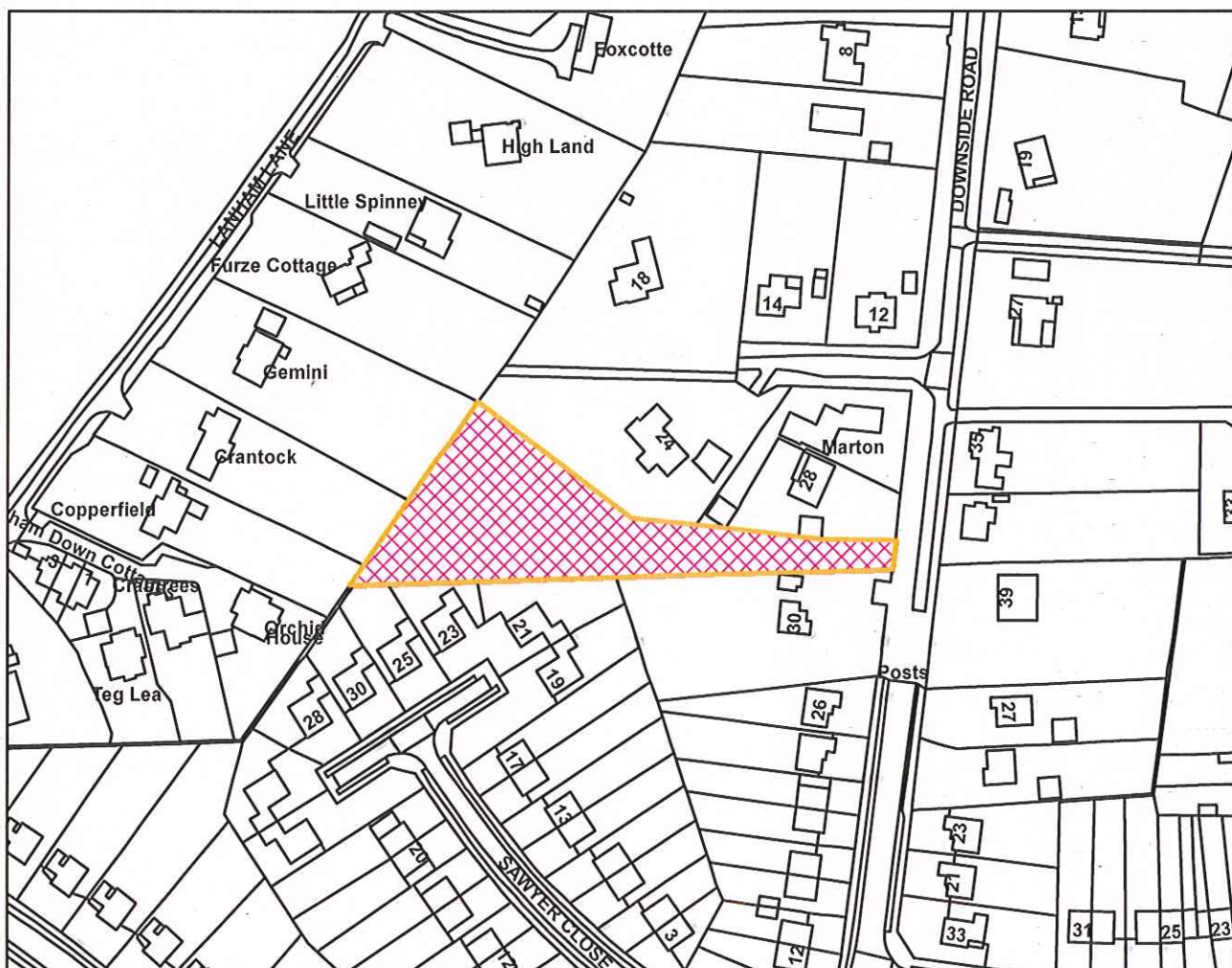


Land adjacent to 24 Downside Road



Winchester
City Council

13/02506/OUT



Legend

Scale: 0 0.02 0.04 0.08 KM

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|--------------|-------------------------|
| Organisation | Winchester City Council |
| Department | Winchester GIS |
| Comments | |
| Date | 21/02/2014 |
| MSA Number | 100019531 |

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No: 2
Case No: 13/02506/OUT / W18054/02
Proposal Description: Erection of 2no dwellings (OUTLINE - considering access)
Address: Land adjacent to 24 Downside Road Winchester Hampshire
SO22 5LU
Parish, or Ward if within Winchester City: St Barnabas
Applicants Name: Mr J Holloway
Case Officer: Lewis Oliver
Date Valid: 7 November 2013
Site Factors: Civil Aviation
Southern Water Sewer Foul Drainage
Recommendation: Application Permitted

General Comments

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

Site Description

This site is located within the development boundary of Winchester on the western side of Downside Road.

The site is surrounded on all sides by residential development. To the west of the site there are two storey dwellings fronting onto Lanham Lane. To the east there are two storey dwellings fronting Downside Road. To the south are relatively more recent two storey dwellings fronting Sawyer Close. To the north of the site there are mainly two storey dwellings that front onto a spur of Downside Road.

The site is the result of the subdivision of the existing site which is occupied by a bungalow (No 24 Downside Road) with a very large footprint and a detached single garage to the east of the dwelling. The site is well vegetated especially along the boundaries with a number of mature trees to the south and western boundaries.

The site has a narrow strip of land which continues to the east between 28 and 30 Downside Road.

Proposal

This is an outline planning application for the erection of 2 no dwellings. The application details that 1 dwelling would be a 3 bedroom unit with the other a 4 bedroom unit.

This is an outline application with the matters of Access to be considered at this stage. The other matters (appearance, scale, landscaping and layout) will be dealt with by the submission of further details through a reserved matters application(s). Consequently details submitted showing, site layout and landscaping are illustrative, however the proposal does indicate that the dwellings would be two storeys in height. The application proposes to access the dwellings by creating a new access between 28 and 30 Downside

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Road.

Relevant Planning History

02/02559/OUT - Construction of a chalet bungalow and new access (OUTLINE) –
Refused 9/12/02 for the following reasons:

The proposed development is contrary to policies UB3, T5, H7, R2, E6, E8, E16 and E19 of the Hampshire County Structure Plan 1996-2011 (Review) and is contrary to policies EN4, EN5, EN7, H7, RT3, T9, W1 and W5 of the Winchester District Local Plan in that:

- (i) It would not result in a satisfactory density of development and would not make an efficient use of land;
- (ii) It would detract from beneficial landscape features including trees;
- (iii) It is not supported or justified by a full site analysis or tree impact survey and is deficient in adequate identification of significant landscape features including trees;
- (iv) It is not supported or justified by details of the layout and construction of the proposed vehicular access insofar as this affect important trees on the site;
- (v) It fails to make adequate provision for public recreational open space to the required standard and would therefore be detrimental to the amenities of the area.

Consultations

Engineers: Drainage: No Objection

Engineers: Highways: No Objection

Head of Landscape: Arboriculture

The Arboricultural Implications Assessment reflects accurately the quality and category of tree stock. With regard to the proposed tree retention, there are no major issues arising.

Environment Agency: No Objection

Southern Water: No Objection

Representations:

City of Winchester Trust: The Trust is pleased that the application is limited to 2 dwellings only. It is accepted that the 2 houses are indicative and that the application is only for consideration of the access to the site. The site layout is logical and the use of gravel in the drive should ensure the safety of the existing tree roots.

18 letters received from 13 properties objecting to the application for the following reasons:

- The proposal would have an adverse impact on highway safety through traffic generation and the access is not ideal
- Concerned that the proposal would lead to further traffic which would conflict with pedestrian safety as there are no footways in the area
- Concerned about lack of parking during both the construction phase and on completion

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- Adverse impact on amenities of neighbouring properties in relation to overbearing impact and noise from driveway
- Concerned over impact of development on the roots to the protected trees
- Adverse impact on the character and appearance of the area

1 letter of support received.

- This is an appropriate level of development for the area

Relevant Planning Policy:

Winchester District Local Plan Review

DP3, DP4, DP5, H3, T2, T4

Winchester Local Plan Part 1 – Joint Core Strategy

DS1, MTRA1, MTRA2, CP1, CP2, CP3, CP7, CP10, CP11, CP13, CP14, CP16, CP17, CP20, CP21

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Supplementary Planning Guidance

St Barnabas West Neighbourhood Design Statement

Planning Considerations

Principle of development

On 11 February 2013 the Council received confirmation from the Planning Inspector dealing with the Council's new Local Plan that the Winchester Local Plan Part 1 - Joint Core Strategy (LPP1) is sound subject to the Council accepting a number of modifications recommended by him. On 20th March 2013 the Council formally adopted the plan incorporating the Inspector's changes.

The policies set out in the LPP1 now form part of the development plan of the District and therefore applications must be determined in accordance with this plan unless material considerations indicate otherwise. Some policies in the 2006 Local Plan remain saved, even though the LPP1 has been adopted, and they deal primarily with detailed matters or with development management issues and these also form part of the development plan. In due course these saved policies will be replaced by policies in Winchester Local Plan Part 2.

This is an application for Outline planning permission for 2 dwellings. The site is within the settlement boundary where residential development is acceptable in principle. Approval is being sought on the access only. Consequently details submitted showing, site layout and landscaping are illustrative, however the proposal does indicate that the dwellings would be two storey in height, the impact of the development on the character and appearance of the area is considered below.

Policy CP2 of the LPP1 requires new residential development to provide a mix of housing with the majority of homes in the form of 2 and 3 bed houses. In this case, the Design & Access statement indicates that the development would comprise 1 three bed and 1 four bed dwelling. This satisfies Policy CP2 and condition 6 has been attached to ensure that one of the units is 3 bedrooms.

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Policy CP11 of the LPP1 also requires developments to achieve Level 5 for the energy aspect of the Code for Sustainable Homes (CfHS) and Level 4 for the water aspect of the CHS. The applicant has agreed that the new dwellings will achieve these levels and condition 8 is attached to ensure that this is carried through.

Impact on character of area

The character of the area is mainly defined by two storey dwellings, whilst the current property on the site is a bungalow. The surrounding area mainly consists of large detached properties set in extensive plots; whilst to the south there is a higher density of development comprising mainly semi detached dwellings. The application site is well screened from public vantage points by the surrounding properties and the trees around the site, which are protected by Tree Preservation Orders. The main trees around the site are to be retained and are sufficiently far away from the proposed dwellings that there should not be pressure to fell them in the future. It is considered that the principle of two dwellings at two storeys in height provides an appropriate level of development which would not have an adverse impact on the character and appearance of the area.

The density of the scheme is considered to be appropriate in this location, given the site context and the limited developable area taking into account the protected trees and the length of the proposed access road. In addition the St Barnabas West Neighbourhood Design Statement refers to the area being characterised by open space around and between buildings and notes that development should respond to the lower density characteristic of the area. It is considered that two dwellings on this plot is acceptable, given the low density nature of the area. As such the proposal is in accordance with policy CP14 of the LPP1.

Impact on amenities of neighbouring properties

It is considered that the proposed location of the dwellings would not result in any material planning harm relating to overshadowing or overbearing. There is dense vegetation on the south and western boundaries of the site which is to be retained and therefore this development would not have an adverse impact on the amenities of these neighbouring properties.

The proposed access would run between 28 and 30 Downside Road. Both of these properties have outbuildings located closest to this access road. It is considered that whilst the development would lead to some increase in noise and disturbance from vehicles using the access road this would not be materially harmful. The proposed access route is to use bound gravel to ensure that it does not impact on the root systems of the trees, this form of material is also relatively quiet, compared to gravel.

Highways/Parking

The proposal would provide a new access to the site, which is considered acceptable as it provides adequate visibility and manoeuvrability for this scale of development. The access would come out onto Downside Road, which is a cul de sac at this point with a 30mph speed limit. It is therefore considered that the limited increase in traffic would not have an adverse impact on highway or pedestrian safety to justify refusal.

Financial contributions

A full Open Book Appraisal that charts the viability of the development proposal

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has been submitted and has been considered. CP3 requires for schemes fewer than 5 units then a financial contribution would be taken for affordable housing. Open Space and Sustainable Highway contributions are factored in as required by policies CP7 and CP10. It has been demonstrated by a viability appraisal that the scheme would only be viable with a total contribution of £50,027. The final figures ensuring proportionate contributions to each fund are as follows:

Total contribution required would be £124,027 100%

| | | |
|--------------------|----------|--------|
| Open Space | £5,825 | 4.68% |
| Highways | £9,202 | 6.95% |
| Affordable Housing | £109,600 | 88.37% |

Total of viable contribution £50,027 100%

Apportioned amounts:

| | | |
|--------------------|------------|--------|
| Open Space | £2,338.24 | 4.68% |
| Highways | £3,693.81 | 6.95% |
| Affordable Housing | £43,994.95 | 88.37% |

The applicants will enter into a legal agreement to secure the agreed contributions.

Planning Obligations/Agreements

In seeking the planning obligation(s) and/or financial contributions for Open Space, Highways and Affordable Housing, the Local Planning Authority has had regard to the tests laid down in para 204 of the NPPF 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 is granted subject to the following condition(s) and a Section 106 Agreement in order to secure the following planning obligations under Section 106 of the Town and Country Planning Act and any other relevant provisions as set out below:

Section 106 Agreement:

- (i) Contributions of £3,693.81 towards highway improvements in accordance with Policies CP21 of the Winchester District Local Plan Part 1 - Joint Core Strategy and Hampshire County Council's transport contributions policy;
- (ii) Contributions of £2,338.24 towards open space in accordance with Policy CP7 of the Winchester District Local Plan Part 1 - Joint Core Strategy;
- (iii) Contributions of £43,994.95 towards the provision of affordable housing in the district in accordance with Policy CP3 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

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

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Conditions

1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

1 Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990 (as amended).

2 Plans and particulars showing the detailed proposals for all the following aspects of the development (hereinafter called "the reserved and other matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. The approved details shall be carried out as approved and fully implemented before the building(s) is/are occupied.

Reserved and other Matters:

- The siting and layout of all buildings and the means of access thereto from an existing or proposed highway, including the layout, construction and sightlines.
- The design and height (external appearance and scale) of all buildings, (detailed elevations and floor plans) including the colour and texture of external materials to be used together with samples of all external facing and roofing materials.
- The layout including the positions and widths of roads and footpaths.
- The layout of foul sewers and surface water drains.
- The provision to be made for the parking, turning, loading and unloading of vehicles.
- The alignment, height and materials of all walls and fences and other means of enclosure.
- The provision to be made for the storage and disposal of refuse.
- The finished levels, above ordnance datum, of the ground floor of the proposed building(s), and their relationship to the levels of any existing adjoining buildings.
- Landscape considerations including:
 - (i) an accurate plan showing the position, type and spread of all the trees on the site and a schedule detailing the size and physical condition of each tree and, where appropriate, the steps to be taken to bring each tree to a satisfactory condition; and also details of any proposals for the felling, pruning, trimming or uprooting of any trees;
 - (ii) a landscape scheme showing the planting proposed to be undertaken, the means of forming enclosures, the materials to be used for paved and hard surfaces and the finished levels in relation to existing levels;

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(iii) the arrangements to be made for the future maintenance of landscaped and other open areas.

2 Reason: To comply with the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order).

3 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.

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

4 Details of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway shall be submitted and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the duration of the construction period. No lorry shall leave the site unless its wheels have been cleared sufficiently to prevent mud being carried onto the highway.

4 Reason: In the interests of highway safety.

5 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.

5 Reason: In the interests of highway safety.

6 The planning permission hereby granted is for two dwellings with at least one of the units being a 3 bedroom dwelling. Following their substantial completion none of the units shall be enlarged in terms of number of bedrooms without the separate express grant of planning permission.

6 Reason: To ensure that the development complies with Policy CP2 of the Local Plan Part 1 - Joint Core Strategy.

7 The dwellings hereby permitted shall be no greater than 2 storeys.

7 Reason: To ensure the development integrates into the character and appearance of the area

8 The development hereby approved shall comply with LPP1 policy CP11 - in order to achieve Level 5 for the Energy aspect of the Code for Sustainable Homes and Level 4 for the water aspect except where demonstrated not practical or feasible in meeting the

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requirements as per the policy, development should then follow the specified hierarchical approach to achieving carbon reductions. Details of this shall then be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved development.

8 Reason: To ensure that the proposal complies with Policy CP11 of the Local plan Part 1.

9 No development shall commence until the details identified below have been submitted to and approved in writing by the Local Planning Authority:

A tree protection plan in accordance with BS3857 (2012)

A final plan showing the location of the cellular confinement system, with a work method statement for installation and final levels.

A schedule of Tree works in accordance with BS3998 (2010)

A schedule for the appointed Arboricultural consultant visits to monitor tree protection

A site plan showing storage compounds and contractors parking.

A plan showing proposed routes for underground utilities.

The protective measures, including fencing and ground protection, in accordance with the Arboricultural Impact Appraisal and Method Statement reference HBD 1307 AIA L2 written by Helen Brown of Alderwood Consulting Ltd and submitted to the Local Planning Authority shall be implemented prior to any demolition, construction or groundwork commencing on the site.

Inspection of fencing

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 HBD 1307 AIA L2. Telephone 01962 848403.

Construction of special engineering under tree canopies

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.

Limit of Arboricultural work

No Arboricultural works shall be carried out to trees other than those specified and in accordance with the Arboricultural Impact Appraisal and Method Statement HBD 1307 AIA L2.

No deviation from agreed method statement

Any deviation from works prescribed or methods agreed in accordance with the Arboricultural Impact Appraisal and Method Statement HBD 1307 AIA L2 shall be agreed in writing to the Local Planning Authority.

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

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10 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.

Pre-commencement meeting.

A pre-commencement meeting will be held on site before any of the site clearance and construction works begins. This will be attended by the site manager, the Arboricultural consultant and the LPA tree officer.

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

Informatives:

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

Local Plan Part 1 - Joint Core Strategy: DS1, MTRA1, MTRA2, CP1, CP2, CP3, CP7, CP10, CP11, CP13, CP14, CP16, CP17, CP20, CP21

Winchester District Local Plan Review 2006: DP3, DP4, DP5, H3, T2, T4

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

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.

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.

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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.