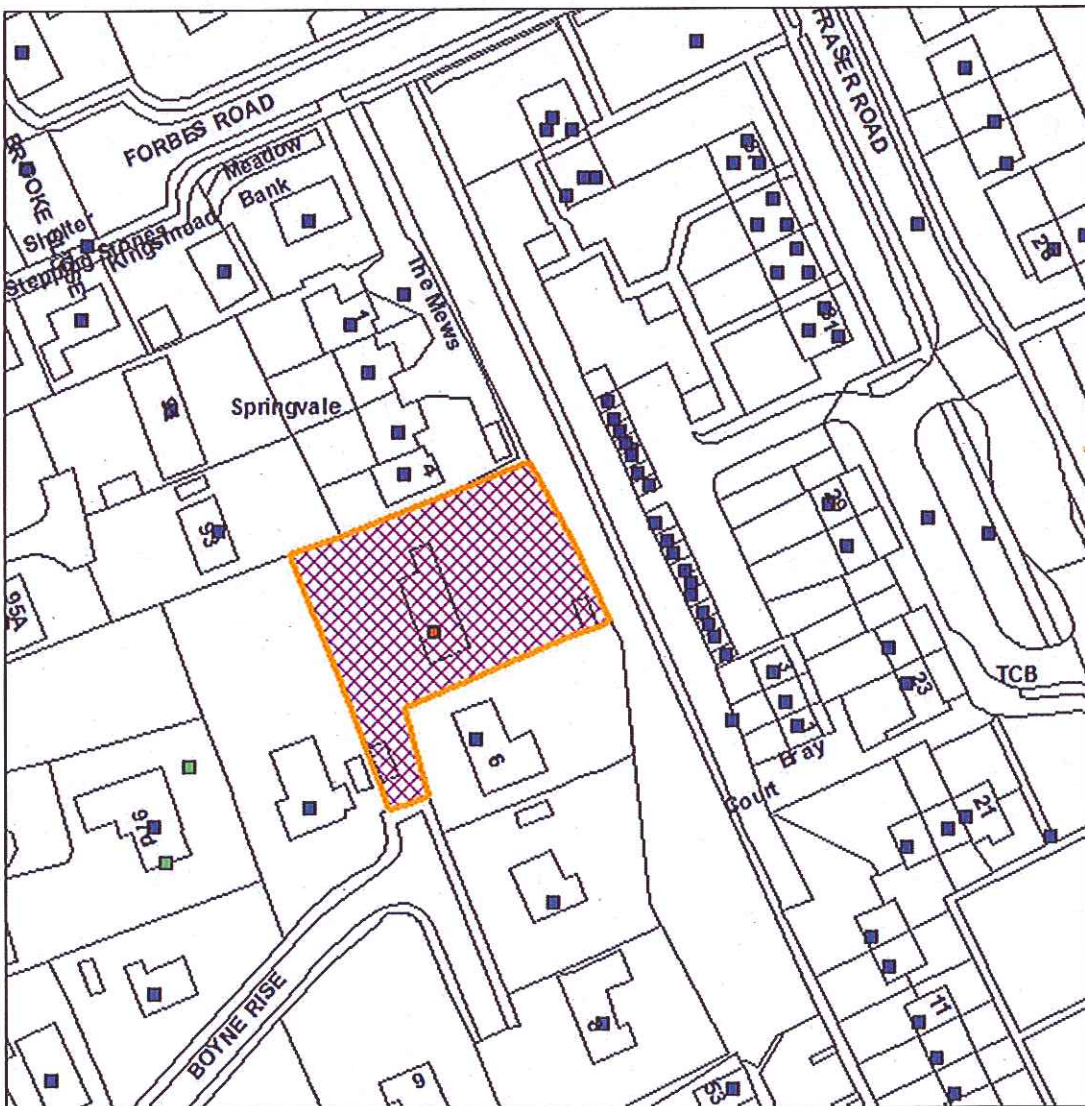


WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE AGENDA

**Item No:** 06  
**Case No:** 17/01474/FUL  
**Proposal Description:** AMENDED PLANS 06.12.2017 Demolition of existing dwelling and erection of 4 dwellings  
**Address:** 5 Boyne Rise Kings Worthy SO23 7RE  
**Parish, or Ward if within Winchester City:** Kings Worthy  
**Applicants Name:** Mr & Mrs Senna  
**Case Officer:** Mrs Megan Osborn  
**Date Valid:** 8 June 2017  
**Site Factors:** CIL Zones for Winchester City Council  
Southern Water Operational Area  
**Recommendation:** Application Permitted



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**General Comments**

**Application is reported to Committee as the number of objections, received contrary to the officers recommendation .**

The original submitted plans showed 5 proposed dwellings in a terrace running from south to north. There amended plans propose 4 dwellings in a terrace form the run from east to west.

**Site Description**

The site lies in the north eastern corner of Boyne Rise and to the West of a public footpath that runs to Forbes Road. Boyne Rise is a Cul-De-Sac of 13 dwellings accessed from Springvale Road. It runs in an easterly direction and slopes up to the east. The site currently contains a detached house with rooms in the roof, a detached garage and four sheds. The site has one vehicular access which lies in the South Western corner of the site. The site slopes from the southern corner to the northern corner with a change of level of approx. 3.4m. The Eastern boundary with the footpath contains sever trees although none of any particular quality. The site area is approx. 1448m<sup>2</sup>.

**Proposal**

The proposal is for the demolition of the existing dwelling on the site and the proposal of 4 dwellings. The application proposes two three bed and two four bedroom dwellings.

**Relevant Planning History**

No relevant planning history

**Consultations**

Engineers: Drainage: No objections

Engineers: Highways: No objections

Southern Water: No objections

Ecology: No objections

**Representations:**

Kings Worthy Parish Council

- It dominates neighbouring properties in size & height taking away their privacy and amenities.
- The access does not allow for adequate turning for service and/or emergency vehicles to enter the site and leave in a forward motion.
- The buildings are not in character with neighbouring properties.

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18 letters received objecting (2 letters received since re-consulting) to the application for the following reasons:

- The density of the development
- Not enough parking proposed
- Impact on surrounding highway
- No new houses needed in Kings Worthy
- Increase in traffic
- Impact to flooding
- Design unacceptable
- The height is out of keeping with surrounding dwellings
- Overlooking issues

5 letters of support received (4 letters received since re-consulting)

- These houses are in need.

**Relevant Planning Policy:**

Winchester Local Plan Part 1 – Joint Core Strategy  
DS1, MTRA1, MTRA3, CP2, CP3, CP11, CP12, CP13, CP14

Winchester Local Plan Part 2 Joint Core Strategy: Development Management and Site Allocations:  
DM1, DM2, DM14, DM15, DM16, DM17

National Planning Policy Guidance/Statements:  
National Planning Policy Framework

**Planning Considerations**

Principle of development

The site is located within the built up area of Kings Worthy, where the principle of development for housing is considered acceptable. The principle of development is therefore acceptable subject to an assessment of usual development control criteria, which is considered further below.

Policy CP2 of the Local Plan Part 1 considers housing mix. The policy requires that there should be a majority of 2 & 3 bed dwellings, unless local circumstances indicate an alternative approach should be taken. This application is for the addition of 2x3 bedroom houses and 2x4 bedroom houses. This is not a mix of 2 and 3 bedroom dwellings, however local circumstances that mean a flexible approach should be taken in this part of Kings Worthy. The character of Boyne Rise is largely 3 and 4 bedroom homes and the wider area seems to attract demand from buyers suited to this size of property rather than two bedroom homes, which would be more popular if within closer access to the city centre. Therefore it is considered that this policy is considered acceptable.

The Government has announced (March 2015) updates to its policy on housing standards and zero carbon homes. These affect the Council's implementation of Policy CP11 of the adopted Local Plan Part 1. While policy CP11 remains part of the

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Development Plan and the Council still aspires to achieve its standards for residential development (Code for Sustainable Homes Level 5 for energy and Level 4 for water), Government advice now sets a maximum standard of 110litres/day for water efficiency and the equivalent of Code Level 4 for energy. Therefore, for applications determined after 26 March 2015, Local Plan policy CP11 will be applied in compliance with the maximum standards set out in Government advice.

Impact on character of area and neighbouring property

The amended scheme proposes 4 dwellings, with plot 1 a detached two storey dwelling, and plots 2 to 4 providing a row of attached dwelling. The 4 dwellings are aligned in an east-west.

Vehicular access is from the end of the cul-de-sac with access between 4 and 6 Boyne Rise, therefore this plot does not have an active frontage to Boyne Rise.

To the east of the site is a public footpath through this part of Kings Worthy and to the north rear of the site are dwellings 1 to 4 The Mews which are accessed via Forbes Road.

The site is visible in views from the footpath with the proposed design providing a simple form, all with a two storey element and materials proposed and would not appear incongruous to the character of the surrounding area.

The amended plans change the orientation of the dwellings, which provides greater distance between the upper levels and the private gardens to the north and west.

To the north is no. 4 The Mews, a single storey dwelling with a hipped roof. The first floor windows in the proposed rear elevations will have a view above the fence line to the side roof form and does not therefore present overlooking to this dwelling.

The only first floor rear window of Plot 1 serves a stairwell, and it is not considered that this would introduce unacceptable overlooking to the rear garden of 4 The Mews.

The 1<sup>st</sup> floor bedroom windows on the front southern elevation of plots 2 and 3 look directly towards the roofslope of the neighbouring dwelling (6 Boyne Rise). The first floor windows in the southern elevations which serve bathrooms are conditioned to have obscure glass and will not therefore provide unacceptable overlooking to 6 Boyne Rise.

There is a 1<sup>st</sup> floor window to west side of plot 1 which is a bedroom window, which will give a degree of overlooking towards number 4 Boyne Rise, however this is limited due to this distance away from this neighbouring dwelling and this is replacing a window in the existing dwelling, no. 5 Boyne Rise, that already has a degree of overlooking from this front window towards the garden of no, 4 Boyne Rise. There is no current landscaping along this boundary to No. 4 Boyne Rise, however a condition is recommended to enhance this boundary.

The windows on the east elevation to plot 4 look out towards the footpath and therefore do not result in any unacceptable harm in terms of overlooking and provide natural surveillance to this route.



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Highways/Parking

Winchester City Council's Residential Standard requires 3 no. car parking spaces per four bedroom dwelling and 2 no. car parking spaces per three bedroom dwelling. A total of 10 no. car parking spaces for this site is required. The layout indicates that each of the dwellings will have 2 no. car parking spaces and space is available to provide a further 2 no. visitor car parking spaces, which can be used by any of the four bedroom dwelling, which is considered acceptable in this instance.

Affordable Housing:

On 11th May 2016, the Court of appeal allowed the Secretary of States appeal, against the High Courts decision, in July 2015 to quash the government's guidance with regard to offering support for small scale developers. This support introduced a threshold beneath which affordable housing contributions or tariff-style contributions should not be sought, threshold being developments of ten units or less in urban areas, 5 or more in defined rural areas, including National Parks and which have a maximum combined floor spaces of no more than 1000 square metres. Following the Court of Appeal's decision, the Government updated paragraph 31 of the National planning guidance on the 19th May and is therefore relevant to the consideration of the current planning application. The proposal in this instance is only for four houses; under the threshold of 1000sqm in floor area is proposed, therefore it is not liable for a contribution in lieu of on site provision of affordable housing.

**Recommendation**

Application Permitted subject to the following condition(s):

**Conditions**

01 The development hereby permitted shall be begun before the expiration of three 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 (as amended).

02 Notwithstanding the application forms and the plans, no development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

Proposed site plan 1714-100-A  
Proposed block plan 1714\_101  
Ground floor plan 1714\_200\_A  
First floor plan 1714\_210\_A  
South elevations 1714\_300  
West elevations 1714\_301

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North elevations 1714\_302  
East elevations 1714\_303  
Context elevations 1714\_304  
Context elevations 1714\_305

Location plan 1714\_001  
Site survey 1714\_002  
Section 1714\_400

03 Reason: To ensure the development is built in accordance with the plans approved.

04 The developer must advise the local authority before development commences (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development. The information submitted shall be approved and agreed in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved details.

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

05 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.

05 Reason: In the interests of highway safety.

06 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.

06 Reason: In the interests of highway safety.

07 The proposed access and drive, including the footway crossing shall be laid out and constructed in accordance with specifications to be first submitted to and approved in writing by the Local Planning Authority.

NOTE: A licence is required from Hampshire Highways Winchester, Central Depot, Bar End Road, Winchester, SO23 9NP prior to the commencement of access works.

07 Reason: To ensure satisfactory means of access.

08 No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear.

08 Reason: To make proper provision for off street parking.

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09 The development shall be carried out in accordance with the measures set out within Protected Species Survey carried out by Andrew Quale Ecological Consultant Extended Phase 1 Ecology Survey of June 2017. Thereafter, the compensation measures shall be permanently maintained and retained in accordance with the approved details.

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

10 A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

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

11 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 dwellings hereby permitted are first occupied. Development shall be carried out in accordance with the approved details and thereafter retained.

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

12 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.

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

**Informatives:**

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

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

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

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02. 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.

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

Local Plan Part 1 - Joint Core Strategy: DS1, MTRA1, MTRA3, CP2, CP3, CP11, CP12, CP13, CP14

Local Plan Part 2 - Joint Core Strategy: Development Management and Site Allocations: DM1, DM2, DM14, DM15, DM16, DM17

04. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

05. During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

06. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

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

07. The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works can commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with. If works commence on site before all of the pre-commencement conditions are discharged then this would constitute commencement of development without the benefit of planning permission and could result in Enforcement action being taken by the Council.

The submitted details should be clearly marked with the following information:

The name of the planning officer who dealt with application

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The application case number

Your contact details

The appropriate fee.

Further information, application forms and guidance can be found on the Council's website  
- [www.winchester.gov.uk](http://www.winchester.gov.uk).

08. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".