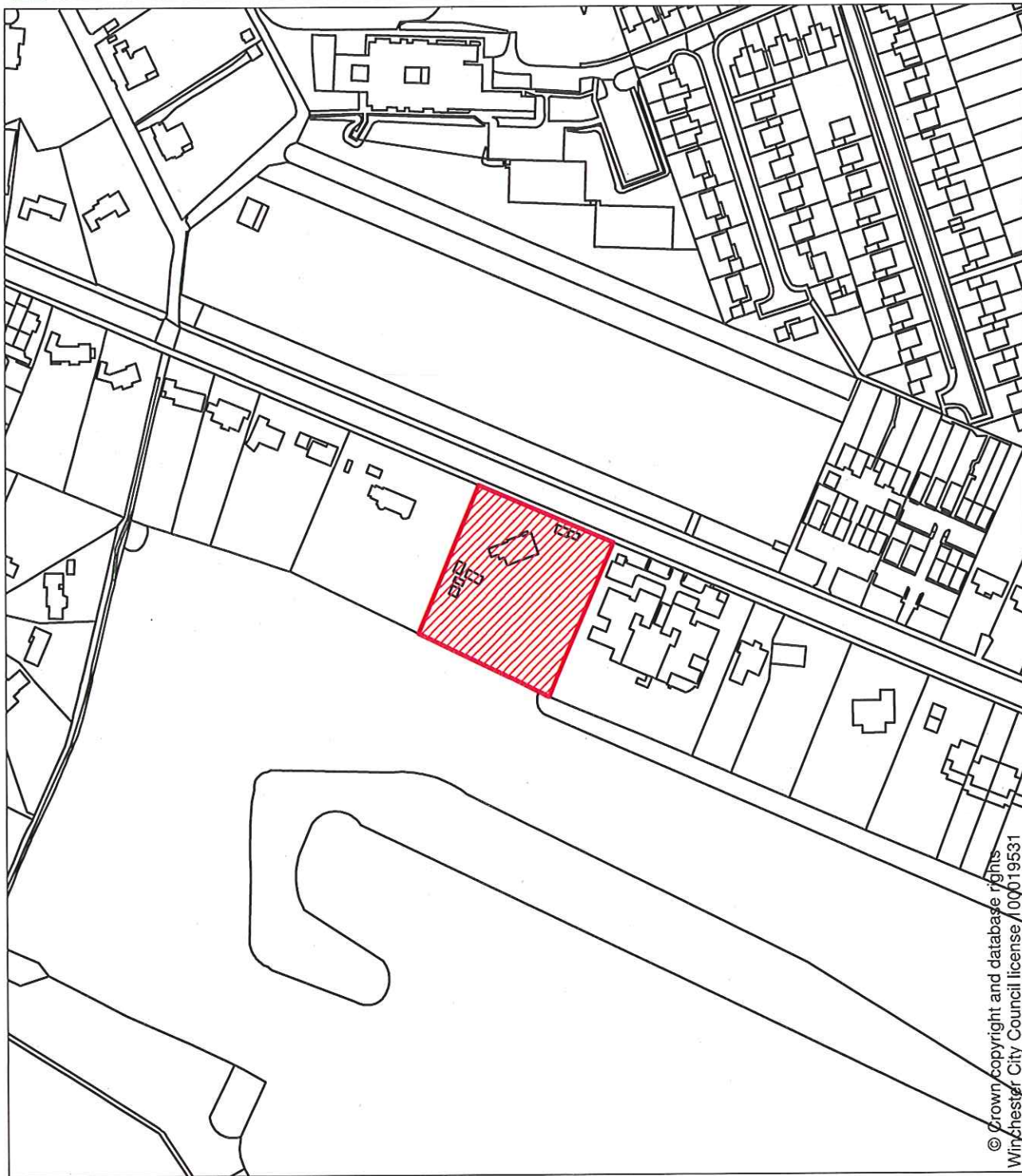


Teg Down House, 29 Chilblolton Avenue, Winchester, SO22 5HE.

15/02886/FUL



Winchester
City Council



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Legend

Scale: 0 0.0275 0.055 0.11 KM

Organisation	^Organisation
Department	^Department
Comments	^Comments
Date	26/07/2016
MSA Number	^MSA Number

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Item No: 01
Case No: 15/02886/FUL / W23778/02
Proposal Description: Redevelopment of the site; demolition of existing dwelling.
Erection of 15 no. dwellings (6 no. 2 bedroom, 9 no. 3 bedroom)
(RESUBMISSION)
Address: Teg Down House 29 Chilbolton Avenue Winchester Hampshire
SO22 5HE
Parish, or Ward if within Winchester City: St Paul
Applicants Name: Mr Paul Doswell
Case Officer: Mrs Jill Lee
Date Valid: 21 December 2015
Site Factors: Civil Aviation
Contaminated Land Consultation
Site of Importance Nature Conservation
TPO 20
Recommendation: Application Permitted

General Comments

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

Members had a pre-emptive site visit in respect of the last application on this site (reference 14/02356/FUL) which was refused at committee on 23rd July 2015. The decision was subsequently appealed and the appeal was allowed on 9 May 2016. The appeal decision notice is appended to this report for information.

The Inspector has permitted a scheme which was not fully CALADS compliant but gave reasons for doing this, the main being that the development at Connaught Square was now the context for the site and that Connaught Square is not entirely CALADS compliant as it has three and a half storeys of accommodation and includes development down the rear slope of the site towards the golf course. The Inspector considered that the proposed development was acceptable when viewed in this context. The Inspector considered that the site would provide an active frontage which would be compliant with CALADS. The houses would be two storeys with accommodation in the roof and would have a similar scale to Connaught Square and properties elsewhere along Chilbolton Avenue.

The Inspector also found that the position of the houses within the plot would also allow glimpsed views out to the golf course in accordance with the CALADS. The rear building line of the plots would be similar to Connaught Square. Development in depth has also occurred within other parts of Chilbolton Avenue and Connaught Square has a significant footprint and the proposal would be acceptable within that context. The dwellings to the rear of the site would have four storeys. The Inspector accepted that the houses would be seen from the golf course, particularly before any landscaping and

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boundary treatment matures. However, the roofs of these houses would be seen against a backdrop of mature trees. Moreover the height of the buildings would not be an overly dominant feature as the houses would be built within the slope. The ridge heights would be below the houses at the front of the plot and would also be lower than the roofs at Connaught Square. The windows in the rear elevation of these houses would be large with a corresponding amount of glazing. However, this would be similar to Connaught Square which has a number of windows and screened balconies facing towards the golf course and the proposal would be acceptable in these circumstances. The scale and proportions would also be seen in the context of Connaught Square.

In concluding the Inspector found that the proposed development "would not be contrary to the general thrust of the CALADS which seeks new development of a high quality design and that maintains the special qualities of the local setting. The appeal site is located within an accessible location and the scheme would be an efficient use of land. The proposal would make a contribution towards affordable housing which weighs in favour of the appeal proposal. The Inspector found nothing to alter their conclusion that the scheme would not cause harm to the character and appearance of the area and that the appeal should be allowed."

Prior to the appeal decision being received the applicant submitted a revised scheme which sought to address the reasons for refusal. The scheme is for 15 no. 2 and 3 bedroom flats rather than 9 no. 3 and 4 bedroom houses. The footprint is centred on the site with generous gaps to the side boundaries. There is development in depth but only to the same extent as Connaught Place which the appeal Inspector has deemed acceptable. The proposal contains 3.5 storey development with large areas of glazing to the rear but the Inspector has accepted that as being acceptable because it echoes what was permitted on Connaught Square. The front elevation is two storeys and more domestic in scale which is acceptable in this part of Chilbolton Avenue.

It is considered that in the light of the appeal Inspectors decision and the amendments made to the scheme that the proposal is acceptable and is recommended for approval.

Site Description

The application site is located on the western side of Chilbolton Avenue and currently contains a single detached two storey dwelling house in a large garden, backing onto the golf course.

Access to the site is via a new access point onto Chilbolton Avenue with the existing access stopped off.

There are significant trees both on the site and within the street to the front of the site.

The land slopes down from the road to the rear of the site with a significant fall from mid point of the site to the golf course at the rear.

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Chilbolton Avenue is characterised by its tree lined form and significant houses, some of which have been redeveloped but generally retain the character of significant buildings in substantial plots even if they are actually flats or apartments.

The site measures approximately 0.45 hectares and is within the development boundary of Winchester.

The existing dwelling on the site is two storey and set at an angle to the road. It is a substantial dwelling in buff brick with a dark roof and set down from the road level such that it is the first floor windows that are visible from the road.

To the south of the site is a relatively new development known as Connaught Square. To the north a single detached dwelling in substantial grounds, to the west the golf course and on the opposite side of Chilbolton Avenue the playing fields.

Proposal

It is proposed to redevelop the site through demolition of the existing dwelling and the erection of a linked apartment block to contain 6no 2 bedroom apartments, 6no 3 bedroom duplex apartments and 3no 3 bedroom garden level apartments. This will give a development density of 33 dwellings per hectare. The proposal also includes basement car parking with a ramped access to the front of the site.

The development is centred on the site with 15.5m to the neighbour at number 31 Chilbolton Avenue and 10m to the boundary with Connaught Square to the south of the site. The main frontage of the building is set back 14.5m from the front boundary with the pavement on Chilbolton Avenue and there is approximately 23m rear garden area leading down to the boundary with the golf course.

The access to the site is taken off Chilbolton Avenue at a point close to the boundary with Connaught Square.

The proposed development has a traditional appearance to the front of the site with flats designed to look like houses to be constructed in a buff brick with natural slate to the roof, timber windows and aluminium doors.

To the rear of the site overlooking the golf course the site presents a more contemporary design with large areas of glazing and balconies set back behind brick piers with areas of flat roof and set back pitches which will be lower than those at the front of the site due to the change in levels. The flat roofs are green and planted with sedum.

Relevant Planning History

14/02356/FUL / W23778/01 - Redevelopment including demolition of existing dwelling; Erection of 9no dwellings (7no three bedroom and 2no four bedroom) refused at committee on 23rd July 2015. The decision was subsequently appealed and the appeal was allowed on 9 May 2016.

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Consultations

Engineers: Drainage: No objection to the application.

Foul water will go to the public sewer. Storm water is to be disposed of in a sustainable way. Permeable surfaces should be used where possible. The use of green roofs is commended.

Engineers: Highways: No objection to the application.

I have previously commented on scheme for this site when I have raised no highway objections. The details of this current scheme are shown on drawing numbered 1318a-06-P1. The scheme now includes a new access onto Chilbolton Avenue, which I considered at a pre application stage. Although there are some obstructions to the visibility splays, I am satisfied that these are only intermittent and that the visibility is in accordance with advice contained within Manual for Streets. Car and cycle parking is provided within a basement and the number of spaces provided accords with our adopted car parking policy Whilst there are some internal visitor parking spaces at basement level, I am satisfied that any visitor parking needs can be accommodated within the recently constructed on street car parking spaces opposite this development. A pedestrian crossing is also in situ to allow safe crossing for any visitors. The application is therefore acceptable from a highway point of view and any consent granted should include the following highway conditions:

H010 – Prevention of mud on highway during construction

H020 – Parking During Construction.

H100 – Access Closure

H170 – Car Parking Availability – dwellings.

Head of Landscape:

It is proposed to remove the existing beech trees to the southern boundary of the site with Connaught Square. This will be significant in the street scene in the short term but sufficient space has been left within the layout to allow for the beech trees to be replaced with the same species which will have enough space to grow to maturity. The reason for this approach is that the Beech trees have been topped in the past which has caused them to grow out of shape. Many of the secondary limbs have become etiolated (weakened) with heavy end weights that in time will fail and fall into Chilbolton Ave or on to the new development next door. Located at the base of the crown of the trees are a number of decay pockets where large limbs in the past have been removed. The trees were TPO-ed to ensure that suitable replacement Beech trees were planted after the proposed development was completed. The trees poor structural condition meant that they had no more than 10 years useful safe life expectancy left. It was felt that new trees with enough space provided would provide amenity for the next 200 years plus. There are two large mature Beech trees that are to be retained and protected from development.

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Representations:

City of Winchester Trust: OBJECTS to this application for several reasons, the main one being that the massing and footprint of the proposed structure are too large for the character of the area, with the result that too much is being demanded of a site where the area of development is restricted by the retention of the boundary trees.

While appreciating that an underground car park removes the need for surface parking, it has some undesirable consequences, both visual and practical. A ramp in this position would be detrimental to both the approach to the building, and its appearance, assuming it is proposed to reduce the visual barrier at the front boundary. It is also felt it would need a fairly high level of maintenance, especially in winter to prevent it becoming iced up and during the autumn leaf-fall. There is concern at the lack of visitor parking spaces, it being felt that having only three would be very inadequate for 15 units, since this would result in parking on the road, which would be both undesirable and unsightly, even if it meets the highway requirements. It is also felt there might be problems with delivery vans causing blockages on and off the site. It is wondered how successful the central sedum roof area will be due to sunlight being blocked by the height of the building on its south, and it is suggested measures should be taken to check this.

It is considered that a landscaping plan and perspectives showing how the development would appear in the street scene should be provided before any decision on the application is made.

The Trust prefers the applicant's earlier scheme for nine houses (14/02356/FUL, W23778/01) which is considered to be more in keeping with the character of the locality than the present proposal. It is felt this new scheme would compound the current trend in the road towards smaller units, with the consequent higher number of local residents causing an increase in traffic movements, as well as detracting from the advantages of a mixed community.

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

- Application is too large and dense.
- There is no break to the frontage that would give views to the rear.
- Overall height is out of place.
- Rear elevation show enormity of the development and will have a negative impact on the line of current development.
- Looks more like a commercial development than a residential one.
- Mature trees will be lost.
- Removal of trees is unnecessary and will damage wildlife interests.
- More traffic onto an already busy road.
- Proposal is not in accordance with the CALADS which is an adopted document.
- Piecemeal development is intrusive to existing residents.
- Will be the largest block on the Avenue and will create a precedent.
- Entrance to underground car park goes across the whole frontage and would be detrimental to the street scene and create a precedent.
- No glimpses of the golf course beyond.

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7 letters of support received.

- Housing should be provided within existing built up areas rather than in the open countryside.
- The architecture is classical and fits in well with the street scene.
- Replicates Connaught Square which fits well in the Avenue.
- Character of whole road has changed in any case.
- The road is wide enough to cope with the traffic.
- Good use of an infill site.
- 2 and 3 bedroom properties will offer housing for local people.
- No need for large properties.
- New homes will be energy efficient with off street parking and within walking distance of local amenities.

Relevant Planning Policy:

Winchester District Local Plan Review

Saved policies DP3, DP4, T2, T4.

Winchester Local Plan Part 1 – Joint Core Strategy

DS1, WT1, CP1, CP2, CP3, CP11, CP13, CP14, CP16, CP20.

Development Management and Site Allocations

WIN1, DM1, DM2, DM14, DM15, DM16, DM17.

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Supplementary Planning Guidance

Chilbolton Avenue Local Area Design Statement adopted 18th Jan 2006.

Planning Considerations

Principle of development

The site is located within the development boundary of Winchester, where the principle of new housing development is considered acceptable subject to compliance with the policies in the development plan.

The development plan in this case comprises the Winchester District Local Plan Part 1 – Joint Core Strategy (LPP1), the saved policies of the Winchester District Local Plan 2006 Review (WDLPR), the emerging Winchester District Local Plan Part 2 – Development Management and Site Allocations (LPP2) which has now been through its examination in public, and the Chilbolton Avenue Local Area Design Statement (CALADS) adopted 18th January 2006.

Within LPP1 policies DS1 and WT1 set out the strategy for encouraging sustainable development within the district, making efficient use of land within existing settlements and prioritise the use of previously developed land in accessible locations.

CP2 deals with housing mix and requires the majority of new homes to be provided in the

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form of 2 and 3 bedrooms. This proposal accords with policy CP2.

CP3 requires all new development to provide 40% affordable housing on site. The Council's position on this has now changed in line with new Government guidance and affordable housing is only sought on schemes of 10 or more dwellings or where the floor area exceeds 1000m². The floor area in this proposal does exceed 1000m² and so affordable housing is sought. The applicant is not proposing any affordable housing on site and has submitted a financial viability assessment to show that the scheme would be unviable if contributions towards affordable housing had to be made. The Head of Estates has agreed with this but advised that a legal agreement should be sought so that an assessment can be made once the actual development costs are known. It is suggested that the trigger for this is practical completion of the 12th unit of accommodation and there is a S106 requirement to this effect.

CP11 deals with sustainability and again the Council's stance on compliance with this policy has changed in light of recent Government advice (March 2015) and updates to its policy on housing standards and zero carbon homes. Policy CP11 remains part of the Development Plan and the Council still aspires to achieve high 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. The proposed development will achieve these lower levels sought by the Government as so the development is acceptable in this respect.

CP13 requires high quality design. There are no objections to the design of the dwellings.

CP14 requires efficient use of land whilst respecting the character of the area. Redevelopment of the site will make more efficient use of the land with the site supporting 15 dwellings with a proposed density of 33 dwellings per hectare.

CP16 deals with biodiversity. Surveys have identified protected species on the site and suggested mitigation which is acceptable and has been conditioned (condition 11).

CP20 deals with landscape and heritage character. This policy supports preparation of management plans and other strategies to support new development whilst recognising, protecting and enhancing the District's distinctive landscape and heritage assets and their settings. Although the CALADS was prepared before this policy was adopted it is supplementary guidance which seeks to allow new development but subject to detailed advice which will help to maintain the character areas and be beneficial to protecting the appearance of the area.

Within WDLPR policy DP3 deals with general design criteria and protecting neighbours amenity. It is considered that the scheme is acceptable in relation to this policy.

Policy DP4 deals with landscape and the built environment and requires new

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development to respect important views, slopes, trees and hedgerows, landscape framework and areas of ecological importance. The layout has now been amended to allow for long term retention of standard Beech trees which will maintain the visual amenities and character of the area and has been accepted by the Councils tree officer. Two beech trees are to be retained and protected during construction.

The site falls within Character Area D of the CALADS. This area covers numbers 15 – 39 Chilbolton Avenue. The area is characterised as having mostly larger properties set in extensive grounds, partly set behind a mature tree belt. This area has open views of and is highly visible from the golf course and open country to the west. New development should be substantially the same scale, height and mass as existing buildings. New buildings should be 2 storeys in height but a third floor within some roofs may be acceptable. The existing building line along Chilbolton Avenue should be retained and new building should not encroach towards the road in front of this line. In addition within character area D new development should respect the detached and independent villa style of houses in this area, comprising a principal building supported by one or two smaller and visually subservient annexes and set within spacious and well tree grounds. The existing building line to the west should be substantially maintained and new development should not extend down sloping gardens towards the golf course. The proposed development does accord with some of the principles in the CALADS and other matters have been covered by the appeal Inspector and deemed acceptable. It is considered that principle of the proposed development is therefore acceptable.

Design/layout

The scheme consists of a series of linked buildings which contain 15 no. two and three bedroom flats.

The appearance to Chilbolton Avenue is of one main block designed to appear as a pair of semi detached two storey dwellings with two subservient block designed to appear as single dwelling houses set back by 5m from the front elevation and with a gap of 2.2m from the side wall of the main block so they will appear as subservient and separate which is a requirement of the CALADS. The development has also been set back from the edge of the site's boundary with Chilbolton Avenue which is another objective of the CALADS. The existing house is set at an angle and the proposed new development has been pushed back a further 4.2m from the closest point of the existing house to the site boundary.

The built form then steps down the site with 3.5 storey accommodation looking west towards the golf course. There are large areas of glazing and balconies but these are not flush with the rear wall and are set back by approximately 0.5m from the brick piers which will lessen the overall impact in views. The scheme also includes areas of sedum roofing.

The heights of the rear projections are less than those at the front so and the overall height of the development is less than Connaught Square by approximately 1.6m.

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The details of the proposed materials is not known at this stage but an indication on the application forms is that a buff brick is proposed with natural slate to the roof and grey painted timber windows and grey aluminium doors.

The design and layout of the development is considered to take into account some important aspects of CALADS and is appropriate to the setting and context.

Impact on character of area and neighbouring property

The proposed development is centrally located on the site which has allowed for generous gaps to the side boundaries with neighbours. There is a 10m gap to the boundary with Connaught Square and a 15.5m gap to number 31 Chilbolton Avenue which is still a single family dwelling which is located a further 23m into its own site. The separation distances means that there are no adverse impacts on the neighbouring properties.

The proposed development has been designed to take into account some of the objectives of the CALADS. The development is set back from the road with the parking provided in an underground car park so that parking does not feature within the street scene.

The buildings have been designed to appear as one main building with two supporting pavilions on either side. This is achieved by setting the two side buildings back from the main frontage by 5m which is a significant set back and by separating the built form by 2.2m so whilst the buildings are linked overall they appear as a series of buildings. The buildings appear 2 storeys from Chilbolton Avenue which reflects the CALADS requirement for domestic scale buildings with two storeys and accommodation in the roof. Whilst there is some storage within the front roof area of the units to the front because it is not habitable there is no need to provide dormer windows or roof lights thus maintaining the 2 storey appearance.

The main outlook of the proposed buildings is front and rear taking advantage of the open views over the golf course. There are some bedroom windows to the side elevations but given the distances to the neighbours this is considered to be acceptable.

The impact of the proposed development on the character of the area and neighbouring properties is considered to be acceptable.

Landscape/Trees.

It has been agreed that the majority of the existing beech trees to the southern boundary of the site with Connaught Square are to be replaced. Two beech trees are to be retained, one on this boundary and one on the boundary with 31 Chilbolton Avenue. There are two existing street trees within the pavement to the front of the site which are to be retained. Other existing trees to the boundary with number 31 are off site and will not be affected by the proposed development. The layout of the proposed development has been amended to ensure that there is sufficient space for replacement standard beech trees to grow to maturity without conflict with the built form or garden areas. This is important because the special character of Chilbolton Avenue is in part because of the presence of significant trees and green front boundaries. It is considered that the replacement of the beech trees

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is essential to ensure the long term contribution of significant trees on this site to the general area.

A general landscaping scheme for the site will be submitted and agreed in the usual way. The landscaping scheme will incorporate an area for ecological mitigation which is shown on the site layout plan.

The impact of the proposed development on landscape and trees is therefore acceptable.

Highways/Parking

The scheme now includes a new access onto Chilbolton Avenue with the existing access to be stopped up. There are two street trees which do obstruct visibility to some degree for vehicles exiting the site. The Highways Engineer has assessed the possible danger to highways safety caused by this and is satisfied that the visibility is in accordance with advice contained within Manual for Streets. The car and cycle parking for the development is provided within a basement car park and the number of spaces provided accords with the adopted car parking policy. Some visitor parking spaces are also being provided within the basement and this would not normally be acceptable but as there are recently constructed on street car parking spaces opposite this development on Chilbolton Avenue it is more likely that residents will use these rather than trying to access the more private areas in the basement parking. There is also a pedestrian crossing which will allow safe crossing of the road for those using the on street parking bays. The impact of the proposed development on highways and parking is therefore acceptable.

Affordable housing.

The applicant has submitted a financial viability assessment to show that the scheme would not be viable if contributions towards funding off site affordable housing were sought. The previous scheme did not propose any affordable housing on the site but was making a contribution of £100,000 towards funding off site affordable housing. It is suggested on this application that a S106 is requested from the applicant to provide a revised development appraisal on practical completion of the 12th unit of accommodation. This will allow surety that the original appraisal was correct in its conclusions once actual costs and values are known.

Planning Obligations/Agreements

In seeking a planning obligations to require the submission of a Development Appraisal within 10 days of practical completion of the 12th dwelling on the site 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:

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Provided that the applicant enters into a S106 agreement to submit a Development Appraisal within 10 days of practical completion of the 12th dwelling to allow the potential for affordable housing contributions to be reassessed once actual costs and values are known then planning permission be granted subject to the following conditions;

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

Conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan 1318a_01_P1;
Existing survey 1318a_02_P1;
Block plan proposed 1318a_03_P5;
Site layout (upper ground floor) 1318a_04_P1;
Lower ground floor plan proposed 1318a_05_P1;
Upper ground floor plan proposed 1318a_06_P1;
First floor plan proposed 1318a_07_P1;
Second floor plan proposed 1318a_08_P1;
Roof plan proposed 1318a_09_P1;
Street scene and context elevations 1318a_10_P1;
East (front) elevation proposed 1318a_11_P1;
West (rear) elevation proposed 1318a_12_P1;
North (side) elevation proposed 1318a_13_P1;
South (side) elevation proposed 1318a_14_P1;
Section A-A proposed 1318a_15_P1;
Section B-B proposed 1318a_16_P1;
Section C-C proposed 1318a_17_P1;
Section D-D proposed 1318a_18_P1;
Development strategy 1318a_19_P1;

02 Reason: to ensure that the built form is in accordance with the approved plans and in the interests of the visual amenities of the area.

03 No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of dwellings and hard surface areas 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.

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

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

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

05 Details of the size, species and location of the replacement trees shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The replacement planting shall be undertaken during the next planting season following the completion of the development.

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

06 Details of the design of building foundations and the layout, with positions, dimensions and level of service trenches, ditches, drains and other excavations on site, in so far as they affect trees and hedgerows on or adjoining the site, shall be submitted to and approved in writing by the Local Planning Authority before any works on the site is commenced.

06 Reason: To ensure that the trees to be retained are not damaged during construction and in the interests of the visual amenities of the area.

07 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan indicating the positions, design, materials and type of boundary treatments to be erected. Boundary treatment shall be completed before the first dwelling is occupied. Development shall be carried out in accordance with the approved details.

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

08 Prior to the development commencing a construction environment management plan shall be submitted to and approved in writing by the Local Planning Authority; the details shall include the following:

- a) Details to prevent mud from vehicles leaving the site during construction works being deposited on the public highway;
- b) Details of traffic management including deliveries and construction vehicles;
- c) Parking for construction vehicles, and;
- d) Storage for materials.

Development shall be carried out in accordance with the approved details.

08 Reason: in the interest of protecting the amenities of the area and of neighbours.

09 The existing access to the site shall be stopped up and abandoned and the footway crossing shall be reinstated to the requirements of the Local Planning Authority,

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immediately after the completion of the new access hereby approved and before the new access is first brought into use.

09 Reason: In the interests of highways safety.

10 No development, or works of site preparation or clearance, shall take place until details, including plans and cross sections of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto have been submitted to and approved in writing by the Local Planning Authority.

10 Reason: In the interests of the visual amenities of the area and of neighbours.

11 Details of the ecological mitigation measures to be undertaken on the site in respect of protected species and updated ecological assessment (required if development has not commenced by August 2016) set out in the ECOSA Ltd report submitted in support of this application shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing on the site. The approved details shall be fully implemented and retained in perpetuity.

11 Reason: In the interests of preserving the ecological interest of the site.

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

12 Reason: In the interest of providing adequate parking for the development and to avoid parking on the highway.

13 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.

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.

13 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.

14. Prior to development commencing on site details of the entrance to the underground car park to include large scale details of the entrance, parapet, retaining wall, surfacing, means of enclosure and entrance point from the road shall be submitted to and approved

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in writing by the local planning authority. Development shall be carried out in accordance with the approved details and thereafter retained.

14 Reason: To ensure that the proposed entrance is satisfactory within the street scene.

Informatives:

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

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

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

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 2006: saved policies DP3, DP4, T2, T4.

Local Plan Part 1 - Joint Core Strategy: DS1, WT1, CP1, CP2, CP3, CP11, CP13, CP14, CP16, CP20.

Local Plan Part 2 - Joint Core Strategy: Development Management and Site Allocations: WIN1, DM1, DM2, DM14, DM15, DM16, DM17.

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

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

06. 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-

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE AGENDA

commencement conditions are discharged then this would constitute commencement of development without the benefit of planning permission and could result in Enforcement action being taken by the Council.

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

The name of the planning officer who dealt with application

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.

Appeal Decision

Site visit made on 9 May 2016

by **L Gibbons BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 June 2016

Appeal Ref: APP/L1765/W/16/3143030

Teg Down House, 29 Chilbolton Avenue, Winchester, Hampshire SO22 5HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Doswell (Drew Smith Homes) against the decision of Winchester City Council.
 - The application Ref 14/02356/FUL, dated 7 October 2014, was refused by notice dated 24 July 2015.
 - The development proposed is the redevelopment of the site; demolition of the existing dwelling. Erection of 9no dwellings (5no 3 bedroom and 4no 4 bedroom).
-

Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of the site; demolition of the existing dwelling. Erection of 9no dwellings (5no 3 bedroom and 4no 4 bedroom) at Teg Down House, 29 Chilbolton Avenue, Winchester, Hampshire SO22 5HE in accordance with the terms of the application, Ref 14/02356/FUL, dated 7 October 2014, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

2. The proposal is accompanied by a copy of a signed Section 106 Unilateral Undertaking (UU) dated 16 March 2016, in relation to contributions towards affordable housing. I return to this matter below.
3. During the application procedure, revisions to two drawings were submitted to the Council for formal consideration, which included additional information in terms of ecological matters. The Council have confirmed that 1318_09_P8 formed part of their decision and accordingly I have taken it into account.
4. The Council confirmed that 1318_04_P7 did not form part of their decision, although they do not specifically object to the submission of the plan. When compared with the application drawings, the revised drawing includes a reptile receptor area along the western boundary of the appeal site. I understand these changes were proposed as a result of comments from the Council's Ecologist. I consider these amendments would be minor and I am satisfied I can take the drawing into account without prejudicing the interests of the Council and other parties. I shall determine the appeal on this basis.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.
-

Reasons

6. The appeal site is located within a residential area which is characterised mainly by large dwellings set within substantial plots. The adjacent site to the south has been redeveloped with flats and there has been re-development of a number of other plots along the road. The appearance of the road is distinctive and there are very strong front boundaries of hedges and fences. To the west of the appeal site is a golf course and open countryside beyond that. Overall, the area surrounding the appeal site has a very pleasant and verdant appearance.
7. The appeal site is a large plot and has a significant amount of mature planting and trees including on the boundaries with adjoining properties. The garden slopes down to the west and is open at this point. Due to the angle of the slope, it provides a high degree of visibility between the appeal site and the golf course in particular. The rear of the appeal site can also be seen at a distance from a public footpath to the north, this runs from east to west. Whilst the new development to the south is two storeys in places, there is some accommodation within the roof and the lower storeys and walls built into the slope are partially visible in the distance from the footpath to the rear. The existing house is positioned at an angle to the road. The adjoining properties are set back within their plots, although Connaught Square to the south has a front elevation which is closer to the road than some other properties within the area.
8. The proposal would be to replace the existing house with nine dwellings. The dwellings at the front would be of a traditional appearance with red facing brick and would have some characteristics in common with nearby houses. The houses to the rear would be contemporary in design. The Council does not object to the detailed design of the proposed dwellings. However, I have been referred to the Council's Supplementary Planning Guidance Chilbolton Avenue Local Area Design Statement (CALADS) 2006. This sets out some guiding principles for proposals within Character Area D for Nos 15-39 Chilbolton Avenue. It refers amongst other things to new development being the same scale, height, and mass as existing buildings, retention of building lines and respecting the villa style houses in the area.
9. The dwellings at the front of the plot would be located in a position only slightly forward of Connaught Square, facing directly towards the road. However, it would have a similar building line to No 33 Chilbolton Avenue and other properties to the north. The proposal would provide an active frontage which is referred to as being a feature encouraged within the CALADS. These houses would be two storeys with accommodation in the roof and would have a similar scale to Connaught Square and properties elsewhere along Chilbolton Avenue.
10. I accept that the proposal would involve the development of the site closer to the boundaries of the site than the existing house. There would be sufficient space on the north and south boundaries to ensure that the proposal would not feel too cramped and tight. There would be access and landscaping within the scheme between the front elevation of the frontage houses and the pavement. The position of the houses within the plot would also allow glimpsed views out to the golf course in accordance with the CALADS. Due to the separation between the front and rear dwellings and some gaps between the rear houses

which would be visible from the road, I consider the proposal would have a spacious appearance.

11. The rear building line of the plots would be similar to Connaught Square. Whilst this part of the scheme would be further into the plot than some other properties, there would still be sufficient space for the properties at the rear to have fairly long rear gardens. Development in depth has also occurred within other parts of Chilbolton Avenue and Connaught Square has a significant footprint and the proposal would be acceptable within that context.
12. The dwellings to the rear of the site would have four storeys. I accept the houses would be seen from the golf course, particularly before any landscaping and boundary treatment matures. However, the roofs of these houses would be seen against a backdrop of mature trees. Moreover, I consider that the height of the buildings would not be an overly dominant feature as the houses would be built within the slope. The ridge heights would be below the houses at the front of the plot and would also be lower than the roofs at Connaught Square. Intervening vegetation and trees would provide some screening for the proposed dwellings from the public footpath even in winter.
13. I accept that the windows in the rear elevation of these houses would be large with a corresponding amount of glazing. However, this would be similar to Connaught Square which has a number of windows and screened balconies facing towards the golf course and I consider the proposal would be acceptable in these circumstances. The individual dwellings at the rear would be narrow, with the fourth storey recessed from the main elevations. This would help to reduce the overall mass of each property. The scale and proportions would also be seen in the context of Connaught Square. The proposed houses would be separated from each other at the upper storeys and this would contribute to a sense of spaciousness. They would have a scale which would be reminiscent of the large villas found in the area and would retain the domestic character referred to in the CALADS.
14. For the reasons given above, I conclude that the proposed development would not cause harm to the character and appearance of the area. It would not be in conflict with Policy CP20 of the Winchester Local Plan Part 1 – Joint Core Strategy (JCS) and saved Policy DP.3 of the Winchester Local Plan Review (LP) 2006. These amongst other things seek new development that recognises, protects and enhances the District's distinctive landscape and heritage assets and in terms of design, scale and layout, responds positively to the character, appearance and variety of the local environment. It would not be contrary to the general thrust of the CALADS which seeks new development of a high quality design and that maintains the special qualities of the local setting.

Other matters

15. I have considered the UU in the light of the statutory tests contained in the tests at paragraph 204 of the National Planning Policy Framework (the Framework). The UU makes provision for a contribution towards affordable housing within the area. The Council indicate that the proposed contribution would be acceptable following the submission of viability information. I see no reason to disagree with this. The UU would be necessary to make the development acceptable in planning terms, is directly related to the development and fairly related in scale and kind. I have taking it into account in coming to my decision.

16. The Council does not object to the proposal in terms of its effect on the trees within and adjacent to the appeal site and in respect of highway safety subject to suitable conditions. Based on the evidence before me and observations on the site visit, I see no reason to disagree with these matters.

Conditions

17. I have considered the conditions in the light of the tests set out in paragraph 206 of the Framework and also the Planning Practice Guidance. Where necessary, I have amended the suggested conditions in order to comply with the tests. I have imposed a condition specifying the relevant drawings as this provides certainty.
18. The Council suggested conditions which would be either before commencement of development or before the occupation of the development. I have amended the order of the conditions to reflect this. In order to protect the character and appearance of the area conditions are necessary in relation to the materials to be used in exterior surfaces and hard surfacing and details of soft landscaping and in relation to trees. The appellant proposed a condition relating to boundary treatments and I agree that this would be necessary.
19. To protect the living conditions of the adjoining occupiers and in the interests of highway safety, a condition is needed in relation to the submission and implementation of a construction environment management plan. In the interests of highway safety I have attached a condition relating to the closure of the existing access. The Council suggested a condition relating to the use of the parking areas and garages. However, in the interests of precision I have attached the condition proposed by the Highways Authority and referred to by the appellant. In the interests of the ecology within the site, a condition is needed in respect of ecological mitigation measures. Due to the sloping nature of the site a condition is needed in relation to ground and floor levels.

Conclusion

20. The appeal site is located within an accessible location and the scheme would be an efficient use of land. The proposal would make a contribution towards affordable housing which weighs in favour of the appeal proposal. I have considered all other matters raised. However, I have found nothing to alter my conclusion that the scheme would not cause harm to the character and appearance of the area and that the appeal should be allowed.

L Gibbons

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1318_01_P1; 1318_02_P1; 1318_03_P5; 1318_04_P7; 1318_05_P5; 1318_06_P6; 1318_07_P7; 1318_08_P6; 1318_09_P8; 1318_10_P6; 1318_11_P5; 1318_12_P4; 1318_13_P3; 1318_14_P2; 1318_15_P2; 1318_16_P2; 1318_17_P2; 1318_18_P1; 1318_19_P1; 1318_20_P1; 1318_21_P1; 1318_22_P1; 1318_23_P1 and 1318_24_P1.
- 3) No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of dwellings and hard surface areas 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.
- 4) A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall specify species, density, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner. If within a period of five years from the date of planting, any trees, shrubs or plants die, for removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives it its written consent to any variation.
- 5) Details of the size, species and location of the replacement trees shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The replacement planting shall be undertaken during the next planting season following the completion of the development.
- 6) Details of the design of building foundations and the layout, with positions, dimensions and level of service trenches, ditches, drains and other excavations on site, in so far as they affect trees and hedgerows on or adjoining the site, shall be submitted to and approved in writing by the Local Planning Authority before any works on the site is commenced.
- 7) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan indicating the positions, design, materials and type of boundary treatments to be erected. Boundary treatment shall be completed before the first dwelling is occupied. Development shall be carried out in accordance with the approved details.
- 8) Prior to the development commencing a construction environment management plan shall be submitted to and approved in writing by the Local Planning Authority, the details shall include the following:
 - a) Details to prevent mud from vehicles leaving the site during construction works being deposited on the public highway;

- b) Details of traffic management including deliveries and construction vehicles;
- c) Parking for construction vehicles, and;
- d) Storage for materials.

Development shall be carried out in accordance with the approved details.

- 9) The existing access to the site shall be stopped up and abandoned and the footway crossing shall be reinstated to the requirements of the Local Planning Authority, immediately after the completion of the new access hereby approved and before the new access is first brought into use.
- 10) No development, or works of site preparation or clearance, shall take place until details, including plans and cross sections of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto have been submitted to and approved in writing by the Local Planning Authority.
- 11) Details of the ecological mitigation measures to be undertaken on the site in respect of protected species set out in the email dated 3 February 2015 by Brian Hicks MSc MCIEEM Ecologist, ECOSA Ltd shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing on the site. The approved details shall be fully implemented and retained in perpetuity.
- 12) The parking areas including the garages shall be provided in accordance with the approved plans before the dwellings are occupied and thereafter permanently retained. The parking areas and garages shall be used only for the purpose of accommodating private motor vehicles and other storage purposes incidental to the use of the dwellinghouse as a residence.