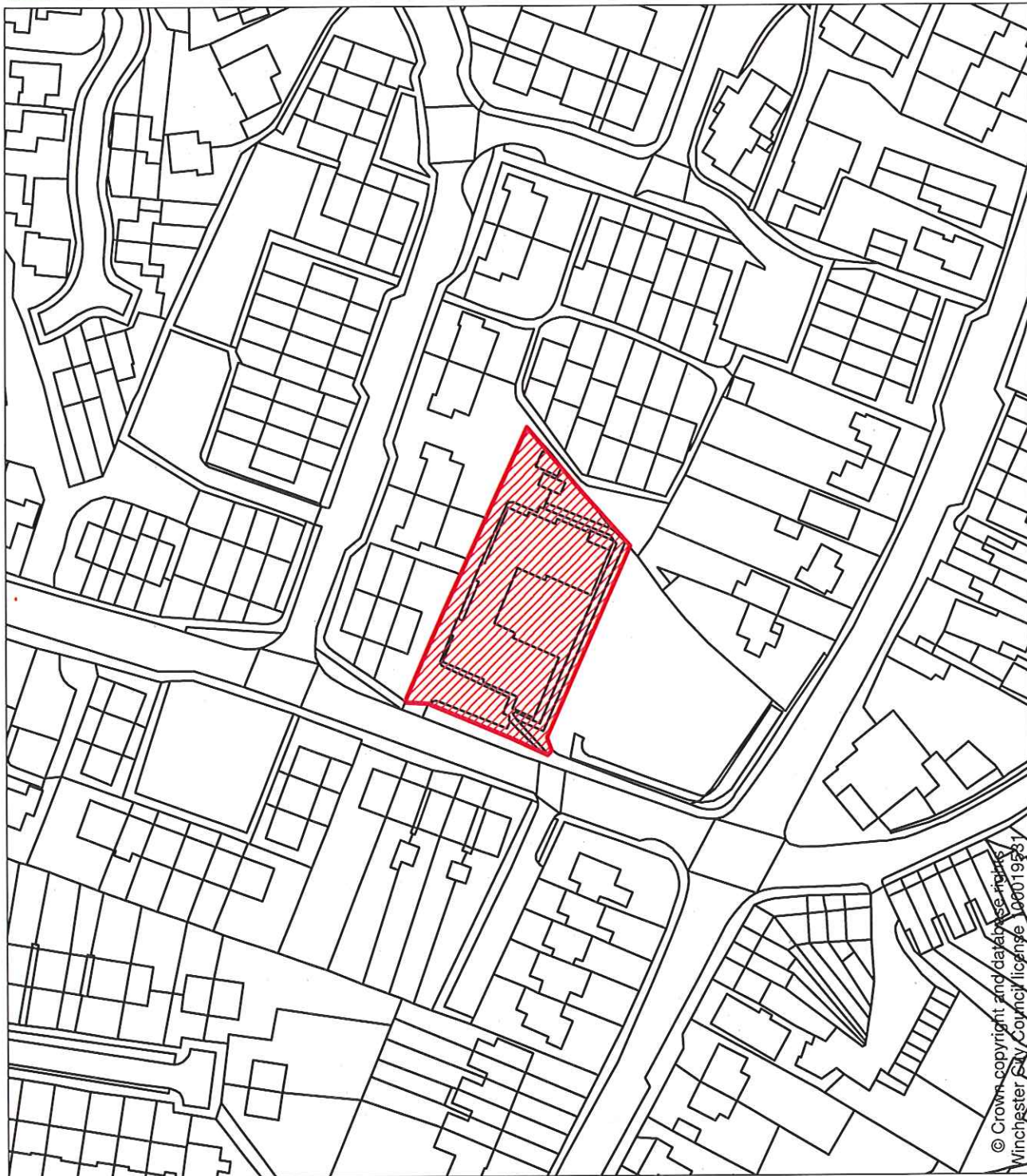


16/00218/FUL



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Legend

Scale: 0 0.0125 0.025 0.05 KM

Organisation	^Organisation
Department	^Department
Comments	^Comments
Date	06/07/2016
MSA Number	^PMSA Number

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE AGENDA

Item No: 02
Case No: 16/00218/FUL / W22675/02
Proposal Description: Alterations and additions to provide new hipped roof to existing 2 storey flat roof building and the formation of 5 flats
Address: Cunningham House Claylands Road Bishops Waltham Hampshire
Parish, or Ward if within Winchester City: Bishops Waltham
Applicants Name: Stratton House Developments Ltd
Case Officer: Mr Stephen Cornwell
Date Valid: 3 February 2016
Site Factors: Civil Aviation
Contaminated Land Consultation
Recommendation: Application Permitted

General Comments

This application is reported to Committee because of the number of objections received that are contrary to the officer's recommendation.

The application follows a recent appeal decision, the outcome of which needs to be noted and which carries some weight in the determination of this application. This is referred to at the relevant section of this report.

Site Description

Cunningham House is a two storey flat roofed building situated on the eastern side of Claylands Road, 50 metres north of its junction with the B2177 Winchester Road. The intervening area is open ground occupied by a children's play area.

Given the location of the building adjacent to the highway it is prominent within the local street scene although the ground floor level of the building does lie below that of the road. This fall continues through the site with the effect that the ground floor level at the eastern end is over one metre above the outside path level.

The building was constructed as a sheltered housing block and this is evident in its design, layout and the level of car parking provision within the site. The building is U shaped with the open central area facing south. This central courtyard provides the main amenity area whilst the limited car parking spaces are provided at the front and rear of the building. The latter are accessed via a narrow driveway down the northern side of the block.

The site is defined by a 2 metre close board fence on its northern, eastern and southern boundaries. To the north beyond the fence are the rear gardens of residential properties off Claylands Road and Blanchard Road. To the east is a path and a small area of open ground with the rear gardens of a row of bungalows beyond. The children's play area lies to the south. To the west, the site is bounded by a low wall broken at the northern end to provide the access off Claylands Road.

Claylands Road is a wide road with a number of parking laybys. The road provides access to a number of business units at its northern end and to a small industrial/business park. There is also a household waste recycling centre that is open 7 days a week.

WINCHESTER CITY COUNCIL PLANNING COMMITTEE AGENDA

The layout of the residential estate is such that residents do not have off street parking. Cars are parked on both sides of Claylands Road and this does result in drivers having to give way if a commercial vehicle is coming the other way.

The primary town centre of Bishops Waltham lies to the east on the opposite side of Lower Lane.

The site does not carry any specific designations.

Proposal

This application seeks full planning permission to form a hipped roof on the three sections that form the block.

The new roof runs up to a ridge line on the central section at a height of 3.4m whilst the new roof slopes on the two wings rise up to a flat roof section at this height.

The applicant also seeks to utilise the space created by forming 5 additional flats within the roof space. These would be two x 1 bed units and three x 2 bed units. They would be accessed by an extension to the existing internal stairwells.

An 11.5 metre dormer would be formed in the new roof slope facing the courtyard. This provides additional headroom in this section of the roof. The plans also show Velux style windows in other roof slopes. The application indicates that the cill level of these windows would be at 1.6m above floor level.

The following information is taken from the submitted details:

- There are 20 existing flats in the building. (*This figure pre-dates the appeal*).
- A parking survey is attached to the application. This sets out the details of a survey carried out within 100m of the site identifying available kerb side parking spaces. The survey took place on two occasions (a Tuesday and a Thursday evening) when demand is considered to be highest. The survey identified space for 35 additional cars to be parked in study area.
- The scheme will remove the need for periodic repairs to flat roof and improve on appearance of building. Although increasing scale and mass still proportionate to rest of building.
- Applicant does not consider scheme will impact on amenity of nearest residents.
- Will offer contribution for off site provision of affordable housing.
- Applicant has offered to allocate 5 car parking spaces within the site for use by the flats subject of this application.
- Applicant has been in discussion with council on bin storage area.

Relevant Planning History

- DRD 1102/1 – Erection of two storey accommodation for old people comprising 16 one person flatlets, 8 two person flats, with communal room, wardens accommodation and ancillary offices, on 0.43 of an acre of land at Claylands Road, Bishops Waltham. PER. February 1968
- DRD 1102/2 – Erection of two storey accommodation for old people, comprising 24 flats with Communal room, Wardens accommodation and ancillary offices on 0.4 of an

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE AGENDA

acre of land at Claylands Road, Bishops Waltham. PER. December 1968

- 12/02311/LDP - Use of Cunningham House as flats with communal room, warden's accommodation and ancillary offices without any age restriction of the occupancy of the persons living in the flats (CERTIFICATE OF LAWFULNESS). Accepted and certificate issued 12th February 2013.
- 15/01186/FUL- Conversion of communal area to create 2 number one bedroom flats refused September 2015. Allowed on appeal 20 June 2016. Application for award of costs granted.

Consultations

WCC Highways Engineers:

- Understand building was originally intended to be sheltered accommodation but no condition imposed to secure this use.
- Consequently property used for open market housing.
- Claylands Road serves a mix of commercial and residential development. Little off road parking which results in parking on roadside which can lead to congestion.
- Site benefits from 12 parking spaces.
- Applicant undertaken car parking survey demonstrating spare capacity for on street parking. Note such surveys hold weight in appeal situations.
- Applicant offered to allocate 5 on site spaces to the new flats and subject to suitably worded condition I have no objection to proposal.

Representations:

Bishops Waltham Parish Council: Objection for the following reason:

- Development would be likely to encourage vehicle parking on highway that will result in obstruction of free flow of traffic and add to hazards of road users.

Neighbour Representations:

12 representations received, all objecting to the scheme for the following reasons:

- Claylands Road very busy during daytime, vehicles park both sides restricting movement to one vehicle width.
- Parking always a problem but worse in evenings.
- Situation made worse as result of occupants of Cunningham House.
- Parking close to junction obstructs access to estate.
- Claylands Road also serves established industrial estate.
- Only 6-8 off road parking spaces at Cunningham House.
- Parked cars represent danger for children crossing road to and from play area.
- Question accuracy of car parking survey that accompanied application. It should have taken place evenings and weekends.

WINCHESTER CITY COUNCIL PLANNING COMMITTEE AGENDA

- On street parking demand from proposed flats in block still to be sold/let and other vacant property in area exceeds available number of spaces.
- Present height in keeping with residential area.
- Additional floor will result in overlooking of rear gardens of properties in Blanchard Road.
- Additional storey will take light away from properties in Blanchards Road and will tower over them.
- Will take light away from flats within inner courtyard.
- Current refuse area not large enough.
- Believe Cunningham House suffered from subsidence in past question if building can support additional weight and if other services can cope.

Relevant Planning Policy:

Winchester District Local Plan Review (WDLPR)

Policy DP3 (General Design Criteria)
Policy H3 (Settlement Policy boundaries)
Policy T4 (Parking Standards)

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1)

Policy DS1 (Development Strategy and Principles)
Policy MTRA2 (Market Towns and Larger Villages)
Policy CP2 (Housing Provision and Mix)
Policy CP13 (High Quality Design)

Winchester Local Plan Part 2-Development Management and Site Allocations (LPP2) (Submitted for examination March 2016)

Policy DM1 (Location of new Development)
Policy DM2 (Dwelling Size)
Policy DM15 (Site Design Criteria)
Policy DM16 (Site Development Principles)
Policy DM17 (Access and Parking)

National Planning Policy Guidance/Statements:

- National Planning Policy Framework

Supplementary Planning Guidance

- Bishops Waltham Design Statement (2016)
 - Policy 5.2
 - Policy 10.1
 - Policy 10.3

Planning Considerations

In assessing the scheme it is appropriate to review the recent planning history. This site has a complicated planning history. When the building was first approved in 1968, whilst it was clear the intended use was to be warden assisted elderly persons sheltered accommodated, this was

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE AGENDA

not secured by the use of any planning condition. A lawful development certificate was granted in 2013 confirming that there was no age restriction on who might occupy the building. This application did not formally address the question of the use of the flats as open market residential units. However, part of the decision notice issued in connection with the LDC did refer to the flatlets and flats as individually falling within class C3. This is the dwellinghouse classification. Whilst the local planning authority felt the status of the flats was subject to some uncertainty and it would be preferable to resolve that beyond doubt, this view has not been supported by the planning inspector in the recent appeal. In allowing the appeal, the inspector gave weight to the LDC decision outlined above, the current use of the building, the lack of any harm arising from the proposal and its compliance with the guidance on the provision of housing. In the light of the outcome of the appeal it is considered that the current application should be determined on its merits.

Principle

The site lies within the development envelope for Bishops Waltham. Accordingly, the proposal is in accordance with WDLRP policy H3 and policy DS1 of the LLP1. It is a brownfield site which accords with the intentions of paragraph 47 of the NPPF. Bishops Waltham is identified as a market town and is projected to make a significant contribution towards housing provision (LLP2 policy MTRA2). The scheme will make a contribution towards that target. Subject to the consideration of other more detailed policies considerations there is not considered to be any conflict with the planning policies outlined above.

On Wednesday 11th May 2016, the Court of Appeal allowed the Secretary of State's appeal, against the High Courts decision, in July 2015, to quash the government's guidance with regard to offering support for small scale developers. This support introduced a threshold beneath which affordable housing contributions or tariff-style contributions should not be sought, the threshold being developments of ten units or less in urban areas, 5 or more in defined rural areas, including National Parks and which have a maximum combined floor space of no more than 1,000 square metres. Following the Court of Appeal's decision, the Government updated paragraph 031 of the National Planning Practice Guidance on Thursday 19th May and is therefore relevant to the consideration of current planning applications. Given this change in government guidance, and that this proposal does not breach this threshold, a financial contribution towards Affordable Housing therefore is not required in this case so that no conflict with Policy CP3 of the LPP1 would occur.

Scale of development

WDLPR policy DP3 seeks to ensure that any scheme does not result in overdevelopment of the site. The proposal will not result in any reduction in the ratio of building to open space that currently exists. The accommodation consists of one and two bed units and is likely to be attractive to single people or possibly couples. Even if this included families, whilst the site has limited open amenity space it is located immediately next to a children's play area.

When invited to clarify the situation relating to the provision of bin storage on site, the applicant has confirmed that adequate on site space for refuse storage is provided.

Given the situation as outlined above it is not considered that the proposal has any adverse impact on the other flats within the site or places undue pressure on the open amenity space within the site.

Impact on the character and appearance of surrounding area and amenity.

WDLPR policy DP3 and LPP1 policy CP13 both seek to ensure that any development blends in

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE AGENDA

with their surroundings. The existing building is two storeys with a flat roof. The general character of the area is two storeys but there are examples of three storeys. The absence of any building on the corner to Winchester Road means that even with the new roof the property would make a satisfactory transition in visual terms from the main road down Claylands Road. When viewed from both Claylands Road and from Winchester Road the proposal is not considered to be out of character with the existing built fabric. This assessment accords with the policies in the Bishops Waltham Design Statement that states buildings should not be more than 2.5 storeys high, that roof lines should exhibit variety and that dormers should not dominate.

Given this policy context the proposal is not considered to be contrary to the intentions of the local plan policies outlined above.

WDLPR policy DP3 seeks to protect the amenities of surrounding properties. The main considerations here are firstly, whether the proposed roof structure itself will adversely harm the amenity presently enjoyed by adjoining property by blocking out light and secondly, whether the presence of the accommodation within the roof will result in overlooking of private garden space.

Regarding the first question over blocking out daylight, the concern relates to the impact of those properties to the north. It is on this side of the building that the block lies closest to the property boundary. The new roof would be formed with a pitch of 40 degrees. Given the separation distance between the block and the garden space and the buildings themselves, it is not considered that any adverse impact will occur in terms of loss of light.

Concerning the second point of potential overlooking, only a small number of velux windows face the properties to the north and east. The applicant has stated that the bottom cill level of these windows will be formed at 1.6 metres above the internal floor level. This means that it is very difficult for someone to look out and down into any garden area. It should also be noted that the existing building already has a number of first floor windows in both of these elevations looking towards the adjoining residential properties. Consequently, the proposal will not result in a change to the current situation.

Given the circumstances as outlined above the proposal is not considered to result in an adverse impact on the level of amenity currently enjoyed by surrounding properties.

Highways and Parking

WDLPR policy T2 seeks to ensure that any development site makes adequate provision for off road parking. The site currently offers a limited number of car parking spaces for use by the flats within the building. There is no planning condition that states how the spaces are to be allocated. When in use as sheltered housing for the elderly, the small number of parking spaces was not seen as a problem. The changing nature of the occupants of the building has put more pressure on the demand for parking spaces on the surrounding roads. The problems on Claylands Road are exacerbated by the lack of off road parking for the residential properties and the use of the road by commercial traffic going to or coming from the industrial units and the household amenity site at the eastern end of the road. Claylands Road is generous in terms of its width and some attempt to get cars parking clear of the carriageway was made with the provision of the parking laybys. Nevertheless, it is evident that at times two way traffic movements are not possible and vehicles have to give way.

The applicant has submitted a vehicle parking survey as part of the application. This states that on the occasions the area was surveyed, there were 35 on street spaces available within 100m

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE AGENDA

of the site. Whilst acknowledging that this survey has been challenged by residents as not representative of weekends when pressure is claimed to be at its greatest, weight must be given to the applicant's assessment. The planning inspector did not consider that the two additional flats would result in problems with on street parking. Furthermore, the applicant has offered to set aside 5 of the spaces within the site for use specifically by the occupants of the new flats. It is considered that the combination of the results from the on-street survey and the offer to allocate 5 spaces means that no highway objection can be raised. This is the position taken by the highway engineer.

Given the circumstances as outlined above the proposal is not considered to result in an adverse impact on the level of on street parking.

Other Matters

Questions have been raised regarding the ability of the building to take the weight of the new roof. It has been suggested it suffered in the past from structural problems. This is not a matter for consideration as part of the planning application but one for the applicant to resolve as part of any building regulations submission. Nevertheless in response to this point the applicant has stated that the foundation work arose following damage to the corner of the building after the impact of a vehicle.

Conclusion

In conclusion, the proposal will create five small flats within a site that accommodates multiple residential units. This application does raise some different issues to the recent appeal decision. However due regard must be given to that outcome. Whilst noting the level of local objections relating to concerns over the impact on neighbouring properties, highway safety and parking, these issues have been assessed but not found to result in a level of impact to justify withholding consent. Accordingly the application is recommended for approval with appropriate conditions.

Recommendation

APPROVAL – subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- 2 The development hereby permitted shall be carried out in accordance with the details as shown on the approved plans prepared by dot architecture:
 - Proposed site plan" drawing number 907.100a revision A dated 140116.
 - Proposed floor plans drawing number 907.103 undated.
 - Proposed Elevations drawing number 907.104 undated.
 - Street Scene Indicative drawing number 907.105 undated.

Reason: For the avoidance of doubt.

- 3 Before the development hereby permitted is commenced details of the roofing material to be used shall be submitted to and approved in writing with the local planning authority. The development shall then be carried out in accordance with the approved material.

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE AGENDA

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

- 4 In accordance with the detail as set out in the supporting statement which took the form of a letter from the agent dated 2 February 2016 all the velux windows in the roof hereby permitted shall be constructed so that their lower cill level is 1.6m above floor level.

Reason: To protect the amenity of surrounding properties from being overlooked.

- 5 Before any of the flats hereby permitted are first occupied, a plan identifying the parking space to be allocated solely for the use of the occupants of each of the five flat hereby permitted, shall be submitted to and approved in writing with the local planning authority. The allocated space shall then be retained for the use of the nominated flat hereafter.

Reason: In the interests of highway safety.

Informatives

01. 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.
- shared the draft conditions with the applicant

02. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

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

Winchester District Local Plan Review policies DP3, H3, T4

Winchester Local Plan Part 1 – Joint Core Strategy DS1, MTRA2, CP2, CP13,

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

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE AGENDA

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