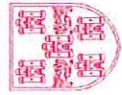
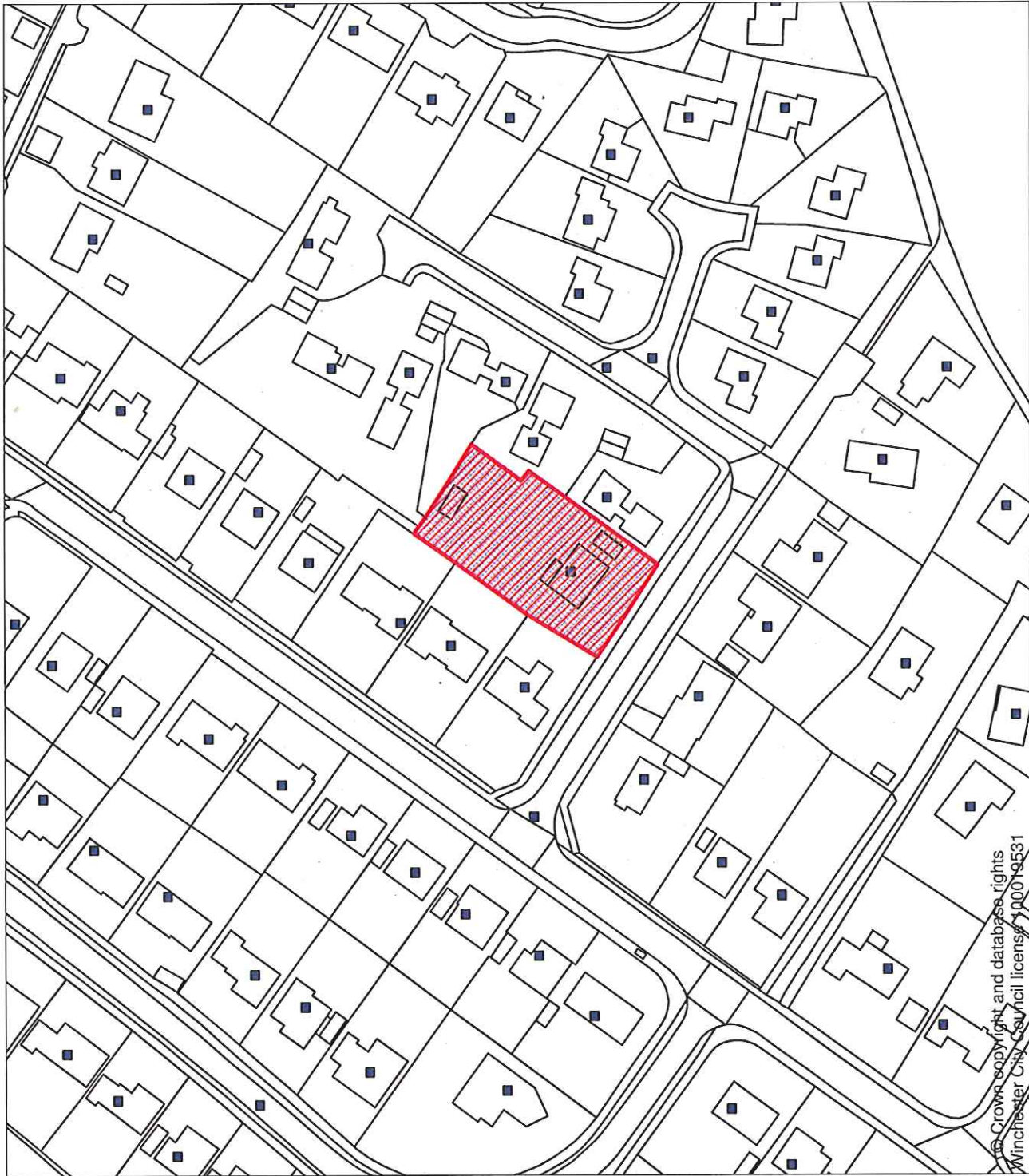


2 Broad View Lane, Olivers Battery, Winchester, Hampshire.

15/02274/FUL



Winchester
City Council



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Legend

Scale: 0 0.0125 0.025 0.05 KM

Organisation	^Organisation
Department	^Department
Comments	^Comments
Date	12/04/2016
MSA Number	^PMSA Number

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Item No: 08
Case No: 15/02274/FUL / W19214/05
Proposal Description: Demolish existing bungalow and replace with 2No. 3 bed chalet bungalows with single garage.
Address: 2 Broad View Lane Olivers Battery Winchester Hampshire SO22 4JU
Parish, or Ward if within Winchester City: Olivers Battery
Applicants Name: Mr Steve Hill
Case Officer: Lewis Oliver
Date Valid: 6 October 2015
Site Factors:

Recommendation: Civil Aviation
Application Permitted

General Comments

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

This application is a resubmission for a previously refused application, which was for the demolition of the existing bungalow and replace with new 3no. three bed chalet bungalows with integral garaging (15/00853/FUL). This application has reduced the number of dwellings by one. In addition plot 1 has been reduced in size and scale, in combination with the roof design which has been altered with the main roof now being a half hipped design.

Site Description

The site is located within the built up area of Oliver's Battery, on the north side of Broad View Lane, and it contains a modest sized bungalow, which is set back slightly from the road and has a large rear garden. The site is elevated from the properties on Old Kennels Lane, whilst the properties to the north in Pine Close are set at a slightly higher level. The site boundaries are defined by a mixture of closed boarded fencing interspersed with some trees and hedging.

The site is surrounded on all sides by residential development. To the west of the site there are single storey and chalet dwellings fronting onto Old Kennels Lane. To the immediate east, north and south there are single storey dwellings fronting Broad View Lane and Pine Close. Just further to the east is a mixture of two storey and chalet dwellings at a higher level than the application site. The layout of the immediate and surrounding area is defined by detached dwellings, which are largely set back from the road.

Proposal

The proposal involves the demolition of the existing bungalow and replacement with 2 x three bed chalet bungalows, each with a detached single storey garage. The houses are detached chalet houses. Plot 1 is located broadly on the same location as the existing dwelling. Plot 2 would be located in the current rear garden, which would be accessed by

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utilising and upgrading the existing site access, which would run to the south west of plot 1. All properties benefit from on plot parking, provided by way of a garage and surface parking space.

The dwellings are identical in design and scale and will be approximately 15 metres in width, a maximum of 8.5 metres in breadth and 7 metres in height to the ridge and 2.7 metres to the eaves of the dwellings. Plot 1 would be set back approximately 4 metres from the highway at its closest point, though the majority of main part of this plot would be set back 5 metres from the highway.

Relevant Planning History

15/00853/FUL - Demolish existing bungalow and replace with new 3no. three bed chalet bungalows with integral garaging – Refused 08.07.2015 for the following reasons:

01 The proposed development would have a harmful effect on the character and appearance of the surrounding area as it would introduce a more intensive form of development into an area that is defined by its spacious character. Furthermore when viewed alongside the adjoining dwellings on all sides of the site, the proposed development would not integrate with, or respond positively to, the character and appearance of the surrounding area in terms of design, layout or scale and in that respect it would conflict with policy DP3 of the Winchester District Local Plan Review 2006.

02 The proposed development would be contrary to policy CP2 of the Winchester District Local Plan Part 1 - Joint Core Strategy in that the site would fail to provide a mix of dwelling sizes and no overriding justification has been put forward to support this approach. The development would therefore be detrimental to the amenities of the area by failing to reflect the need for smaller dwellings.

03 The proposed development by virtue of its size, height, siting and design would result in an unacceptable overbearing form of development that would be un-neighbourly and detrimental to the amenities of the adjoining property of 57 Old Kennels Lane and its primary amenity area. The proposal is therefore contrary to the NPPF and Policy DP3 of the Winchester District Local Plan Review 2006.

10/01680/FUL - (Extension to the time limit for implementing planning permission 05/00816/FUL) Demolition of bungalow and garage; erection of 2 No. detached two bed chalet bungalows – Permission 04.10.2019 – Development not implemented

05/00816/FUL - Demolition of bungalow and garage; erection of 2 No. detached two bed chalet bungalows – Permission 04.08.2005 – Development not implemented

04/02531/OUT - Erection of 3 no: dwellings and alteration to existing access (OUTLINE - considering siting and access) – Refused 18.11.2004 for the reasons of being out of character with the area, adverse impact on the amenities of neighbouring properties.

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Consultations

Engineers: Drainage: No Objection

Engineers: Highways: No Objection subject to conditions 10-13

Strategic Planning: Given that the scheme is for two dwellings, it is appreciated that it is difficult to comply with the requirements of policy CP2, which requires the majority to be 2 and 3 bedroom units. Therefore for schemes of two units or less the required mix is not being applied.

Southern Water: Require details to be approved of the proposed means of foul and surface sewerage disposal – condition 14

Representations:

Olivers Battery Parish Council – Objects for the following reasons

- The application is contrary to the Oliver's Battery Village Design Statement.
- The proposal is an unneighbourly development as it will generate overlooking, loss of privacy and be detrimental to the amenity of neighbouring properties, contrary to the NPPF and Policy DP3 of the Winchester District Local Plan.
- The proposed development would not integrate with, or respond positively to, the character and appearance of the surrounding area in terms of design, layout or scale and in that respect it would conflict with policy DP3 of the Winchester District Local Plan.
- The proposed development would be contrary to policy CP2 of the Winchester District Local Plan Part 1 - Joint Core Strategy in that the site would fail to provide a mix of dwelling sizes and would therefore be detrimental to the amenities of the area by failing to reflect the need for smaller dwellings.
- given the size, location, orientation and slope of the site it appears that 2 more modestly sized bungalows would be appropriate (similar in size to the previous planning approval 05/00816/FUL).

Councillor Brain Laming – Objects:

- Out of character with the surrounding area and do not conform to the village design statement.
- The drive way and Garage are next to the properties in Pine Close and extremely close to their living space. no consideration has been given to the neighbours to mitigate for this.
- On the Old Kennels side their foundations are very close to the main sewer.

6 letters received objecting to the application for the following reasons:

- Overdevelopment and out of keeping with the character and appearance of the area, loss of views in the area which is contrary to the VDS
- Overlooking and overbearing impact given the change in levels of the land and relationship with neighbouring properties

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- Noise from the proposed access road adversely affecting neighbouring properties
- Insufficient amenity space for future residents
- Insufficient parking, which would require people to park on the road

Relevant Planning Policy:

The Development Plan (for the purposes of Section 38 of the Planning and Compulsory Purchase Act 2004) remains the Local Plan Part 1 (and the remaining saved policies of the Winchester District Local Plan Review) and the Denmead Neighbourhood Plan, and determinations will need to be made in accordance with these documents unless material considerations indicate otherwise.

However, Local Plan Part 2 is a material consideration in the determination of planning applications, and should be given appropriate weight in accordance with paragraph 216 of the National Planning Policy Framework. The Winchester District Local Plan Part 2 : Development Management and Site Allocations was approved by the Council 21st October 2015 for submission following public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period ran from 6 November to midday 21st December 2015 after which the plan together with supporting documentation and any representations received were submitted to the Planning Inspectorate for examination.

Winchester District Local Plan Review

DP3, DP4, H3, T2, T4

Winchester Local Plan Part 1 – Joint Core Strategy

DS1, MTRA1, CP2, CP3, CP11, CP13, CP14, CP16, CP21

Winchester Local Plan Part 2: Development Management and Site Allocations

DM1, DM2, DM4, DM5, DM14, DM15, DM16, DM17, DM23

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Supplementary Planning Guidance

Olivers Battery Village Design Statement

High Quality Places March 2015

Winchester Residential Parking Standards

Affordable Housing SPD

Planning Considerations

Principle of development

The site is located within the defined settlement boundary of Olivers Battery, where new residential development is considered acceptable. The principle of development in this case is therefore accepted.

Policy CP2 of the Local Plan Part 1 considers housing mix and introduces a more flexible approach to it moving away from the previous Local Plan requirement for 50% of the dwellings to be 1 or 2 bed. The policy requires that there should be a majority of 2 and 3

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bedroom dwellings, unless local circumstances indicate an alternative approach should be taken. However, it is acknowledged that given that this scheme is for two dwellings, it is difficult for the required mix to be complied with. As such it is considered appropriate to have a 2 x three bed unit scheme, furthermore the immediate and surrounding area is defined by 3 bed dwellings, therefore the housing mix would not be out of keeping with the area.

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 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. Conditions 8 and 9 have been recommended to ensure that these standards are met.

Design/layout

The Olivers Battery Village 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.

The proposal follows the existing building line of Broad View Lane, with the replacement dwelling (plot 1) at the front of the site. Plot 1 and the surrounding properties would provide some screening for plot 2, though it would be visible from gaps between the buildings.

It is acknowledged that the proposed layout would differ from other plots in the immediate vicinity. However, the pattern of existing development located further to the north east of the site is different in terms of the arrangement and size of plots. The proposed layout is therefore not considered to cause significant harm to the character of the area in this respect, given that there is no distinctive rhythm to the layout of existing development when looking further north east. The proposal, through reducing the width of plot 1, is also considered to provide sufficient space about the proposed building, so as to avoid the application site becoming cramped. The development would have a low overall density of 16.6 dph, which is considered in keeping with the overall village character. As such it is not considered that a reason for refusal on this basis could be substantiated and the proposal is in accordance with policy CP14 of the LPP1.

Impact on character of area

The area is characterised by a mixture of detached single storey and chalet style dwellings, which have a variety of designs within the immediate vicinity of the application site. The previous application was refused following concerns raised that the development by virtue of the size, scale, massing and design of the development would not be in keeping with the immediate surrounding properties and area. This application has amended the proposal as described in the general comments section.

The main public vantage point would be from Broad View Lane, with clear views when approaching from Old Kennels Lane and Pine Close. This application has removed one dwelling and amended the roof design of plot 1, through having a half hipped roof; in

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addition this scheme reduced the scale and bulk of the development facing Broad View Lane, though a 2.7 metres reduction in the width of the building. It is proposed that the ground levels for Plot 1 would be excavated and lowered by approximately 0.7m, with the overall height of this building being approximately 0.56m higher than the existing bungalow. Overall it is considered that the amendments contained within this application, with particular reference to the amended roof design and the reduction in the size and scale of the development, when viewed from public vantage points would not be intrusive in the street scene, and that a reason for refusal on this basis could not be substantiated on this matter.

Impact on amenities of neighbouring properties

The previous application was refused by virtue of the development having an adverse overbearing impact on the amenities of 57 Old Kennels Lane. As outlined above this application has reduced the main part of the building by 2.7m. This results in the main element being approximately 5.5 m from the boundary and 13.5m to no.57, with the single storey side element being 3.5m from this boundary and 11.5m respectively. It is considered that given these amendments and taking into account the changes in ground levels that the development has overcome the previous reason for refusal, and would not have a significant overbearing impact to justify a reason for refusal on this issue.

A number of concerns have been raised from the other surrounding neighbours regarding plot 2 having an overbearing impact. The main element of Plot 2 is located approximately 5m (2.5m for the single storey element) from the boundary and 16m (13.5m) with 55A Old Kennels Lane. The relationship with 2 Pine Close, would have plot 2, approximately 6m from the boundary and a 10m gap building to building. The garage would be 1.5m from the boundary. It is considered that whilst the layout is awkward, particularly with regard to the relationship with 2 Pine Close and the angled boundary, that it would not have a significant overbearing impact to justify a reason for refusal on this issue.

Given the overall layout in combination with the size and scale of the proposal, it is considered that the development would result in some loss of sunlight/daylight, however it would not result in such an unacceptable loss of sunlight/daylight that would warrant the refusal of this application on this matter.

The application proposes windows in the front and rear elevations. For the rear elevation there would be two roof lights, one serving a bedroom and landing, and a window serving an en-suite, which is proposed to be obscure glazed. Conditions 4 and 15 are proposed, in order to require this and restrict any further openings and alterations to the roof to protect the privacy of the neighbouring properties. In addition given the sensitive location, proximity and layout of the proposal and its relationship with neighbouring properties, condition 3 is proposed to restrict future permitted development rights for alterations to the roof. It is therefore considered that the development would not result in significant overlooking and a consequent loss of privacy in relation to neighbouring properties, to justify a reason for refusal on this issue.

A number of concerns have been raised regarding the proposed access track and the subsequent noise on neighbouring properties. As has been outlined in the planning history, application 04/02531/OUT was refused for such an issue. However the layout of the access in this application is different in that it does not run along the majority of the

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boundary of 2 Pine Close. It will run along the side of 1 Pine Close, however there are few opening on this side elevation. It is therefore considered that the development would not have such a significant adverse impact with regard to noise, to justify a reason for refusal on this matter.

Highways/Parking

The Council's Highway Engineer has raised no objections to the scheme, subject to recommended condition 11- 13. The proposal would utilise and upgrade the existing access to the site, which is considered acceptable as it provides adequate visibility and manoeuvrability for this scale of development. It is therefore considered that the limited increase in traffic would not have an adverse impact on highway or pedestrian safety to justify refusal.

Affordable Housing

Policy CP3 allows for schemes of fewer than 5 units to provide an off site financial contribution towards the provision of affordable housing. A viability appraisal has been submitted and includes the Community Infrastructure Levy (CIL) contribution which is a non-negotiable amount based on the floor area (£15,440). The appraisal has been agreed by an External Valuer and concludes that the development can viably afford to provide a contribution of £6,750. This has been secured through a legal agreement.

Drainage

The Council's Drainage Engineer has raised no objection to the scheme, as well as Southern Water. Condition 14 is proposed in order that full details of how the development would be connect to public foul and sewerage disposal have been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water.

Impact on ecology

The application is accompanied by a phased ecology survey, which has identified that there are no protected species on the site; however the report identifies areas for ecology enhancements in the form of bird/bat boxes. It is therefore considered that the development would provide an opportunity for ecological enhancement and condition 15 is proposed to secure this.

Planning Obligations/Agreements

In seeking the planning obligation(s) and/or financial contributions for 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

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.

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

02 No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C and E, of Schedule 2, Part 1 of the Order shall be carried out without the prior written consent of the Local Planning Authority.

03 Reason: Any works to the scheme need to be carefully controlled given the proximity to the immediate neighbouring properties. In addition the scheme is in a highly visible location and any alterations to the roof would need to be controlled.

04 The windows of the development hereby permitted at the first floor level in the back (north east) elevation shall be glazed with obscure glass which achieves an obscuration level at least equivalent to Pilkington Obscure Glass Privacy Level 4, and the glazing shall thereafter be retained in this condition at all times.

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

05 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that order, with or without modification), no windows at first floor, other than those expressly authorised by this permission shall, at any time, be constructed in the development hereby permitted.

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

06 No development shall take place until full 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:

- Proposed finished levels or contours, in comparison to existing ground levels, including the damp proof course and ground floor of the proposed buildings, and the relationship to the levels of adjacent buildings, together with contours to be formed and earthworks to be undertaken;
- All boundary treatment;
- Hard surfacing materials;
- Minor artefacts and structures (refuse or other storage units, signs and lighting etc);

Soft landscaping works shall include:

- planting plans (for new trees, hedges and other planting);

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- written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- implementation programme.

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

07 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

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

08 Prior to the commencement of the development hereby permitted detailed information (in the form of SAP design stage data and a BRE water calculator) demonstrating that all homes meet the Code 4 standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these findings.

08 Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2012 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

09 Prior to the occupation of the dwelling hereby permitted detailed information (in the form of SAP "as built" stage data and a BRE water calculator) demonstrating that all homes meet the Code 4 standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied in accordance with these findings.

09 Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2012 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

10 Before the development hereby approved is first brought into use, the access shall be constructed with a non-migratory surfacing material for a minimum distance of 5 metres from the highway boundary.

10 Reason: In the interests of highway safety.

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

11 Reason: In the interests of highway safety.

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

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

13 No dwelling hereby permitted shall be occupied until a bin collection point to serve as a temporary storage point for refuse bins on collection days is located within 15m of the public highway.

13 Reason: In the interests of highway safety.

14 No development shall commence until details of the proposed means of foul and sewerage disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

14 Reason: To ensure that the site is suitable drained given its proximity to the public sewer.

15 The development shall be carried out in accordance with the measures set out within Ecological Assessment SU454272 carried out by Emma Pollard - January 2015, unless otherwise approved in writing by the Local Planning Authority. Thereafter, the compensation measures shall be permanently maintained and retained in accordance with the approved details.

15 Reason: To enhance the ecology of the site.

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 during the course of the application.

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

Local Plan Part 1 - Joint Core Strategy: DS1, MTRA1, CP2, CP3, CP11, CP13, CP14, CP16, CP21

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

Winchester Local Plan Part 2: Development Management and Site Allocations DM1, DM2, DM4, DM5, DM14, DM15, DM16, DM17, DM23

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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.

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.

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.