

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No: 02
Address: 1 Court Road Kings Worthy Hampshire SO23 7QJ

Parish/Ward Kings Worthy

Proposal Description: Demolition of existing dwellings and replace with 5 no. three-bedroom dwellings, 9 no. two-bedroom and 5 no. one-bedroom apartments together with associated car parking, landscaping and new access. (2 COURT ROAD IS ALSO PART OF THIS APPLICATION)

Applicants Name Infinity Homes Ltd

Case No: 04/02637/FUL

W No: W18298/04

Case Officer: Mr Peter Eggleton

Date Valid: 13 October 2004

Delegated or Committee: Committee Decision

Reason for Committee: Parish Council submitted representations contrary to officer recommendation

Reason for Committee: 4 or more representations contrary to the Officer's recommendations have been received

Site Factors: Civil Aviation

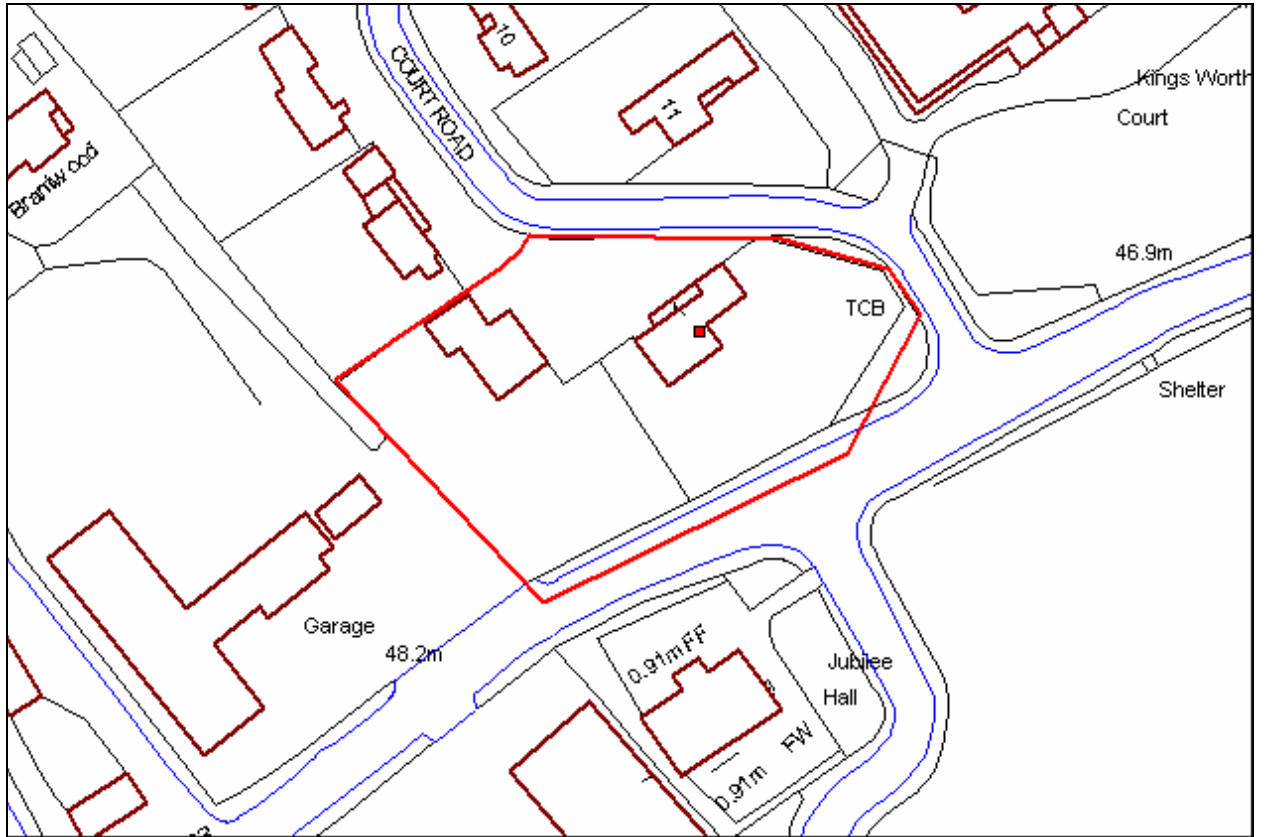
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SITE LOCATION PLAN

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Site Description

- The site lies adjacent to the Kings Worthy Conservation Area, opposite Peeks Field and between the Volvo Garage and Kings Worthy Court. The proposal would replace the two modern detached properties which currently back onto London Road

Relevant Planning History

- There has been a recent series of applications on this site for high density housing schemes all of which have been refused. An appeal decision was issued on 25 February 2004 relevant to two applications one for 18 and one for 19 units.
- An appeal is pending for an 18 unit scheme.

Proposal

- As per Proposal Description

Consultations

Engineers: Drainage:

- No objection. The sewer through the site will need to be diverted with the permission of Southern Water. The site is within an Aquifer Protection Zone so EA must be consulted.

Engineers: Highways:

- The site is to remain private and will not be adopted as public highway. I have previously commented that some of the car parking spaces are too remotely located to properties which they serve, however the Planning Inspector did not consider this to be a material concern. In view of this I could not sustain a highway objection to the application, although any consent granted should include conditions.

County Highways:

- No objection subject to payment of £38,000 towards off site highway improvements and £10,000 towards provision of London Road footpath.

Environment Agency:

- Recommends conditions

Landscape:

- No objection. Would wish to see fences to the rear of plots 9 and 10 softened by planting, climbers and wall shrubs. There is a reasonable amount of amenity space which will provide opportunities for informal recreation.

Southern Water:

- A condition should be added to prevent development until the sewer has been diverted to the satisfaction of Southern Water. No surface water should be discharged to the foul sewer.

Trees

- Subject to conditions enforcing the requirements of the arboricultural report no objection can be sustained.

Environmental Health:

- Suggests a condition requiring noise insulation due to road noise and noise insulation between properties.

Representations:

Kings Worthy Parish Council

- Object. The mass and impact would be detrimental to and out of keeping with the entrance to the village.
- The volume of traffic generated will add considerably to the already busy junction and the main road.
- The volume of housing is greater than the PPG3 recommendation leaving little space for recreation especially for children in the family housing.

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Nine letters of representations have been received.

- Three storeys is out of character with the area
- The height, mass and design is too much for the site, detrimental to the conservation area and near by residents
- The density of 54 units per hectare is too high and above PPG3 standards leaving no play space and should be at the lower level for this site. The proposal is within the village area not the more urban part of Kings Worthy.
- The matter of the footpath on London Road needs to be resolved.
- The surrounding road network will not cope with the additional traffic. Court Road will be used for parking causing difficulties and danger due to its narrow width. There is not enough parking provision for the number of dwellings.
- Lack of a London Road pavement will allow residents access directly onto London Road. There is no safe way to cross London Road at this point.
- The building line of Court Road will be lost and the open front gardens replaced by properties hard up to the road out of character with the rest of the road.
- Inadequate provision made for refuse collection.
- Construction traffic will cause chaos on the narrow Court Road.
- The bus service is not satisfactory to justify high density development.
- Direct vehicle access onto Court Road from garages will be dangerous.
- The proposal breaches a covenant preventing multiple housing development.
- Request that provision be made for disabled residents
- The appeal decision should not be material as this scheme is an entirely new application which the Inspector has not considered. The decision was a poor one and lacked balance.

Relevant Planning Policy:

Hampshire County Structure Plan Review:

- Policies UB3, T5, T6, H5, H7, H8 and R2

Winchester District Local Plan

- Proposals EN.5, EN.7, EN.8, H.5, FS.3, T.9, T.12 and RT.3

Winchester District Local Plan Review Deposit and Revised Deposit:

- Proposals DP.1, DP.3, DP.5, DP.6, H.5, H.7, T.2, T.5 and RT.3

Supplementary Planning Guidance:

- Achieving a Better Mix in New Housing Developments

National Planning Policy Guidance/Statements:

- PPG 1 General Policy and Principles
- PPG 3 Housing
- PPG 13 Transport
- PPG 15 Planning and the Historic Environment
- PPG 17 Sport and Recreation

Planning Considerations

The main considerations in respect of this application are:

- Principle of development
- Impact on the character of the area/spatial characteristics/street scene
- Detailed design
- Residential amenities
- Highways
- Public open space provision
- Historic heritage/conservation area/listed building
- Drainage/flooding
- Affordable housing

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Principle of development

- The appeal relating to 2 similar schemes to this is a material consideration when considering this application. Effectively, if there are no material changes in circumstances the findings of the Inspector have to be given considerable weight. Failure to give appropriate weight to his views would be likely to result in costs being awarded against the Council for unreasonable behaviour if a further appeal were considered. Furthermore, any future Inspector would also be bound to take into account the previous Inspector's findings.
- This proposal is consistent with the previous applications, only differing by moving the properties away from protected trees and altering properties adjacent to Court Road so that they front onto the road.

Impact on character of area

- The Inspector accepted that the layout, height and mass of the proposals did not detract from the character of the area or the Conservation Area. He considered that it was 'unfortunate' that both schemes turned their back onto Court Road, this has been addressed in this application.
- The plans demonstrate that with proper supervision the TPO trees can be retained and a suitable landscape scheme can be developed. This will assist in ensuring that the developments impact on the area is acceptable.

Detailed design

- The Inspector considered that the design was well conceived.

Residential amenities

- The Inspector accepted the relationships between the new properties and existing properties and considered it to be acceptable. The difference with this scheme is that in order to have properties fronting on to Court Road the distance between plots 9 and 10 and the existing property number 11 has been reduced. Views from these new units from upstairs windows towards number 11 will be towards the front of the dwelling and to a large extent will be obscured by a high hedge. The reduction in amenity is not considered to be significant enough to justify refusal.

Highways

- The Inspector accepted the number of parking spaces and the layout of the parking area. The impact on the highway network was not raised as a concern by the Council in previous refusals and subject to payment being made for off site highway contributions is not considered to be an issue with this application.
- The site does not have a footpath along the side of London Road between the Volvo garage and Court Road. It is considered that provision of a path would be a significant advantage. The previous applications did not secure the provision of a path and the Inspector did not raise this matter as a concern.
- The difficulty with the footpath is that it cannot be built on the site without serious detriment to the protected trees and the existing boundary treatment adjacent to London Road. It may be possible to build it within the existing carriage width of London Road although a detailed study of the likely impact on the trees would have to be undertaken. As it is outside the site the County Council have sought a financial contribution of £10,000 for the provision of a footpath and the applicant has agreed to pay it. The details and practicality of actually achieving this link will need to be considered by the County Council and tree experts.

Public open space provision

- A Local Area for Play was included in earlier applications. This has now been omitted following discussions between the applicants and the Open Space officer during the Public Inquiry. It is considered that because of the proximity to the London Road and given the amount of tree cover of the amenity areas, it would be preferable to omit a formal play area

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and allow the area to be used for planting and informal recreation. Open space is therefore to be provided by a financial contribution.

Drainage/flooding

The sewer on site will need to be diverted and this needs to be conditioned so that it is satisfactory to both Southern Water and to ensure that it does not impact on the protected trees.

Affordable housing

- The applicant is proposing 6 affordable housing units which represent 31.5% of the total. This was considered acceptable to the Planning Inspector.

Planning Obligations/Agreements

In seeking the planning obligation(s) and/or financial contributions for affordable housing, public open space and off site highway works the Local Planning Authority has had regard to the tests laid down in Circular 1/97 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

APPROVE – subject to a Section 106/Section 278 Agreement for:

- 1. A financial contribution of £48,000 towards highway improvements**
- 2. The provision of 6 units of affordable housing**
- 3. A financial contribution of £24,218 towards the provision of public open space through the open space funding system**

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

Conditions/Reasons

01 The development hereby permitted shall be begun before the expiration of five 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.

02 Prior to any development on site details of proposals for the disposal of foul and surface waters including the revised alignment of the sewer on site shall be submitted to and approved by the planning authority. These details shall include a detailed arboricultural statement to demonstrate any potential impacts on protected trees.

02 To ensure satisfactory provision is made for the disposal of sewage and in the interests of the protected trees and the general amenity 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 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.

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 On site protective measures in accordance with plan BT1 produced by Barrell Treecare, shall be implemented in accordance with the Method Statement dated 12/11/2004 (Ref. 4584-AMS-JB) and shall be agreed on site by the Council's Arboricultural Officer before any equipment, machinery, or materials are brought onto the site for the purposes of the development. The protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. Where work is required within the fenced area a methodology for the proposed work shall be submitted to and approved by the Planning Authority before work is commenced. All work must then be to the exact specifications of the approved methodology.

The detailed proposals for the areas requiring ground protection until new no-dig surfacing is installed shall be agreed in writing by the Council's Arboricultural Officer before any equipment, machinery, or materials are brought onto the site for the purposes of the development. Development of these protective surfaces shall be carried out strictly in accordance with the approved details and all such works shall be supervised by a qualified Arboriculturalist.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars (this does not include the trees protected by Tree Preservation Orders which retain the full protection and requirements of the relevant legislation). Paragraphs (a) and (b) below shall have effect until the date of the occupation of the dwellings.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

Details of all works to retained trees (on or adjacent to the site), must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. All tree surgery/works shall be carried out in accordance with the relevant recommendations of BS 3998 Tree Work.

04 Reason: To ensure important trees on the site are retained in the interests of the general amenities of the area.

05 A detailed scheme for hard and soft landscaping, all other 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 shall also specify hard and surface materials including their foundations and drainage, water features and outside furniture. The scheme approved shall be carried out in the first planting season following the completion or first occupation 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.

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

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06 Details of provisions to be made for the parking and turning on site of operative and construction vehicles during the period of development shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the construction period.

06 Reason: In the interests of highway safety.

07 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 15 metres from the highway boundary.

07 Reason: In the interests of highway safety.

08 The existing access(es) 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.

08 Reason: In the interests of highway safety and the amenities of the area.

09 Before the development hereby approved is first brought into use, visibility splays of 5 metres by 120.0 metres by 600mm shall be provided at the junction of Court Road/London Road.

09 Reason: In the interests of highway safety.

10 No development shall be occupied until space has been laid out within the site in accordance with the approved plans for vehicles to be parked. These spaces shall be retained and used only for the parking of motor vehicles.

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

11 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 to the proposed ground levels and the ground levels of neighbouring land have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details before the development is occupied.

11 Reason: To ensure a satisfactory relationship between the new development and adjacent buildings, amenity areas and trees.

12 Before development commences details of the provision to be made for secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is occupied.

12 Reason: To encourage the use of more sustainable modes of transport

13 During construction any facilities for the storage of fuels shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25 % of the total capacity of all tanks which ever is the greatest.

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All filling points, vents, gauges, and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging onto the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

13 To prevent pollution of the water environment

14 Prior to development commencing a scheme for protecting the proposed dwellings from noise from the road traffic shall be submitted to and approved by the Local Planning Authority in writing before the development commences. Any works which form part of the approved scheme shall be completed before any dwelling is occupied. Such noise protection measures shall thereafter be maintained and operated in accordance with the approved scheme.

14 Reason: To ensure that acceptable noise levels within the buildings are not exceeded.

15 No development shall take place until a scheme for limiting the transmission of noise within the buildings has been submitted to and approved in writing by the planning authority. All works, including detailing, shall be carried out in accordance with the approved scheme before any of the units of accommodation are occupied.

15 Reason: To protect the amenities of future occupants of the units.

Informatives

01. 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 54A of the Town and Country Planning Act 1990 (as amended), planning permission should therefore be granted.

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

Hampshire Structure Plan 1996-2011 Review. Policies UB3, T5, T6, H5, H7, H8 and R2
Winchester District Local Plan; proposals EN.5, EN.7, EN.8, H.5, FS.3, T.9, T.12 and RT.3
Winchester District Local Plan Revised Deposit 2003; proposals DP.1, DP.3, DP.5, DP.6, H.5, H.7, T.2, T.5 and RT.3

03. The applicant is advised that a licence will be required to carry out highway works. Please contact: Hampshire Highways, Winchester

04. Under the Terms of the Water Resources Act 1991, written approval of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of sewage or trade effluent from building or fixed plant into or onto the ground or into waters which are not controlled waters. Such approval may be withheld. (controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters. The applicant is advised to contact the Hampshire Area Office Water Quality Consenting Team Environment Agency, Colvedene Court, Wessex Way, Colden Common, Hampshire, SO21 1WP, to discuss the matter further.

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

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06. No materials shall be burnt on site. The burning of materials resulting in the emission of dark smoke is a direct offence under the Clean Air Act 1993.