistic details from Chestnut Mead to the smaller new dwellings; also removal of trees, house 3 is close to the tree protection zone, in addition, comment that the houses will now be visible from the footpath to the north. Also, point out that "The sad condition of Chestnut Mead should not be a factor in deciding the application, unless this is enabling development, the case for which it appears has not been put forward." finally point out that following changes to PPS3, the proposals here could create precedent elsewhere in the street. The issue of potential cumulative harm to the Conservation Area as a heritage asset should be considered and management policies in this Conservation Area we advise should reflect this.

But conclude that: "the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice."

Representations:

City of Winchester Trust: 27/04/2010 – no comment.

City of Winchester Trust: 12/04/2010 - "The appearance of this building is a blight on the Conservation Area and it is therefore hoped that this application will be granted".

"Regret about the conservatory proposed and also the lack of a gate to the footpath link to St Cross Road".

"It is hoped that there is access to the turret in House 3 in order that it can have a useful purpose".

34 letters of concern and objection have been received from separate addresses, for the following reasons:

Similarities to refused schemes

- The footprints are almost identical in size and the roof heights have only been reduced by 0.5m to 8m.
- Location, scale, design and extent of hardstanding are all harmful to the character of the area, as they were in 2007.

Inaccuracies

- Site area increased by 17% from 1960.5 sq m in 2007 to 0.23Ha now. This shows the cramped nature of the works. [*The applicant now advises that this was a typing error and the site area should have read 0.203Ha on the current application. This site area has been digitally surveyed and the applicant considers it is the most accurate figure*].
- The boundaries on site appear to be less than that shown on the submitted site layout drawings which are relied on by Officers to make their assessment.
- The agent staked the site and distances were measured. The gap to Carlyon was 2m larger than that shown on the submitted drawings, the rear houses will be within the tree protection zone and Houses 2 & 3 look cramped. It is unlikely the landscape officer's recommended 1.5m landscape strip to the northern boundary can be achieved.
- The consultation process should be carried out again with more accurate plans.
- There are fewer windows shown on the elevations than the floor plans. Revised consistent plans should be submitted.
- The northern elevation is inaccurate. The gap between the new houses narrows from 7m to 3m therefore from the footpath a wall and roof stretches over 38m with only a

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3m gap.

Overdevelopment and harm to Conservation Area

- This is the only house left of its size in the area and it should be preserved as a family home.
- The height, scale, grouping and cramped layout of the new dwellings will make them look like a massive block.
- This area is characterised by larger family houses set in mature gardens and such an alien development and cramped infilling must not be allowed.
- Out of keeping with large detached dwellings in mature gardens here.
- Density is out of keeping.
- Building footprint will increase by 150% from 106 sq.m to 400 sq.m. Hard standing will only reduce by 37sq.m from 469 to 432.
- The proposed new tower will dominate the skyline viewed from St Cross Road properties.
- The existing appearance of a villa in large grounds will be entirely lost here. The new houses are not subsidiary in form or character to the existing house.
- The development forms a new street scene perpendicular to the rest of development on Kingsgate Road.
- The garden will be intensively sub-divided into small gardens and car parking contrary to the Winchester Conservation Strategy.
- This is a prominent site visible from the Garnier Road junction.

Extension

- The large conservatory will be visible from the main road and is too large and out of keeping with Chestnut Mead.

Design and layout

- The new houses are only 8m from the northwest boundary, while Chestnut Mead is 30m away.
- There would be only 3 metres between the houses, not 7 metres as implied in the site location plan.
- Alignment of new houses has been changed and this is shown wrongly on the elevation from the northern footpath. This re-alignment increases overlooking to the south east boundary. Para. 7.5 of PPS5 says alignment must be considered.

Planning policy changes

- Changes to PPS3 in June 2010 removed the presumption in favour of developing on garden ground.

Neighbours amenity

- The new dwellings will overlook neighbours.
- Increase noise and traffic pollution, which would be unneighbourly.
- Reinstated trees will take a long time to establish and are likely to be cut back as they dominate and overshadow the new dwellings gardens.
- There will be pressure to install new windows facing west as the houses and flats will have limited natural light.

Neglect

- Chestnut Mead has been neglected in the failure to maintain roofing, guttering and down pipes, but also steps have been taken to destroy the structure of the building, such as breaking windows, pulling up floorboards, knocking bricks out in a number of places, allowing access to vandals by inadequate fencing and failure to repair lead flashing that was stolen.
- In the 2007 Arboricultural Report tree maintenance was recommended. I am not aware this has taken place.

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Loss of trees

- 6 of the 12 important Conservation Area trees will be felled and others pruned and crowned. The trees attenuate noise from the St Cross Road traffic and garage and screen neighbours. The trees are a habitat for wildlife.
- The walnut tree should be retained.

Enabling development

- Overpayment for the site in the past should absolutely not put pressure on the Planning Committee to allow overdevelopment now.

Traffic

- There is insufficient parking for the development, with tandem parking for the new houses being impractical.
- This is the main route to St Faiths School and Kingsgate Road is already narrow and busy with Garnier Road a rat run.
- The Highways Engineer comments are erroneous. The site has been empty for some time so this development will increase on-street parking and this will be caused by lack of parking on site.
- On-road parking is constrained in Winchester and any increase cannot be welcome. Policy 2 states "Development which does not achieve the expected parking provision (table 2) will only be permitted if the developer has demonstrated that this is an exceptional and legitimate consequence of material considerations which outweigh the parking requirement." There is no justification here.

Undesirable precedent

- This proposal would create an undesirable precedent for other developments having similar adverse effects on the trees, building lines, Conservation Area, etc.

Public consultation

- Public consultation undertaken was inadequate.

Comments on Conservation Officer comments

- The Conservation Officer stated that the principle of rear garden development for this site has been established. This is not the case. The 1999 application 99/01596/FUL, which was allowed to lapse, was refused when it was resubmitted in 2008 as 08/01032/FUL.

Drainage

- The proposals do not include any provision for improvements to the drainage and sewer system which is a problem that has been unresolved in the area for some time.

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

- There is a covenant on the site to prevent the erection of more than one dwelling.
- The support letters are substantially identical on the same headed paper, many do not list any reason for support and some have no address listed. Many of the signatories are not local to the application site. They should have negligible weight.

29 letters of support received

- The existing house is an eyesore and derelict. The proposal renovates it and enhances the area.
- The site is a haven for antisocial behaviour.
- Emphasis of trees and landscaping to the front makes this a better proposal.

[One letter was received from a resident stating a letter of support had been sent using her address and that the correspondent was not known to her, and one letter had no

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address. These have been removed from the public access system and have been discounted]

Relevant Planning Policy:

South East Plan – The South East Plan was formally revoked on 6 July 2010 therefore no longer forms part of the development plan of the District. As a result its policies are not material to the consideration of planning applications.

Winchester District Local Plan Review

DP.1, DP.3, DP.4, DP.5, HE4, HE.5, HE8, H3, H7, RT4, W1, T2

National Planning Policy Guidance/Statements:

PPS1 Delivering Sustainable Development

PPS 3 Housing

PPS 5 Planning for the Historic Environment

Supplementary Planning Guidance

Winchester Conservation Area Project

Achieving a Better Mix in new Housing Development (Aug 2000)

Other Planning guidance

Winchester City and its Setting

Hampshire County Council Manual for Streets adopted 6 April 2010

Winchester City Council Residential Parking Standards SPD December 2009

Guide to the Open Space Funding System

Technical Paper: Open Space Provision and Funding

Planning Considerations

Principle of development

The principle of residential development is acceptable subject to the adopted policies of development plan and government guidance. The site is situated within the defined policy boundary of Winchester and within the Winchester Conservation Area. The character and appearance of the Conservation Area must be preserved or enhanced by the proposed new development in order for permission to be granted.

The Appeal Inspector in 2003 (ref 03/00126/FUL and 03/00127/LBC) found that Chestnut Mead itself was an historic building worthy of retention within the Conservation Area. PPS5 refers to such buildings as a designated heritage asset. This application does not represent enabling development in that the proposal is not contrary to development plan policies.

The repair and conversion of Chestnut Mead to 3 no. flats and a four bedroom house accords with planning policy for the retention and re-use of historic buildings. The proposed works will improve the appearance of the building itself and the wider conservation area.

With regards the erection of 2 no. new dwellings in the rear garden of Chestnut Mead, recent changes in Government planning policy have removed the definition of gardens from previously developed land and removes a minimum density requirement of 30 dwellings per hectare. These amendments to PPS3 do not mean that developments

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involving garden land are unacceptable in principle when sites are within the settlement boundary. The revised PPS3 merely places an increased emphasis on protecting character. PPS3 still requires councils to make efficient and effective use of land for housing and stipulates that the density of existing development should not dictate that of new housing by stifling change. It advises that imaginative schemes can lead to a more efficient use of land without compromising the quality of the local environment.

In this instance the proposed density is around 29.5 dwellings per hectare. It is considered that this will respect the character of the area whilst still making efficient and effective use of land and accords with the recent update to PPS3.

The Conservation Officer has stated that "there has never been an issue with the principle of developing the rear garden of this site since there had been an earlier permission for its extension which was never implemented". This related to a side extension rather than a rear extension, which was granted in 1999 (ref 99/01596/FUL). This consent lapsed, and in 2008 an application to renew was submitted, this was refused (ref 08/01032/FUL) due to concerns regarding the "...size, siting and design, would not relate sympathetically to the character and appearance of Chestnut Mead and this combined with proposed changes to the principle elevation of the building and the extent of hard surfacing to provide parking for the development, would be detrimental to the character and appearance of the Winchester Conservation area". The Council was also concerned about overlooking from a first floor window and balcony harmful to the occupiers of Carlyon.

The Conservation Officer is aware of the planning history, however is satisfied that the principle was initially established to extend Chestnut Mead. Notwithstanding this, the current application must be assessed on its own merits, having regard to current national and local plan policies, which include the recent amendment to PPS3, and the change in national policy from PPG15 to PPS5 in terms of the Historic Environment.

Policy H.7 requires proposals to provide 50% smaller 1 or 2 bedroom units, and 3 of the 6 units have 2 bedrooms, to accord with this policy. The smaller units are proposed within Chestnut Mead itself. In policy terms it is reasonable to ensure that the provision of smaller units occurs to accord with policy H.7. Therefore a condition is proposed to require works to commence on the smaller units before the larger units within the scheme, and that the larger dwellings shall not be occupied until the smaller units are substantially complete. **Condition 21.**

Policy RT.4 requires new residential development to provide public recreational open space to the required standard. The applicant has confirmed that they will enter into a legal agreement to deal with this matter.

The City Council published its Winchester Conservation Area Project in 2003. This is an appraisal, review and strategy, which covers the entire city centre and substantial portion of its inner suburbs. There are 8 character areas, and the site falls within the Christchurch Road character area. This explains the historical development of the area, buildings uses and character, and the public realm, natural features and topography, views, neutral and negative features, and the potential for enhancement.

Chestnut Mead and Kingsgate Road are situated in a kink of the Christchurch Road character area. The area is described as predominantly residential, either of single family houses or houses divided for multiple occupation. It describes the character as large

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houses in generous gardens with well defined boundaries, and that the area takes its character from the comparatively low density housing, set back from the street in plots of various sizes.

The main aspects of the public realm are the street layout, essentially based on a grid of broad streets shaded by trees in front gardens.

In terms of views, the appraisal explains that the open quality of the built form and infrastructure lends itself to extended views within this area of the sides and rear of principle buildings and related outbuildings and attractive planted grounds.

It does advise that there are no significant negative features in the area except in parts where the original housing has been replaced with blocks of flats of larger scale, or where insensitive additions have occurred.

In terms of enhancement, the appraisal identifies that if existing houses are redeveloped the replacement buildings should be sympathetic to the scale, design and materials of the area, and should avoid prominent parking facilities.

The study does not focus on Chestnut Mead in particular, or this part of Kingsgate Road. The document concludes through the appraisal, that potential threats for the conservation area can include changing patterns of residential development like apartments and the pressure of increase in scale and density of development. It also identifies opportunities, which include enhancing the conservation Area by replacing negative or neutral features with development that can contribute in a more positive way to the public realm

Officers consider that subject to usual development management criteria, which are discussed below, the principle of development is acceptable, and has overcome previous concerns.

Design/layout

Two houses are proposed in the rear of the existing building, Chestnut Mead, the western dwelling has a tower to reflect that feature on Chestnut Mead. There are material changes to the design of this proposal from that previously submitted and refused under applications 07/02490/FUL and 07/02496/FUL, in that houses 2 and 3 have reduced in height. Dwelling No 2 which is closest to Chestnut Mead, has a ridge line of approximately 8m in height. The ridge line of Dwelling No.3 is approximately 8.3m in height and has a tower with an apex of approximately 10.4m in height.

On the previous 2007 schemes the new dwellings measured approximately 8.5m in height to the ridge with the tower measuring 10.4m at the apex, and the buildings were visually linked, creating one block of development across the rear part of the site. This created the appearance of a large single building, which was of a scale and mass that did not appear subservient to Chestnut Mead, and was of an ornate and decorative design which increased its visual prominence and competed with Chestnut Mead. The proposed scheme comprises 2 no. detached houses which will be seen as two separate buildings with space between, rather than a link wall at two storey height. In addition the new development has a simplified design, sympathetic to the character of the surrounding dwellings and Chestnut Mead. There are some similarities in terms of siting and footprint and overall the differences give rise to a materially different character of development.

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Overall the changes between the previous scheme and the current scheme have led to a form of development that officers consider is acceptable and does not detrimentally impact on the character and appearance of the Winchester Conservation Area.

It should also be noted that care has been taken to retain the open garden area between Chestnut Mead and Carlyon, and outbuildings proposed in the earlier schemes have been removed, thus retaining some of the spatial characteristics of the street scene.

Impact on character and appearance of the area

In considering whether to grant planning permission with respect to any buildings or other land in a conservation area, the local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area (Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990). Policy HE9.4 of PPS5 advises "Where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should (i) weigh the public benefit of the proposal... against the harm; and (ii) recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss".

There will be views of the detached dwellings proposed to the rear of Chestnut Mead, particularly from Kingsgate Road between Carlyon and Chestnut Mead. However this will be seen in conjunction with Chestnut Mead, and the single storey extension proposed to the side. There will also be views of the two detached houses in views from the footpath to the north side of the site, and people walking along this footpath will be aware of the buildings, along the length of the footpath when the brick wall is at its lowest. However The Head of Historic Environment stated that "backland development is usually something that is undesirable especially in conservation areas, but I am minded that the principle of redevelopment of the rear of Chestnut Mead has already been established by my predecessors. With this in mind, I feel that my considerations must concentrate on whether or not the level of development detrimentally affects the character of the conservation area." Whilst it should be noted that development in the side rather than rear garden has been previously permitted. The revisions to the design and slight orientation changes to the proposed development in the rear have brought about a situation where the impact on the overall character and appearance of the conservation area is considered to be acceptable. The use of high quality materials and a visually subdued architectural style should help the development blend comfortably into the surroundings.

Neighbours amenity:

The 2 no. new dwellings have been designed to minimise overlooking to neighbours, particularly to the nearest neighbour, Carlyon, to the south. The upper floors in the rear elevations have screened oriel windows which face only to the west of the site. Furthermore, the rear elevation of house 2 at its closest is 14.5m away from the boundary with Carlyon. This coupled with the recent extension (substantially complete) at Carlyon minimises any perception of overlooking between the back of the new dwellings and the rear garden of Carlyon.

The new houses to the rear of Chestnut Mead are much closer to the rear boundary with St Cross Road houses than Chestnut Mead. The new houses measure approximately 8m from the rear boundary, whilst Chestnut Mead is 30m away. However there are existing mature trees on this boundary to be retained and some trees are to be reinstated. This will

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help to reduce overlooking in all but the winter months. In addition, the nearest corner of the new houses will measure approximately 34m to the rear elevation of the properties on St Cross Road and this is considered to be sufficient distance to prevent materially harmful overlooking.

To the north of the site is the residential development of Kingsgate Mews. The side elevation of Chestnut Mead has existing openings looking out on to the northern boundary path, the green communal area to the side of Kingsgate Mews and the side windows of the residential dwelling units here. There was overlooking from Chestnut Mead toward this site previously, when it was used for 10 no. student bed-sits and it is not considered that the alterations to Chestnut Mead will cause significant harm from overlooking to warrant the refusal of the application. The new houses to the rear of Chestnut Mead are set further back from Kingsgate Mews, and measure 17m from corner to corner at the closest point, the distance from window to window is approximately 19m. This is an adequate distance to prevent harmful overlooking.

There will be a change in outlook from the communal space to the side of Kingsgate Mews, into this site. The current view of trees behind the wall which lies on the northern boundary of Chestnut Mead will be altered, with new dwellings visible, however this is not considered harmful to the residential amenities of the occupiers of Kingsgate Mews.

To the north west of the site lies the rear of the 'Skoda' garage which fronts onto St Cross Road. The new dwellings will be visible from the rear yard area, and to an extent will overlook this yard area. It is not considered that this will impact on the amenities of the future occupiers of the proposed development.

The proposed development would lead to some increased noise and traffic on this application site, but the likely levels involved would not constitute material harm to neighbours' amenity and does not therefore warrant the refusal of this application.

Landscaping and trees:

The Council's Landscape Architect has noted the important setting this site has within the Conservation Area, and the importance of an appropriate landscape proposal, which enhances local character. Since the comments were received, it has been noted that the drawing submitted by the applicant's landscape architect (drawing 1628/1E) does not scale accurately. Notwithstanding this, officers are satisfied that the site can be appropriately landscaped to enhance the character and appearance of the area.

The landscape drawing shows a 500mm landscape strip immediately abutting the existing wall along the northern boundary. The landscape architect suggests that for this to be effective, it should be a minimum of 1.5m. However your officers consider that a landscape strip in front of the two detached dwellings is not necessary at this point and this would also impede upon the space available for turning and manoeuvring. The site layout plan (ref 1720/02) shows an area of landscaping to the side of Chestnut Mead, which would provide an effective visual break from Kingsgate Road beyond to the rear. The full landscaping scheme is required by **conditions 13 and 14**.

The Tree Officer has raised no objections to the Arboricultural Impact Assessment and the proposed loss of some trees, nor the proposed methodology or tree protection measures. New tree planting is proposed which will improve the appearance of the Conservation Area and will protect the character of the wider Conservation Area.

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Traffic and Parking:

The Highways Engineer does not raise an objection to this application although in order to meet the minimum adopted standards of 1 no. parking spaces per 2 bed flat, the scheme overall is one car parking space short.

Furthermore, policy 7 states "In the Winchester Town Controlled Parking Zone, as an area of high accessibility, car parking may be provided to a lower standard than elsewhere in the district. Each development will be negotiated on an individual basis". Para.3.22 of Winchester City Council's Residential Parking standards goes on to explain "Winchester town centre is the most accessible area in the District with regard to public transport services and local facilities. It has the lowest car ownership in the District, it is well serviced by public off-street parking provision and most of the streets are controlled by waiting restrictions and controlled parking zones. It is therefore considered that, within the Winchester town controlled parking zone, parking can be provided to a lower standard than specified in Table 2. Such standards are to be negotiated on a scheme by scheme basis and such flexibility will allow creative schemes to come forward as part of a development". Given the sustainability of Chestnut Meads location it is considered that the proposed provision of on-site parking is acceptable.

Local residents have raised concern regarding highway safety and pressure the development may have in terms of parking. The highway engineer is satisfied with the proposal, and noted the potential increase in on-street parking as a result of the authorised use, which is entitled to claim 40 on-street permits. If occupied by professionals, they are likely to be car owners and therefore the established use of Chestnut Mead could generate a significant parking requirement in itself.

Officers consider, given the highly sustainable location of the site and the benefit in the likely reduction of off-site parking provision that the scheme is acceptable from a highway safety and parking perspective.

The applicant has agreed to enter into a Unilateral Undertaking to pay the highways contributions of £7811.

Wildlife Habitat:

A two phase ecological survey has been carried out on site by a qualified specialist. This found evidence of bats roosting on site. Since bats are a European Protected Species a Natural England development licence will be required. Construction mitigation measures are outlined in the report, for bats and other species, which would form the basis of planning conditions and the development licence application should planning permission be granted. **Condition 22 and 23.**

Other Matters

Public consultation – Local residents have raised concerns that the applicant did not carry out a consultation but rather notified them of the application to be submitted. This meets the requirements of the Council's Statement of Community Involvement and was sufficient to register the application. Whilst it is good practice to undertake engagement with local residents and factor in changes if possible, this is not in itself a sufficient reason to refuse the application. Local residents have an opportunity to make representations on the

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submitted application, which are taken into account in reaching the formal recommendation.

Discrepancies – Local residents have reported errors on the submitted plans. These have been raised with the applicant who has amended the site area to 0.203Ha instead of 0.23Ha as stated on the application and Design and Access Statement.

Furthermore, an amended plan has been received showing narrower windows on the ground and first floor on House 3. The elevation drawings showed the width of the windows accurately. An amended landscape drawing has been submitted and dimensions have been added to the site layout plan. These are minor alterations in the design of the new development which did not necessitate further publicity with local residents. The plans were posted to the web and available for public inspection.

Concern has been raised about the accuracy of the site survey and the site layout plan. The applicant has confirmed that the plans are based on a digital site survey undertaken at the site, and that the plans are 'shown absolutely accurately'.

Also, that plan shows the true distance to Carlyon and that house 3 does not infringe on the tree protection area.

The applicant has pegged out the two dwellings in the rear garden, and officers have measured the site in relation to the pegging out and are confident that the development can be undertaken in accordance with the approved plans. The applicant has also provided a digitally produced plan, with the dimensions added, which clearly demonstrates that the development can proceed as shown on the submitted plans.

There is concern that allowing this development would set a precedent in the determination of similar applications in the future. However each application must be considered on its own merits in accordance with the material planning considerations relevant at the time. As the site is within the policy boundary and the principle of development is acceptable, precedent is not a reason that the Council would legitimately defend as a reason for refusal.

Conclusion

The site has been subject to a number of planning applications seeking re-development of the site, with the applications in 2008 being refused. The revised scheme, retains an important heritage asset (Chestnut Mead), and as part of a comprehensive re-development of the site provides 6 residential dwellings, with three smaller dwellings under 75 sq.m. The two dwellings proposed at the rear of the site and the single storey conservatory proposed to the west side of Chestnut Mead, are part of the concern for local residents who consider that the principle of developing within the grounds of Chestnut Mead is not acceptable and that it impacts detrimentally on the character and appearance of the Winchester Conservation Area. National and local plan policy allow for new residential development within this location, the changes to the current application have dealt with the reasons for refusal in the 2007 application and approval is recommended subject to an agreement to see off-site highway and open space contributions and conditions.

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Planning Obligations/Agreements

In seeking the planning obligation(s) and/or financial contributions for open space and highways the Local Planning Authority has had regard to the tests laid down in Circular 05/2005 which requires the obligations to be necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

Recommendation

That planning permission be granted subject to the following conditions and the securing of appropriate planning obligations (the terms of which are to be approved by the Head of Legal Services) for the following provisions under Section 106 of the Town and Country Planning Act and any other relevant provisions as set out below:

1. A financial contribution towards public open space – play £7186 and sport £7186.
2. A highways contributions of £7811 towards highways improvements in Winchester

(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 and conservatory 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C, D and E of Part 1, or Class A of Part 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.

- 4 Any alterations and repairs to brickwork shall be carried out utilising matching materials, brick bond and jointing details to those on the existing building. If there is some doubt as a range of different mortars and jointing details have been used on the existing building then details are to be agreed in writing with the Local Planning Authority prior to the commencement of work. A lime putty mortar shall be used unless otherwise agreed in writing by the Local Planning Authority.

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(See advice notes on Mortars and Pointing attached).

Reason: To maintain the character of Chestnut Mead as a prominent, positive building within the Conservation Area

5 The extent of any repointing or brick replacement is to be agreed in writing with the Local Planning Authority before proceeding. Development shall be undertaken in accordance with the approved details.

Reason: To maintain the character of Chestnut Mead as a prominent, positive building within the Conservation Area

6 The development hereby permitted shall be constructed using materials to match those on the existing building. If any materials or their means of fixing are not identical to the original then drawn details (and samples) of these materials shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of works. The development shall be carried out in accordance with the subsequently approved details and materials.

Reason: To maintain the architectural interest of the building.

7 Full details of all new windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work. The windows and doors shall be installed in accordance with the approved details.

Reason: To protect the character and appearance of Chestnut Mead and the Conservation Area.

8 Prior to commencement of work a detailed repair schedule shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved schedule.

Reason: To protect the character and appearance of Chestnut Mead and the Conservation Area.

9 Details of the siting and design and method of fixing of any external meter boxes/metal ducting/flues to be provided, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The works hereby permitted shall be carried out in accordance with the approved details.

Reason: To protect the character and appearance of Chestnut Mead and the Conservation Area.

10 All rainwater goods shall be of cast iron unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of Chestnut Mead and the Conservation Area.

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11 When consent has been obtained under the Building Regulations, any changes or modifications to the construction shall be agreed in writing with the Local Planning Authority prior to the commencement of work.

Reason: To protect the character and appearance of Chestnut Mead and the Conservation Area.

12 The existing boundary wall to the north boundary adjacent to the footpath shall be retained and no openings shall be created, nor shall it be reduced or altered in height unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of Chestnut Mead and the Conservation Area.

13 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:
- car parking layout:
- hard surfacing materials using permeable materials:
- minor artefacts and structures (e.g. street furniture, play equipment, refuse or other storage units, signs, lighting etc):
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, including lines, manholes, supports etc.):
- retained historic landscape features and proposals for restoration.

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:
- implementation programme:

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

14 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

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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.

15 No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Landscape maintenance shall be carried out in accordance with the approved schedule.

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.

16 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.

17 Protective measures, including fencing and ground protection, in accordance with the Arboricultural Impact Appraisal and Method Statement reference HTAS/1408d written by Bill Kowalczyk and submitted to the Local Planning Authority shall be installed prior to any demolition, construction or groundwork commencing on the site.

The Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with HTAS/1408d Telephone 01962 848403.

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 848403.

No arboricultural works shall be carried out to trees other than those specified and in accordance with Method Statement HTAS/1408d

Any deviation from works prescribed or methods agreed in accordance with Method Statement HTAS/1408d shall be agreed in writing to the Local Planning Authority.

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

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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: In the interests of the visual amenities of the area and to ensure tree protection in the Conservation Area.

18 A detailed drainage layout, long sections and specification for the foul and surface water sewers, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

NOTE: Entering into an Agreement with Southern Water Services Ltd under Section 104 Water Industry Act 1991 shall be deemed to satisfy this condition.

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

19 The car park shall be constructed, surfaced and marked out in accordance with the approved plan before the development hereby permitted is brought into operation. That area shall not thereafter be used for any purpose other than the parking, loading, unloading and turning of vehicles.

Reason: To ensure that adequate on-site parking and turning facilities are made available.

20 Prior to the commencement of the development hereby permitted (or within such extended period as may be agreed with the Local Planning Authority), a scheme to deal with contamination shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall conform to current guidance and best practice as set out in BS10175:2001 Investigation of potentially contaminated sites - code of practice and Contaminated Land Reports 7 to 11, or other supplementary guidance and include the following phases, unless identified as unnecessary by the preceding stage and agreed in writing by the LPA:

- a) A desk top study and conceptual model documenting all the previous and existing land uses of the site and adjacent land;
- b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study;
- c) A remedial strategy detailing the measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a suitably qualified person to oversee the implementation of the works.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of the future occupants.

21 Works shall not commence on House 2 or 3 until works have commenced on Flats 1, 2 and 3. House 2 or 3 shall not be occupied until Flats 1, 2, and 3 are substantially complete and ready for occupation.

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Reason: To ensure that the proposed development meets the housing mix policy H.7 in terms of the provision of smaller units within the site.

22 Works shall be carried out in accordance with the bat mitigation scheme as set out in the 'Maintaining the favourable conservation status of the species at the site' section of the Phase 2 Bat Survey report (Ecosa, September 2010), unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of nature conservation.

23 Prior to commencement a lighting scheme, designed to minimise impacts on wildlife and in particular bats and bat roosts, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented unless otherwise approved by the Local Planning Authority.

Reason: In the interests of nature conservation.

Informatives:

1. 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.
2. In reaching its decision the Local Planning Authority has taken account of the following development plan policies:-

South East Plan: The South East Plan was formally revoked on 6 July 2010 therefore no longer forms part of the development plan of the District. As a result its policies are not material to the consideration of planning applications.

Winchester District Local Plan 2006 (Review):

DP1 specifies need for design statements and other explanatory information to support planning applications.

DP3 sets general design criteria to be met by all new development in order to maintain or enhance the District's townscape and landscape.

DP4 defines landscape and built environment criteria to be met by new development in order to maintain or enhance the District's townscape and landscape.

DP5 sets design objectives for on site amenity open space to ensure an attractive environment.

HE4 seeks to protect the landscape setting of the conservation area.

HE5 defines criteria to be met by new development in order to preserve or enhance the character or appearance of the conservation area.

HE8 defines criteria for considering the demolition of unlisted buildings in conservation areas.

H3 lists the settlements within which residential development will be permitted.

H7 specifies a need for housing mix in new residential developments.

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RT4 sets out the need for public open space provision with new residential developments.

W1 seeks to protect and enhance the special character of Winchester and its landscape setting.

T2 criteria for provision new access required to serve development.

National Planning Policy Guidance/Statements:

PPS1 Delivering Sustainable Development

PPS 3 Housing

PPS 5 Planning for the Historic Environment

Supplementary Planning Guidance:

Winchester Conservation Area Project

Achieving a Better Mix in new Housing Development (Aug 2000)

Other Planning guidance:

Winchester City and its Setting

Hampshire County Council Manual for Streets adopted 6 April 2010

Winchester City Council Residential Parking Standards SPD December 2009

Guide to the Open Space Funding System

Technical Paper: Open Space Provision and Funding

In considering the relevance of these policies and how the proposed development satisfies them the Council has identified the main issues to be whether the scheme is acceptable in terms of principle, design, layout, scale, form, height, impact on the conservation area and neighbours amenity. These issues are in the Council's consideration satisfactorily addressed by the proposed development (subject to conditions) because:-

- (a) The principle of residential development is acceptable subject to the adopted policies of development plan and government guidance.
- (b) The repair and conversion of Chestnut Mead will improve the appearance of the building itself and the wider conservation area.
- (c) The design, layout, scale, form and height of the proposed new development is not considered to significantly harm the character and appearance of the conservation area.
- (d) The proposed conversion of Chestnut Mead and the proposed new residential development will not harm the amenities of neighbours from overlooking, noise, disturbance or overbearing.
- (e) The benefits and enhancement to the conservation area proposed in the application outweigh the minor harm caused by the introduction of the additional dwellings.

The decision to grant planning permission has been taken because the development is generally in accordance with the provisions of the development plan and the Winchester Core Strategy. The objectives of the development plan seek to protect and enhance the character and appearance of the conservation area and its landscape setting, this proposal is not considered to harm those objectives.

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The Core Strategy is at the preferred options stage.

Having taken into account all the requirements of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, and all other material considerations, the Council has determined that planning permission should therefore be granted.

3. All works, including demolition and construction, should only be carried out between the hours of 0800 and 1800hrs Monday to Friday and 0800 and 1300hrs Saturday and at no time on Sunday or Bank Holidays. Where allegations of noise from such works are substantiated by the Health and Housing Service, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.
4. No materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Health and Housing Department, 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.