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Legend

Scale: 0 0.0125 0.025 0.05 KM

Organisation	^Organisation
Department	^Department
Comments	^Comments
Date	06/04/2016
MSA Number	^MSA Number



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**Item No:** 09  
**Case No:** 16/00371/FUL / W12354/05  
**Proposal Description:** 1 bedroom studio flat oversailing retained vehicle parking  
**Address:** W I House 56 Hyde Abbey Road Winchester Hampshire SO23 7DB  
**Ward Winchester City:** St Bartholomew  
**Applicants Name:** Mr Simon Peck  
**Case Officer:** David Rothery  
**Date Valid:** 19 February 2016  
**Site Factors:** Contype: Winchester Conservation Area:  
Ancient Monument  
Air Quality Management Area  
Civil Aviation  
Conservation Area  
Contaminated Land Consultation  
Within 50m of Listed Building  
**Recommendation:** Application Permitted

**General Comments**

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

**Site Description**

The application site is the end building in a run of terrace houses (formerly known as Garfield Terrace) within a predominantly residential area of the city centre fringe. The site lies within the Winchester Conservation Area. The building is not listed.

The building has its main elevation along the eastern side where the entrance and main accommodation is fenestrated. The building is set back off the pavement with a low wall enclosed external circulation area. As part of the former office use, the building has been extended during the late 1960's with a clearly office styled rear addition that ends at the southern part of the site leaving a parking area for three double length parking spaces. There are no windows to the western side of the building which borders the property and garden area of no 55 Hyde Abbey Road.

The accommodation comprises a small basement located under the third main room from the north of the building; a ground floor of four office areas, including one within the rear extension. There are four first floor office rooms accessed from a rear (west side) internal corridor and a room within the roof area of the northern part of the building. The existing rear extension room over-sails the ground floor accommodation and has a separate external staircase from the car parking area.

To the south of the site is a residential block of flats known as Ropewalk House which have an access along the site southern boundary and have windows that overlook the site and its neighbours. To opposite sides of Hyde Abbey Road are two-storey terrace houses, some with roof accommodation, which provide the prevailing character of the locality.

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**Proposal**

The construction of a one- bedroom studio flat oversailing the retained vehicle parking area to the southern part of the site. Access would be via an internal enclosed staircase to the right hand side (northern end) of the proposed building which would be physically attached to the existing southern unit of the converted building on the site by a narrow flat roofed linking section. The accommodation of the proposed flat would comprise a living area open to the kitchen / dining area, a double bedroom and internal bathroom. Storage areas would be located under the roof eaves.

The first floor flat would have a modern appearance based upon a traditional building style, with a ridged roof and chimney detail. The height of the building would be 7.3m to ridgeline. The design has been developed to act as a design bridge between the traditional appearance of the surrounding terrace dwellings along Hyde Abbey Road as well as seeking to reduce the visual prominence of the late 1960's rear extension to the host building undergoing conversion into three dwelling units. The conversion works are themselves assisting in reducing the late 1960's design within this historic area into a more subdued appearance with changes to the window openings and use of exterior materials (see planning permission 15/02289/FUL approved 17 November 2015).

The roof would be irregular, in that the road side slope would run from the eaves at lintel level of the windows serving the dwelling unit to the ridgeline, but the rear roof slope would run further down to a lower eaves line at the equivalent of the window cill level, through there would be no window openings to the rear roof slope. The sectional drawings show this configuration clearly.

The following documents have been submitted in support of the application –  
Design Statement (OB Architecture – Feb 2016);  
Daylight and Sunlight Study (ROL Consulting – 15 Feb 2016)

**Relevant Planning History**

15/02289/FUL : Installation of dormer window to front roof slope and external alterations comprising: 3 no. velux windows to rear roof slope; replacement timber windows within north-east elevation; alterations to windows and installation of door within south-east elevation; and re-cladding of existing rear extension with timber slats over aluminium rain screen. – PERMISSION 17.11.2015

15/02141/PNCOU : Prior approval for change of use from B1 office to form 3 dwelling houses C3 on the ground, first and second floors – Prior Approval Not Required 02.11.2015

98/00938/FUL : Formation of training room on ground floor by infill of covered area – PERMISSION 24.07.1998

91/01444/OLD : Demolition of entrance canopy – PERMISSION 21.05.1991

WIC6471/1 : Renewal of Outline Permission WIC6471 for offices on piers with parking beneath and demolition of derelict hall - OUTLINE PERMISSION 17.12.1973

WIC6471 : Offices on piers with parking beneath and demolition of derelict hall -



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OUTLINE PERMISSION 19.10.1970

WIC6064 : First floor meeting room with parking spaces under – PERMISSION  
11.09.1969

WIC5928 : Change of use from dwelling to offices for WI – PERMISSION 21.04.1969

**Consultations**

Head of Historic Environment:

No objection to the design and appearance of this proposal.

Engineers: Highways:

This proposal does not contain any significant highway issues and is unlikely to impact on highway safety.

Engineers: Drainage:

A public foul sewer passes under the parking area and special care must be taken to ensure that the sewer remains fully functioning during the construction phase, advice can be sought from WCC Building Control. I offer no objection on drainage grounds subject to Building Regulation being complied with.

*Planning Condition 12, 13.*

Head of Strategic Housing:

This consultation response has been prepared with regard to policies CP2 (Housing Provision and Mix) and CP3 (Affordable Housing on Market Led Housing Sites) from the Winchester District Local Plan Part 1 - Joint Core Strategy. The Joint Core Strategy was fully adopted by the Council on 20<sup>th</sup> March 2013

This consultation response has also been prepared with regard to the guidance within the Council's Affordable Housing Supplementary Planning Document. I have used the Commuted sum figures updated in November 2012 for the purposes of calculating the contribution for affordable housing

At the time of writing this response, the application is contrary to policy CP3 of the JCS and the Council's supplementary planning guidance. The policy requires that all new housing developments provide affordable housing; unfortunately the application has not made provision for affordable housing.

Policy CP3 requires that developments of less than 5 units will make a financial contribution in lieu of on site- provision. I have based the affordable housing contribution calculation on a one bedroom property. Using the November 2012 commuted sum figures, a contribution of £36,000.00 is required. This sum can either be paid directly to the Council or secured through a unilateral planning agreement or section 106 agreement.

Southern Water:

Requires a formal application for a connection to the public foul water sewer to be made by the applicant or developer. The Council's technical staff should comment on the adequacy of soakaways to dispose of surface water from the development.

Due to changes in legislation that came into being on 1 October 2011 regarding the future

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ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore should any sewer be found during construction works an investigation of the sewer will be required to ascertain its condition, the number of properties served and potential means of access before any further works commence on site.

*Planning Informative 5, 6.*

**Representations:**

City of Winchester Trust:

No objection

This was felt to be a sympathetic development. The proposed building is neat and attractive. The Trust notes that there has been quite detailed pre-application advice which was reflected in the plans and that in response to concerns expressed by neighbours about potential loss of light a study has been conducted suggesting that any such loss would be within existing regulations. The Trust finds it difficult to judge exactly how much impact the new building will have on neighbours and hopes that the Planning Department will consider this aspect carefully

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

- Overshadowing – loss of light
- Overbearing – over dominant
- Overdevelopment of the site
- Overlooking – loss of privacy
- Impact on the Victorian character of the Conservation Area
- Impact of parking requirements on site / on-street for the occupiers
- Impact on ecology and bats in the area
- Noise and disturbance during construction phase

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

- Breach of original landowner / developers covenant

**Relevant Planning Policy:**

Winchester District Local Plan Review (2006):

Winchester District Local Plan 2006 (Review) – saved policies:

- DP3 – General Design Criteria
- DP4 – Landscape and the Built Environment
- DP5 – Design and Amenity Open Space
- T2 – Development Access
- T3 – Development Layout
- T4 – Parking Standards
- HE4 – Conservation Area – Landscape Setting
- HE5 – Conservation Areas – Development Criteria
- HE6 – Conservation Areas – Detail Required

Winchester Local Plan Part 1 – Joint Core Strategy (2013):

- DS1 – Development Strategy and Principles
- CP1 – Housing Provision
- CP2 – Housing Provision and Mix



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CP10 – Transport  
CP11 – Sustainable Low and Zero Carbon Built Development  
CP13 – High Quality Design  
CP14 – Effective Uses of Land  
CP16 – Biodiversity  
CP20 – Heritage and Landscape Character

Winchester Local Plan Part 2 – Development Management and Site Allocation (2015):

DM1 – Location of New Development  
DM2 – Dwelling Sizes  
DM5 – Open Spaces for New Development  
DM14 – Local Distinctiveness  
DM15 – Site Design Criteria  
DM16 – Site Development Principles  
DM17 – Access and Parking  
DM26 – Development in Conservation Areas

National Planning Policy Guidance/Statements:

National Planning Policy Framework  
National Planning Practice Guidance  
The *Historic Environment Practice Guide* (2010) that accompanied the superseded PPS5

Supplementary Planning Guidance

High Quality Spaces (2015)

Other Planning guidance

Parking Standards (2002)

**Planning Considerations**

Principle of development

This application is made following the permitted change of use from office floor space to residential use which was considered and accepted under application 15/0 2141/PNCOU approved on 2 November 2015. This was followed by proposals to make small scale physical alterations to the existing building fabric to enable the residential use to take place, application 15/02289/FUL approved on 17 November 2015.

The principle of the proposed development of an additional unit of accommodation over-sailing the existing, and to be retained, car parking area is development which is acceptable in principle to the urban area such as this one. Specific consideration however should be made of the character of the proposal given the conservation area status of the site and the implications of the proposal on the residential amenity of surrounding properties.

Impact on character of area and neighbouring property

The site lies within part of the historic core of the city and within a conservation area. As such Policy HE.8 states: "The Local Planning Authority will not permit development which fails to retain those essential features upon which the character of a Conservation Area depends. These features may include natural features, walls, fences, open areas, ground surfaces and archaeological sites, as well as buildings and groups of buildings."

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**Design/Layout** - The design and layout of the proposal make full and efficient use of the remaining and limited open area of the site. This area will in part remain semi-open through the retention of the car parking area, albeit this would be roofed by the new building proposed.

The design of the building has sought to take traditional aspects of the surrounding predominant character of the residential area as well as a modern approach which is noticeable from the late 1960's rear extension to the host building on the site. The extension would be re-designed and altered as part of agreed details to physical changes to enable the conversion of the former office use of the host building to three dwelling units. The proposal would extend the street frontage along the whole of the site and fill a gap that currently exists and which would have been originally provided as a garden area in the same manner as others along the road.

**Landscape** - The landscaping of the site and the surrounding area is mainly an urban hard surfaced character. The opportunity for any alteration to this on the application site is limited to the provision of planters, and these would have to be clear of the car parking access area and available sight lines. Therefore there is no specific landscaping shown as part of the submitted scheme or necessarily sought for this proposal other than details relating to hard surface treatments.

*Planning Condition 6, 7.*

**Highways/Parking** - The principal accesses in to the existing building and the three dwelling houses currently being formed from the former office accommodation would remain from Hyde Abbey Road opposite Gordon Road to the east of the site and be unaffected by this proposal. The three car parking spaces on the site would be retained as part of the scheme.

*Planning Condition 9.*

**Impact to neighbours residential amenity**

The proposed development will have a physical effect and impact on the properties adjacent to the west (e.g. 55, 54, 53 Hyde Abbey Road), those opposite to the east (e.g. nos. 1, 2, 3 Hyde Abbey Road) and some of the units to the south within Ropewalk House on the corner of Hyde Abbey Road and North Walls.

**South** - To the south the proposal would have a lower profile than Ropewalk House and with no window fenestration would have a limited impact other than the reduction in the separation space between Ropewalk House northern elevation and the application site. This arrangement with a driveway gap (serving the car parking inner area to Ropewalk House) is not out of keeping with tight urban grain and environment and would not result in any substantial impact on the limited window openings to Ropewalk House. The potential harm that is caused is considered to be limited and would not warrant a refusal of the scheme.

**East** - To the east the terrace of properties facing the site have Hyde Abbey Road that distances them from the application site. Whilst the development would remove the open vista opposite nos 1 and 2 Hyde Abbey Road, this would not in itself be out of character with the street scene which has the existing main host building on the application site opposite nos 3, 4, and 5 Hyde Abbey Road within this well established city centre street scape. The potential harm that is caused is considered to be modest and would not warrant a refusal of the scheme.



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West - The most significant relationship is to the rear gardens and backs of houses to the west along Hyde Abbey Road. Here the adjacent property no 55 shares a common boundary and has the existing blank two-storey face of the late 1960's extension along the common boundary. This arrangement of existing buildings creates a visible enclosure to no.55 and the adjacent neighbouring houses to the east, the impact diminishing with distance. The rear garden areas are also partially enclosed by the deep profile and high roof line to the two-storey massing of Ropewalk House to the south and some tree screening to the rear gardens (possibly to offer some privacy from the second floor windows overlooking from Ropewalk House). The type and arrangement of enclosure is not necessarily unusual within a tight urban environment and is not necessarily considered to be harmful, being accepted as the current position by the nature of long established development.

The proposed development would introduce an additional degree of enclosure to the rear garden areas, particularly to the adjoining property, through the creation of a building at two-storey level (height to ridge line of 7.3m) along the whole of the rear open area of the application site. This building would be approx.1.8m from the common boundary at the ground floor, providing a partially overhang amenity / storage circulation space (to the new rear blank wall of the car parking area to be retained). The first floor level would cantilever out so the 'air-gap' between the proposed accommodation and the boundary line would be 0.8m. The roof eaves line here is approx.3.7m from the ground with the asymmetrical roof slope spanning into the application site to a ridge of 7.3m about 5.2m into the site from the rear boundary.

Shading Study - The applicants have provided a detailed daylight and sunlight study to demonstrate that the proposal would not have a significantly harmful impact on the residential amenity and use of the adjacent neighbouring properties. This study relates to BRE sunlight tests and assessment guidance criteria. Two tests are followed, the vertical sky component, which assesses the percentage of sky visible from the centre of an affected window, and the daylight distribution assessment which caters for the impact of daylight distribution from a 'no-sky line' measure. Details of these tests are covered in the submitted study on pages 4 and 5. The finding of the study is that the proposed development would be within accepted guidelines when considering these two tests.

The BRE guidance is a useful tool, in the same way that density calculations give an understanding to a development to assess the acceptability of schemes. However as guidance, the information should not be considered as a rule of acceptability, that should be left to the overall assessment of the proposal and all the factors to be taken into account to consider the merit the proposal may have. The determining appraisal is more subjective. Rather than being a view as of a tolerance figure being achieved or not, the assessment is the perceivable impact being caused and if this is seen as being harmful or not.

The resulting situation is a finely balanced one and therefore a balanced view has therefore been taken, considering the submitted daylight and sunlight study from the applicants and the unanimous concern and the photographic images of the open sky relationship from the nearby residents. The balanced approach accepts that whilst there is inevitably a level of shadow that will be created, this would have an impact on the rear garden areas and some of the rear ground floor rooms of nearby properties along the west of Hyde Abbey Road. However in taking into account other similar building



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relationships which result from a tight urban settlement, to warrant a refusal of the scheme on this factor alone has to be clearly made. The potential harm that is caused is therefore viewed as finely balanced and has been considered in this situation to be a moderate one in terms of impact and therefore one which would not warrant a refusal of the scheme.

### Sustainable development

Policy CP11 of LPP1 requires new development to achieve the lowest level of carbon emissions and water consumption which is practical and viable, and for residential development requires development to achieve the equivalent of Code for Sustainable Homes Level 5 for Energy and Level 4 for water, which is practical and viable.

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. As such given that this application proposes to meet these targets, this development is considered acceptable and complies with the current policy position on Code for Sustainable Homes.

### *Planning Condition 14*

### Affordable housing

Policy CP3 requires 40% of the gross number of dwellings built to be affordable housing, unless this renders the development unviable. The application makes provision for the allocation of a financial contribution (based on a one-bedroom house) for the development.

The Affordable Housing Supplementary Planning Guidance requires that properties should be built to Lifetime Homes standard. Affordable housing provision and associated standards of design can be secured in a legal agreement. The Council's Supplementary Planning Guidance sets out the standards for affordable homes.

The applicant has submitted a viability case to be excluded from the affordable housing payment. The Council's appointed independent valuer has yet to finally consider the requirement to contribute to the provision of affordable housing for this case. It is expected that contributions towards the appropriate affordable housing requirement that this level of development generates would be payable.

### CIL development

The proposal generates new residential floor space which is subject to Community Infrastructure Levy contributions. The chargeable area is based upon the floor area created. This would only be payable should the development proposal be approved and implemented

### Other Matters

Matters relating to insulation for sound proofing and fire control would be subject to building regulations consideration.

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Concern has been raised in relation to protected species, bats. The site is vacant of any building or natural tree growth, so the impact on wildlife habitat and foraging areas is considered to be low. However to ensure that there is no disadvantage to protected species a planning condition (8) and a planning informative (4) have been included to the recommendation.

### Planning Obligations/Agreements

In seeking the planning obligation(s) and/or financial contributions for affordable housing contributions, 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.

### **Conclusion**

The submitted application comprises development considered to generally accord with the urban design character of the immediate residential locality. It provides a modern interpretation of a traditional built form that adds to the general predominant Victorian character of dwellings in this area of the city. The proposal is also considered to accord with the saved policies of the Winchester District Local Plan Review, the relevant policies of the Winchester Local Plan Part 1 and the emerging policies of the Winchester Local Plan Part 2 (where relevant) in relation to design, amenity, landscape, topography, ecology, parking & highways, sustainability and affordable housing. Overall it is considered that the proposed development provides an acceptable and complementary development to that on the surrounding land.

Subject to a favourable assessment of the planning merits of the submission, the conclusion of the affordable housing contribution payment resulting from an independent assessment of the submitted viability report will need to be finalised before any planning permission is issued.

### **Recommendation**

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

That planning permission be delegated to the Development Control Manager following receipt of the awaited affordable housing contribution viability report assessment conclusion and securing of a contribution as resulting from that study, on the basis of granting permission subject to -

- A) the following conditions  
and
- B) 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:
  - payment of a financial contribution towards the provision of affordable housing

**Application Permitted - subject to the following conditions(s):  
Conditions**



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01. TIME IMPLEMENTATION

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).

02. MATERIALS

No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory visual relationship between the new development and the existing.

03. LIMITATION TO OPENINGS

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order, with or without modification), no openings other than those expressly authorised by this permission shall, at any time, be constructed in the first floor of the east elevation of the dwellings forming the development hereby permitted.

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

04. EXTERNAL STAIRWELL WALL REMOVAL

Prior to any occupation of the dwelling unit hereby approved the common boundary wall to the adjacent property no.55 Hyde Abbey Road along the external staircase to western boundary of the parking area at the south of the site shall be removed and lowered to the height of the remaining boundary wall and shall be finished to match the remaining area of the same boundary wall enclosure.

Reason: In the interests of visual amenity and to ensure that development that would otherwise be permitted is considered prior to commencement of work on the site.

05. PERMITTED DEVELOPMENT ALLOWANCE REMOVAL

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 Schedule 2, Part 1,  
Class A (enlargement of a dwelling house),  
Class B (additions to the roof),  
Class C (any other roof alteration),  
Class E (curtilage buildings),  
Class F (hard surfaces) ,  
Class H (microwave antenna)  
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

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environment and for the avoidance of doubt.

06. LANDSCAPE DETAILS

No development shall take place until details of hard and soft landscape works, internal and boundary treatments have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of the dwellings hereby permitted. These details shall include the following, as relevant:

- existing and proposed finished levels or contours,
- means of enclosure, including any retaining structures and the alignment, height and materials of all walls and fences and other means of enclosure.
- pedestrian access, servicing and circulation areas,
- car parking and turning areas:
- hard surfacing materials:
- proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines etc, including lines, manholes, supports etc.):
- walls for supporting plant life and the type of plant life to be supported:

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 and to ensure that the site responds to its context.

07. LANDSCAPE IMPLEMENTATION

All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any of the units hereby approved in accordance with the implementation programme approved as part of the above condition unless agreed in writing by 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.

08. BIODIVERSITY ENHANCEMENTS

Prior to commencement, details of biodiversity enhancements to be incorporated into the development such as bat and bird box hides within the building structure shall be submitted for approval to the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details.

Reason: To maintain, protect and enhance biodiversity in accordance with Policy



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CP16 of the Winchester District Local Plan Part 1 - Joint Core Strategy and the Natural Environment and Rural Communities Act 2006.

09. PARKING PROVISION

The existing parking areas shall be retained and provided in accordance with the approved plans before the dwelling hereby approved 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 accommodation on the site.

Reason: To ensure the permanent availability of parking for the properties

10. CONSTRUCTION MANAGEMENT PLAN

Prior to work commencing on the site a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details;

Phases of development.

- Dust suppression, mitigation and avoidance measures
- Measures for minimising construction waste and provision for the re-use and recycling of materials which shall be used in the construction of the development.
- Noise reduction measures, including use and details of acoustic screens and enclosures, the type of equipment to be used and their hours of operation
- A traffic management plan for construction vehicles entering and leaving the site, including times of movement so as to avoid peak period traffic
- Floodlighting and security lighting. (note: this must be directed in such a way as not to cause nuisance to adjoining properties or adjacent highway)
- Code of Construction Practice for all works and operations on the site
- Measures to be taken to prevent contaminants from entering watercourses or the water environment
- Use of fences and barriers to protect adjacent land
- Timing restrictions for staged removal of any vegetation so as not to conflict with breeding seasons.

The Construction management plan shall be adhered to throughout the duration of the construction period. For the avoidance of doubt, this condition covers all construction and demolition work (including the breaking up and removal of hard surfaces and pavement) on the application site.

Reason: To ensure that all demolition and construction work in relation to the application is undertaken in a sustainable manner and does not cause materially harmful effects on nearby properties

11. CYCLE AND REFUSE / RECYCLING BIN STORAGE

No development shall take place until details of the arrangement for refuse and recycling bin storage, cycle storage and the ground treatment of the open areas of the site, as well as the site external and internal boundary details have been submitted to and approved in writing by the Local Planning Authority. The details as agreed shall subsequently be implemented as part of the approved scheme.

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

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12. DRAINAGE WATER INFRASTRUCTURE

Construction of the development shall not commence until details of the proposed water infrastructure plans have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Flood Authority and Southern Water.

The water infrastructure plans shall include a foul drainage scheme and a surface water drainage scheme for the site, the latter being based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development

The surface water drainage strategy should demonstrate the surface water run-off generated from all storms including the 1 in 2, 1 in 30 and 1 in 100 year 20% critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall events. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion. Development shall be undertaken in accordance with the approved details.

Reason: To prevent the increased risk of flooding, both on and off site and to ensure adequate foul drainage and surface water drainage is put in place to serve the development.

13. DRAINAGE OIL INTERCEPTOR

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard-standings shall be passed through a oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

14 SUSTAINABILITY PROPOSAL DESIGN AND AS BUILT

Detailed information demonstrating that all homes meet the equivalent of 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 both –

- in the form of SAP design stage data and a BRE water calculator prior to the commencement of the development hereby permitted so that the development shall be built in accordance with these findings
- and
- in the form of SAP "as built" stage data and a BRE water calculator prior to the occupation of the dwelling hereby permitted so that the development shall occupied in accordance with these findings..

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, taking account of recent governmental guidance and statements.



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15 APPROVED PLANS

The development hereby approved shall be constructed strictly in accordance with the approved plans as listed below and received by the Council:

- 129-D-00 Location plan and Block plan showing red-line application site
- 129-D-10 Proposed Ground Floor and First Floor Plan
- 129-D-09 Proposed Roof Plan / Second Floor
- 129-D-11 Proposed Elevations to road frontages (east and north)
- 129-D-12 Proposed Elevations to rear and side (west and south)
- 129-D-13 Proposed Sections A-A and B-B

Reason: To ensure the proposal maintains a satisfactory appearance in the interests of the Conservation Area and setting of the listed building.

**Informatives**

This permission is granted for the following reasons:

- 01 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) and Section 39 of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted. In reaching its decision the Local Planning Authority has taken account of the following National Guidance and development plan policies:-

**National Planning Policy Framework.**

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 provided detailed advice on addressing concerns of the inter-relationship with the character of the area and overlooking to the adjacent dwelling house and the need for affordable housing contributions.

**Local Plan and Core Strategy considerations:**

Winchester District Local Plan 2006 (Review) – saved policies:

- DP3 – General Design Criteria
- DP4 – Landscape and the Built Environment
- DP5 – Design and Amenity Open Space
- T2 – Development Access
- T3 – Development Layout
- T4 – Parking Standards
- HE4 – Conservation Area – Landscape Setting
- HE5 – Conservation Areas – Development Criteria
- HE6 – Conservation Areas – Detail Required

Winchester District Local Plan Part 1 (LPP1):

- DS1 – Development Strategy and Principles

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CP1- Housing Provision  
CP2 – Housing Provision and Mix  
CP10 – Transport  
CP11 – Sustainable Low and Zero Carbon Built Development  
CP13 – High Quality Design  
CP14 – Effective Uses of Land  
CP16 – Biodiversity  
CP20 – Heritage and Landscape Character

Winchester District Local Plan Part 2 Development Management and Site Allocations (LPP2):

DM1– Location of New Development  
DM2 – Dwelling Sizes  
DM5 – Open Spaces for New Development  
DM14 – Local Distinctiveness  
DM15 – Site Design Criteria  
DM16 – Site Development Principles  
DM17 – Access and Parking  
DM26 – Development in Conservation Areas

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, amount, design, layout, scale, form, height, traffic generation, sustainability, impact on neighbouring land and affordable housing as part of a comprehensive design concept. These issues are in the Council's consideration satisfactorily addressed by the proposed development (subject to conditions) because it would:-

- (a) Make more efficient use of land.
- (b) comprise a design, layout, scale, form and height of development that will contribute to the local character that is appropriate and complementary to the character and context of the location
- (c) enable a sustainable form of building design and delivery to be provided

The decision to grant planning permission has been taken because the development is generally in accordance with the provisions of the recently adopted development plan LPP1 and saved policies of the Adopted Winchester District Local Plan Review 2006. The objectives of the development plan seek to improve the provision of housing for all sectors and the proposed development is considered to meet these objectives without materially harming matters of consideration set out within the listed policies.

- 02 All building works including demolition, construction and renovation operations; the operation of any machinery or plant, including hand power tools and deliveries taken or dispatched 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.
- 03 No materials should be burnt on site, where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be



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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.

- 04 The applicants attention is drawn to the fact that it is an offence to undertake works that affect the habitat of protected species without first undertaking appropriate surveys and providing a mitigation strategy and first obtaining and complying with the terms and conditions of any licences required, as described in Part IV B of Circular 06/2005. You should accordingly liaise with Natural England to ensure that the provisions of the following legislation are satisfied before any work is commenced on site pursuant to the permission hereby granted: Parts IV and Annexe A of circular 06/2005 'Biodiversity and Geological Conservation'; Section 40(1) of the Natural Environment and Rural Communities Act 2006, Regulation 3(4) of the Conservation (Natural Habitats) Regulations 1994, section 74 of the Countryside and Rights of Way Act 2000 and section 1 Wildlife and Countryside Act 1981 (as amended).
- 05 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development please contact –  
Southern Water  
Sparrowgrove House  
Sparrowgrove  
Otterbourne  
Hampshire SO21 2SW  
(Tel : 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)
- 06 The exact position of the public sewers within the site must be determined by the applicant before the layout of the proposed development is finalised. Please note –  
- No development or new tree planting should be located within 3m either side of the centre line of the public sewer and all existing infrastructure should be protected during the course of construction works'  
- No new soakaways should be located within 5m of a public sewer
- 07 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>
- 08 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

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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

- 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)