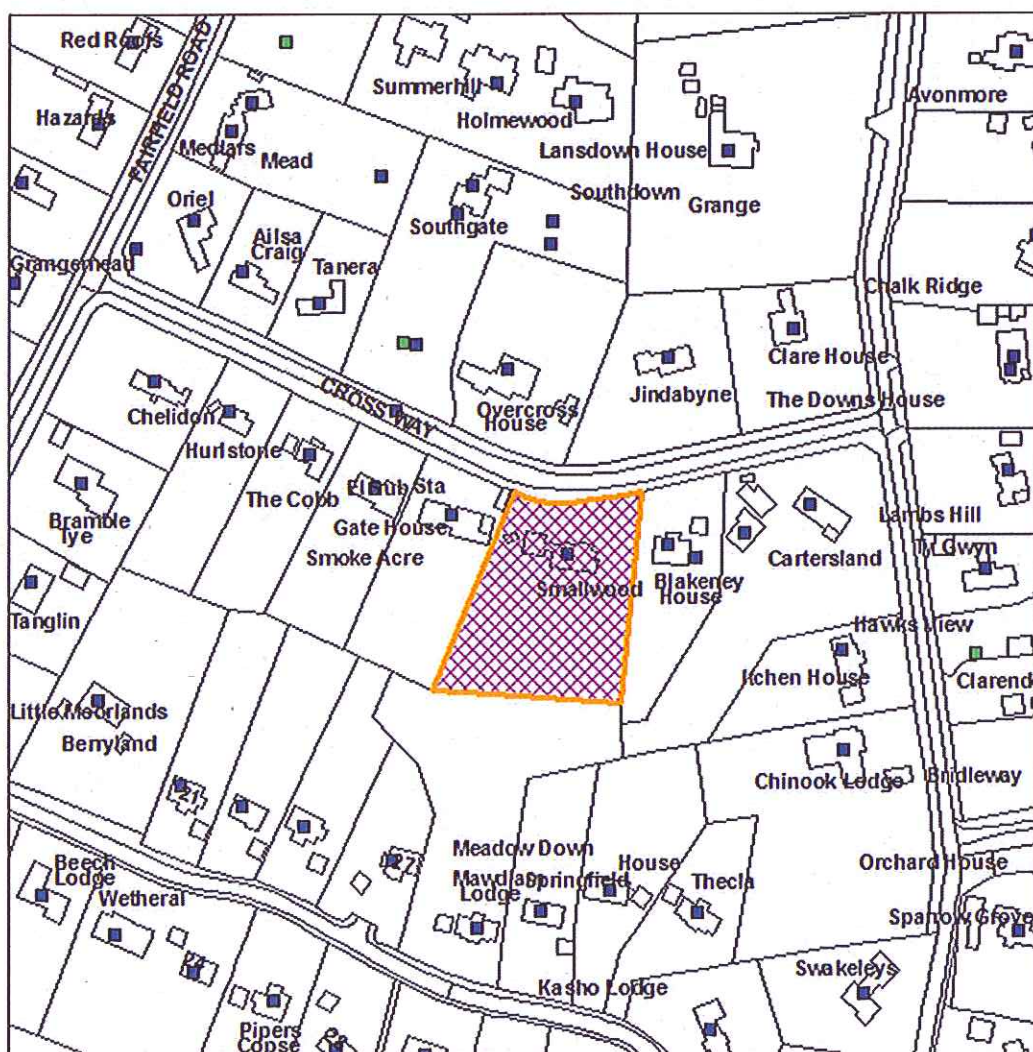


**Item No:** 01  
**Case No:** 17/03004/FUL  
**Proposal Description:** Demolition of the existing dwelling (Smallwood) and the erection of 3 no. five-bedroom dwelling houses, with associated access, garages, parking and landscaping. (AMENDED SITE LAYOUT RECEIVED 24.1.18)  
**Address:** Smallwood Cross Way Shawford SO21 2BZ  
**Parish, or Ward if within Winchester City:** Compton And Shawford  
**Applicants Name:** Mr Chris Rees  
**Case Officer:** Mrs Katie Nethersole  
**Date Valid:** 23 November 2017  
**Site Factors:**

Civil Aviation  
 CIL Zones for Winchester City Council  
 Radon Gas Levels  
 Southern Water Operational Area  
**Recommendation:** Application Permitted



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## **General Comments**

**Application is reported to Committee as the number of objections, received contrary to the officer's recommendation**

An amended site layout plan has been submitted to omit the garages serving plots 1 and 3 to the front of the site whilst retaining the garage to the rear serving plot 2.

This application is a re-submission of a previous application which was refused at committee on 17<sup>th</sup> October 2017 ref 17/01964/FUL. In this application it was proposed to have all the garages to the rear with accommodation in the roof. The original application was to have integral undercroft parking. There are also changes to the overall design of the dwellings due to the omission of the integral undercroft parking. The other change is to revert back to having three separate access points to each dwelling, as approved under the original scheme.

## **Site Description**

The site includes a large detached dwelling located on the south side of Crossways in Southdown, Shawford. It is set within a large plot of land. The properties in this area are mostly large detached dwellings with sizeable rear gardens. They are a mixture of styles and materials with the design of the existing dwelling referencing arts and crafts style in form and detailing. The front boundary is enclosed with a low hedgerow and side boundaries are a mixture of fencing and vegetation.

## **Proposal**

This application is for the revised application for the demolition of the existing dwelling (Smallwood) and the erection of 2 no. 5 bedroom and 1 no. 6 bedroom dwellings with associated access, garage, parking and landscaping. This planning application seeks to revise the planning permission granted on 22<sup>nd</sup> August 2016 (ref. 15/01925/FUL), principally to omit the integral garages and to have a detached garage to the rear of plot 2 with an access between plots 2 and 3 to serve this garage.

## **Relevant Planning History**

93/01574/OLD Single storey extension to lounge, first floor extension to provide fifth bedroom and double garage with link - Permitted 14<sup>th</sup> September 1993

10/00192/FUL 1 no. 4 bedroom detached dwelling with associated access and parking – Permitted 29<sup>th</sup> July 2010

10/00195/FUL Two storey extension to the east of the existing house and replace parapet roof on west elevation with pitched roof – Permitted 22<sup>nd</sup> February 2011

15/01925/FUL Demolition of existing dwelling and erection of 3 no. five bedroom dwellings with associated access, garages, parking and landscaping (Amended plans received 10.12.15) – Permitted 22<sup>nd</sup> August 2016

17/01964/FUL Demolition of existing dwelling (Smallwood) and the erection of 2 no. five bedroom and 1 no. 6 bedroom dwelling houses, with associated access, garages, parking

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and landscaping – Refused 18<sup>th</sup> October 2017

## **Consultations**

Engineers: Highways:

Head of Landscape:

## **Representations:**

Compton and Shawford Parish Council

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

- Garages to the front encroach over the building line
- Height of the houses has increased so more overlooking
- Concerns about traffic safety
- Contrary to Village Design Statement
- Overdevelopment

No letters of support received.

## **Relevant Planning Policy:**

Winchester Local Plan Part 1 – Joint Core Strategy

MTRA3, CP2, CP3, CP11, CP13

Winchester Local Plan Part 2 – Development Management and Site Allocations

DM1, DM2, DM15, DM16, DM17, DM18

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Supplementary Planning Guidance

Compton and Shawford Village Design Statement

Other Planning guidance

High Quality Places SPD

## **Planning Considerations**

### Principle of development

The property is situated within the defined settlement boundary of Southdown in which the principle of development in question is acceptable, subject to compliance with the detailed provisions of the Winchester District Local Plan Part 1 and 2.

On May 11<sup>th</sup> 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,

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threshold being developments of 10 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 1000 square metres. Following the Court of Appeal's decision, the Government updated Paragraph 031 of National Planning Guidance on the 19<sup>th</sup> May and is therefore relevant to the consideration of the current planning application.

The proposal in this instance is only for three houses; however it is above the threshold of 1000 sq metres in floor area proposed. Therefore it is liable for a contribution in lieu of on site provision of affordable housing. The council has considered the viability of the proposals with a resultant contribution of £60,000 required, to which the applicant has agreed by way of a Unilateral Undertaking, so that the proposed development is therefore compliant with policy CP3 of the LPP1.

#### Design/layout

The character of the area comprises of large residential dwellings of various architectural designs set within substantial plots. Many are well screened from the public realm by tall dense hedges to the front boundaries.

This is a resubmission of a previously permitted application for the demolition of the existing large dwelling and the erection of 3 large detached dwellings (15/01925/FUL). A more recent application was refused by this committee (17/01964/FUL) to remove the integral garaging with garages to the front of each dwelling and amendments to the front elevations of each plot. It is now proposed to omit the garages to plots 1 and 3 with a detached garage to the rear of plot 2. As a result of the omission of the integral garages amendments to the front elevations of each of the dwellings have been made. The classical approach to their architectural design remains the same. The overall height of the dwellings has increased in comparison to the previously approved scheme. However these amended heights are comparable to other recent developments in the vicinity.

The material proposed for the garage to the rear of plot 2 will match that of the proposed houses with a brick finish and roof tile.

The location of the garage to the rear is considered to be acceptable and would not result in any adverse harm on the character of the area. Although there are no other garages to the rear in neighbouring dwellings there are outbuildings to the rear of dwellings in the Southdown area. There is backland development in the form of dwellings and garages and therefore this proposal is considered acceptable.

#### Impact on character of area and neighbouring property

As a result of the new access to the garage to the rear of plot 2 the driveway between plots 2 and 3 has resulted in plot 3 moving closer to the neighbouring property, Smoke Acre, to the south. There is a side window proposed for an en-suite and this would not result in any adverse harm in terms of overlooking.

Plot 1 is 3.8 metres away from the neighbouring property, Blakeney House. There is a similar window to the stairwell on the side of this dwelling; however the applicant has obscurely glazed the window out of good will to the neighbour (condition 10). Due to the distance away from the boundaries it is considered that Plot 1 would not result in overshadowing or overbearing towards Blakeney House.



The proposed garage to the rear of plot 2 has been revised to remove the accommodation within the roof and is not considered to result in any adverse harm to the neighbouring properties.

Concern has been raised with regard to overlooking from the 2<sup>nd</sup> floor windows of the proposed dwellings towards the neighbouring properties opposite. However it is considered that the siting of the dwellings (being set back approximately 20 metres from the road) along with the significant distance to the properties opposite would not result in any unacceptable levels of overlooking.

#### Landscape/Trees

It is proposed to retain as much of the existing hedgerow to the road frontage as possible with three separate openings to serve each dwelling. There is proposed additional planting to the frontage as well as some additional tree and hedge planting to the rear of the dwellings. The retention of the bulk of the existing hedgerow to the frontage will reflect the character of the area.

#### Highways/Parking

This proposal seeks to revert to the existing access arrangements with three separate accesses to serve each dwelling. Three car parking spaces are provided to the front of plots 1 and 3 with car parking provided by way of the proposed double garage to the rear of plot 2. The car parking proposed complies with the parking standards. The provision of three access points off has already been accepted in the previous planning permission 15/01925/FUL.

#### Planning Obligations/Agreements

In seeking the planning obligation(s) and/or financial contributions for affordable housing, the Local Planning Authority has had regard to the tests laid down in para 204 of the NPPF which requires the obligations to be necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

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

#### **Recommendation**

Application Permitted subject to the following condition(s):

#### **Conditions**

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

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

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

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

03 Detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before occupation.

03 Reason: To ensure satisfactory provision of foul and surface water drainage.

04 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The development shall be in accordance with the details agreed. 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 ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

05 The proposed access and drive, shall be laid out and constructed in accordance with specifications to be first submitted to and approved in writing by the Local Planning Authority.

NOTE - A licence is required from Hampshire Highways Winchester, Bishops Waltham Depot Botley Road, Bishops Waltham, SO32 1DR prior to commencement of access works.

05 Reason: To ensure satisfactory means of access.

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

06 Reason: In the interests of highway safety.

07 No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear.

07 Reason: To make proper provision for off street parking.

08 Prior to the commencement of the development hereby permitted excluding works of demolition, detailed information (in the form of SAP design stage data and a BRE water calculator) 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. The development shall be built in accordance with these findings.

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

09 Prior to the occupation of the dwelling(s) hereby permitted detailed information (in the form of SAP "as built" stage data and a BRE water calculator) 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. The development shall be occupied in accordance with these findings.

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

10 The window of the stairwell on the east (side) elevation of plot 1 shall be glazed with obscure glass which achieves an obscuration level at least equivalent to Pilkington Obscure Glass Privacy Level 4, and the glazing shall thereafter be retained in this condition at all times.

10 Reason: To protect the amenities of the neighbouring properties in terms of overlooking on Blakeney House.

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that order, with or without modification), no windows at first floor, other than those expressly authorised by this permission shall, at any time, be constructed in the east (side) elevation of plot 1 or the west (side) elevation of plot 3 of the development hereby permitted.

11 Reason: To protect the amenities of the neighbouring properties in terms of overlooking on Blakeney House and Smoke Acre.

12 The development shall be carried out in accordance with the measures set out in Peach Ecology's biodiversity survey/assessment dated 24/07/17 unless otherwise approved in writing by the Local Planning Authority. Thereafter, the compensation measures shall be permanently maintained and retained in accordance with the approved details.

12 Reason: To enhance the ecology of the site.

13 The development shall be carried out in accordance with the measures set out in the Arboricultural Impact Appraisal and method statement report by Technical Arboriculture updated July 2017 unless otherwise approved in writing by the Local Planning Authority. Thereafter, the compensation measures shall be permanently maintained and retained in accordance with the approved details.

13 Reason: To enable proper consideration to be given to the impact of the proposed development on existing trees.

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14 The garage hereby permitted shall only be used for the purpose of accommodating private motor vehicles or other ancillary domestic storage purposes, and shall not, at any time, be used for living accommodation, business, commercial or industrial purposes.

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

**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.

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:-

Local Plan Part 1 - Joint Core Strategy: MTRA3, CP2, CP3, CP11, CP13

Local Plan Part 2 – Development Management and Site Allocations: DM15, DM16, DM17, DM18

Compton and Shawford Village Design Statement  
High Quality Places SPD

05. 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.

06. 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.



07. 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 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).