

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA 9 November 2005

**Item No:** 13  
**Address:** 108 Stockbridge Road Winchester Hampshire SO22 6RN

**Parish/Ward** Winchester Town

**Proposal Description:** Redevelopment of existing stone mason's yard to create 4 no. two and 2 no. three bedroom apartments including 1 no. live/work unit with associated landscaping, cycle stores, bin stores and alterations to existing access (REVISED APPLICATION)

**Applicants Name** Messrs J And T Wheble

**Case No:** 05/01832/FUL

**W No:** W07434/05

**Case Officer:** Mr Robert Ainslie

**Date Valid:** 12 August 2005

**Delegated or Committee:** Committee Decision

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

**Site Factors:** Civil Aviation

### Site Description

- The application site is located to the west of the railway line and station close to the centre of Winchester. The site is on the northern side of Stockbridge Road, close to the roundabout which links Stockbridge Road with St Pauls Hill and Elm Road. The character of the surrounding area is predominantly residential despite being close to the commercial centre of Winchester.
- A group of tall terraced properties is located to the west of the application site with the end terraced dwelling being somewhat smaller. A further row of terraced properties continues to the east towards the railway line.
- The property in question has for many years been used as a stonemasons business. The site has a single storey building at the frontage onto Stockbridge Road with an elongated 2 storey element running alongside the western boundary of the site towards the rear. There are a number of windows at first floor level which look in an easterly direction. A vehicular access onto Stockbridge Road runs between this building and the neighbouring property to the east. A single storey detached building is also located to the rear of 106, Stockbridge Road.
- A variety of materials are stored in the open to the rear of the site where there is a concrete hardstanding area.
- The land has a steep drop from the application site to the residential property to the east. Land continues to slope away from the site to the east.
- Residential properties are located to the north in Fairfield Road.
- A garage block is located to the west of the site with one residential property located to the immediate north west of the application site.
- Two Ash trees are located at the northern end of the site, just outside the site boundary but with the crown spread of both trees overhanging into the site.
- An electricity substation is located to the rear of 104, Stockbridge Road, however the access to the sub-station is within the yard of the Stonemasons. This access was until recently, subject to an agreement allowing SSE access across the application site. This agreement expired in 2004. Discussions appear to be on-going concerning access to the sub-station.

### Relevant Planning History

- **W07434** Erection of workshop and store - Application Permitted - 16/06/1983
- **W07434/01** Erection of workshop - Application Permitted - 26/04/1985
- **W07434/02** Rebuilding and extension of showroom/workshop building - Application Permitted - 14/08/1986
- **W07434/03** Change of use to residential and alteration to existing access (OUTLINE) - Application Withdrawn - 19/09/2002
- **W07434/04** Redevelopment of existing Stone Mason's Yard to create 12 no. one and two bedroom apartments including 1 no. live/work unit with associated cycle stores, bin stores and alterations to existing access - Application Withdrawn - 11/03/2005

### Proposal

- The proposal is for the demolition of the existing buildings within the site and erection of a single live-work unit fronting onto Stockbridge Road with a group of 5 additional properties in a courtyard to the rear. The footprint of Plots 1-4 is not dissimilar to the existing buildings along the western boundary of the site. Plots 5-6 would face Stockbridge Road and cover the width of the plot at the rear of the site.
- 4 parking spaces have been provided within the site, together with two integral garages.
- This application follows withdrawal of a previous scheme for 12 dwellings when concern was raised about various matters in the application.

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**Consultations**

Engineers:Drainage:

- No objection subject to Southern Water confirming capacity and building regs approval being granted
- It is probable that the existing business is connected to the foul sewer and this connection will be used for the future development. It may be prudent to consult Southern Water to ensure that the public foul sewer has the capacity to accept the flow that this development will generate
- Storm can go to soakaways but there is a storm water sewer in Stockbridge Road which could be used with SW consent.

Engineers:Highways:

- No objection in principle subject to revised drawings showing cycle parking in accordance with standards. (*Since submitted by the applicant*).
- No provision has been made for the turning of a service vehicle on the site as all service vehicles will have to reverse into the site, or stand on the highway whilst servicing. This is not an ideal situation, however it is no different from the current situation.

Environment Agency:

- No objection subject to conditions

Environmental Health:

- No objection subject to conditions

Trees:

- There are two trees of note here although neither are within the site. They are both very close to its boundaries. Both are Ash and are positioned within gardens on either side of the north end of the site.
- Ash to the west in Conifer Close although of some amenity importance is unworthy of protection. An older tree which has had its top removed and has many misshaped branches and is covered in Ivy.
- Ash to the east is in the rear garden of 61, Fairfield Road. It is a twin stemmed tree from about half a metre with co-dominant stems which splay out from upright. Twin stemmed trees such as these rarely make it into old age.
- Rear of the site consists of the actual stone yard and is made up of a deep concrete area which spans the site. Estimate this a half a metre deep and because of this the ground underneath could be hostile in terms of root growth, the majority of roots from this Ash would therefore be within the garden area to the east. This has a bearing as a tree such as this would normally command a protected area in the region of 4 metres, the nearest point of the proposed building being 4 metres away.
- Do not consider that there would be any adverse affects to the underground portion of the tree (even if the dwelling were moved north by a metre as has been suggested). There may be a need to carry out minor pruning in order to accommodate the building.
- Would like to know details of the proposed tree to be planted.

Landscape

- Agree concerning tree issues.
- Shall need full details of a hard and soft landscape scheme. Climbing plants could be used to good effect and will need attractive and robust means of support. Seating should also be incorporated.

Southern Water:

- No adverse comments

SSE Power Distribution

- Recommend refusal
- Will prejudice the company's ability to provide a reliable electricity supply to properties in Stockbridge Road, St Pauls Hill, Coker Close, Elm Road, Avenue Road, Western Road, Clifton Road and Fairfield Road.
- Overdevelopment

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- Increase in vehicle movements would adversely affect safety of users of the adjoining highway network.
- Impact on amenity of surrounding residential properties.
- Loss of land for employment purposes.

Crime Prevention Officer

- Recommend low level vandal proof bulkhead lighting, operated by a photo electric cell.
- All shrubs specified should have a maximum growth of one metre, whilst all trees should be pruned to a maximum of two metres.
- Perimeter of the site and rear gardens should be secured with a robust fence or wall, without footholds.
- A 1.8m gate should be erected between Plots 5 & 6. A similar fence and gate should be located leading to the garden for Plots 1 & 2.
- Recommend clear signage indicating private property are displayed at eye level at the entry point.
- Street lighting should be carefully designed to cover all vulnerable areas without creating shadows.
- Secure bin store recommended.

**Representations:**

City of Winchester Trust:

- Seems to be an improvement on the previous scheme and the problems raised by neighbours seem to have been resolved. Reduced density to 70dph is welcomed, as is the provision of on-site parking.

6 Letters of representations have been received from Neighbours

1 letter of support

- This revised application much more appropriate to the site and situation
- Grateful to Messrs Wheble for the way in which they have taken note of the points raised.
- No objections therefore to plans as they stand

4 letters of objection

- Loss of privacy (two way).
- Open access to the courtyard would result in lack of security to properties to east. ( A higher wall and planting for screening might enhance the security/privacy aspects.
- Increased vehicular traffic would exacerbate traffic problems near the mini roundabout.
- Overdevelopment
- New development should ensure new and separate direct access to mains drainage.
- Loss of commercial space is detrimental to the economy of the city (although no objection would be raised to a suitable mixed development on this site.
- Inadequate parking within site leading to problems in surrounding roads

1 letter of observation

- Request that dwellings be made as accessible as possible to take into account needs of disabled people.

**Relevant Planning Policy:**

Hampshire County Structure Plan Review:

- UB3, H5, H11, R2, E1, E8,

Winchester District Local Plan

- EN5, EN7, EN13, EN14, EN16, EN17, H1, H7, E2, RT3, T8, T9, T11, W27

Winchester District Local Plan Review Deposit and Revised Deposit:

- DP1, DP3, DP5, DP10, DP13, DP16, H2, H7, E2, RT3, T1, T3, T4, W6,

Supplementary Planning Guidance:

- Achieving a Better Mix in New Housing Developments
- Technical Paper: Open Space Provision and Funding
- Guide to the Open Space Funding System

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- Movement, Access, Streets and Spaces
- Parking Standards 2002

National Planning Policy Guidance/Statements:

- PPS 1 General Policy and Principles
- PPG 3 Housing
- PPG 4 Industrial and Commercial Development by Small Firms
- PPG 13 Transport
- PPG 23 Planning and Pollution Control
- PPG 24 Planning and Noise

**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
- Comments on representations
- Consultation from SSE Power Distribution

Principle of development

- The application site falls within the settlement boundary of Winchester where development is considered to be broadly acceptable in principle.
- The proposal would result in the loss of the existing business which has been at the site for a number of years. The loss of employment sites is generally not permitted within Policy E2, however the proposal does incorporate an element of employment use by way of a live/work unit. In addition it is considered that the replacement of the existing industrial use, which is surrounded by residential properties on all sides and has the potential for noise and disturbance, with a residential use is an acceptable redevelopment of the site which accords with the criteria in Policy E2.

Impact on character of area

- The proposed scheme would have significantly less impact on the surrounding locality than the previous higher density scheme. In visual terms, Unit 1 would certainly appear different to the adjoining terrace properties, however the nature of the site is such that the existing building is a visual break between the two differing terraces to either side. It is not considered that the frontage to Stockbridge Road would appear out of keeping in the street scene.
- The proposed buildings would not have a significantly greater impact on properties to the west, given the bulk and mass of the existing building.
- The proposed building towards the northern end of the site would undoubtedly have a greater visual impact on the neighbouring properties in Fairfield Road, however, given the distance between the buildings, it is not considered that the impact would be so great as to justify refusal on this basis.
- The courtyard nature of the development is considered acceptable and whilst the density of the development is 70dph it is considered that this would not be acceptable in this city centre location.

Detailed Design

- The proposed dwellings would be of a contemporary design but with facing brickwork, slate roofs and timber cladding to the recessed balconies. It is considered, due to the nature of the application site, that the proposals would read as an individual courtyard development and would not therefore be at odds with the character of the surrounding development in Stockbridge Road.

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Residential Amenities

- The proposed dwellings to the north of the site would not result in significant overlooking to properties in Fairfield Road, given the distance between buildings. Likewise any overlooking from the front elevations of Plots 5 & 6 would be some distance from the rear of properties in Stockbridge Road.
- Whilst it is acknowledged that there would be some element of overlooking from the first floor windows to Plots 3 & 4, this would, to a significant degree, be obscured by the changes in levels from the site boundary to the neighbouring garden and a refusal on these grounds could not be sustained. In addition, sensitive boundary treatment at this location could further reduce the amount of overlooking to this property.
- The angle of view would be such from these plots that there would not be significant overlooking to 106, Stockbridge Road. The conditioning of windows at first floor level to be obscurely glazed would overcome potential overlooking to the neighbouring property to the east.

Highways

- The application is considered acceptable in terms of parking within the site and access from the site. Whilst it is acknowledged that service vehicles would be unable to enter the site, this is no different from the current situation and a refusal on these grounds could not be justified.
- Amended plans have been forward which include provision for long and short stay cycle parking.

Public Open Space Provision

- The applicant has been informed of the requirement for a contribution towards public open space provision. A payment or undertaking to pay a contribution is expected from the applicants.

Comments on representations

- The issue concerning potential loss of security to the neighbouring property could be addressed by way of a suitably worded condition requiring details of boundary treatment to be provided prior to the commencement of development.

Consultation from SSE Power Distribution

- Whilst the objection from SSE Power Distribution is noted, it would appear to relate to an issue of ownership of land which is not a material planning consideration. The right of access across the land by SSE appeared to have expired in 2004. It is noted that negotiations appear to be on-going to reach a satisfactory conclusion, however, it is considered that the objection should not hold weight in the consideration of the merits of the application.
- In any event, notwithstanding the fact that the agreement for SSE to access the land has expired, SSE do have the power to exercise its rights under Schedule 3 of the Electricity Act 1989 which gives it compulsory purchase powers in respect of land required for the purpose of their licence. It is acknowledged that, if SSE were forced to proceed on this route, the acquisition of rights required would render the current application unimplementable in its current form. This would be a matter for discussions between the applicants and the SSE.

**Planning Obligations/Agreements**

In seeking the planning obligation(s) and/or financial contributions for 108 Open Space Provision the Local Planning Authority has had regard to the tests laid down in Circular 05/2005 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 (provided the applicant is prepared to make the appropriate provision for public open space through the open space funding system) – subject to the following condition(s):**

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

- 1. A financial contribution of £10,844 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 (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 dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, before the units are occupied.

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

03 Before development takes place fully annotated 1:50 scale drawings of all plans (including roof plans), elevations, sections; and 1:20 scale drawings of typical detail for door, windows, chimneys, eaves, rainwater gear, garden gates, garage doors, ramps, street lighting, boundary walls, and other external furniture, shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details before the development is occupied unless otherwise agreed in writing by the Local Planning Authority.

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

04 No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include the following, as relevant:

04 - car parking layout:

04 - other vehicle and pedestrian access and circulation areas:

04 - hard surfacing materials:

04 Soft landscape details shall include the following as relevant:

04 - planting plans:

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04 - schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate:

04 - retained areas of grassland cover, scrub, hedgerow, trees and woodland;

04 - implementation programme:

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

05 The existing tree shown as being retained on the approved plan shall not be lopped, topped, felled or uprooted without the prior written approval of the Local Planning Authority. These trees shall be protected during building operations by the erection of fencing at least 4 metres from the tree trunks in accordance with BS 5837.

05 Reason: To retain and protect the trees which form an important part of the amenity of the area.

06 No development approved by this permission shall be commenced until:

a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.

b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.

d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the site investigation has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.

06 Reason: To ensure that the proposed site investigations and remediation will not cause pollution of Controlled Waters.

07 If, during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

07 Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters.



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08 Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall be detailed in the report.

08 Reason: To protect Controlled Waters by ensuring that the remediated site has been reclaimed to an appropriate standard.

09 Soakaways shall only be used in areas on site where they would not present a risk to groundwater. If permitted, their location must be approved in writing by the Local Planning Authority.

09 Reason: To prevent pollution of Controlled Waters.

10 If required, the method of piling foundations for the development shall be carried out in accordance with the scheme to be approved in writing by the Planning Authority prior to any development commencing.

10 Reason: The site is contaminated/potentially contaminated and piling could lead to the contamination of the underlying aquifer.

11 The method of demolition and construction for the development shall be carried out in accordance with a scheme to be approved in writing with the Local Planning Authority, prior to development commencing.

11 Reason: The site is in a very sensitive location with respect to groundwater, and in order to protect the quality of drinking water supplies the working methods will need to be carefully considered.

12 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any order revoking and re - enacting that order with or without modification, the work space area contained within the development hereby approved and integral to the dwelling at Plot 1 as shown on drawing No AP100 C on the plans hereby approved, shall be used only for purposes of home working and shall not be used as additional residential accommodation or for any other purpose unless planning permission is first obtained for any variation thereto.

12 Reason: The retention of the live/work unit is considered important to retain an element of employment use within the site in accord with Policy E2 of the Adopted Winchester District Local Plan and the Revised Deposit of the Local Plan

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C, D, E of Parts 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority

13 Reason: To protect the amenities of the locality and to maintain a good quality environment.

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order, with or without modification), no windows shall, at any time, be constructed in the west elevation of the dwellings hereby permitted.

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

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15 The first floor windows in the east elevation of Plot 1 hereby permitted shall be glazed in obscure glass and thereafter retained.

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

16 No development shall take place until a scheme for limiting the transmission of noise between the units of accommodation and, any part of the building which is not exclusively used with a unit of accommodation, has been submitted to and approved in writing by the Local 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.

16 To protect the amenities of future occupants of the dwellings.

17 Details of 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 unless an alternative period is agreed in writing by the Local Planning Authority. Such noise protection measures shall thereafter be maintained and operated in accordance with the approved scheme.

17 Reason: To ensure that acceptable noise levels within the dwelling and the curtilages of the dwelling are not exceeded.

18 Details of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway 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 duration of the construction period. No lorry shall leave the site unless its wheels have been cleaned sufficiently to prevent mud being carried onto the highway.

18 Reason: In the interests of highway safety.

19 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.

19 Reason: In the interests of highway safety.

20 The parking spaces and garages hereby approved shall not be used for any other purpose than the parking of cars.

20 Reason: To ensure the provision and retention of the in the interests of local amenity and highway safety.

### **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 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

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

Hampshire County Structure Plan Review: UB3, H5, H11, R2, E1, E8

Winchester District Local Plan Proposals: EN5, EN7, EN13, EN14, EN16, EN17, H1, H7, E2, RT3, T8, T9, T11, W27

Emerging Development Plan- WDLP Review Deposit and Revised Deposit: DP1, DP3, DP5, DP10, DP13, DP16, H2, H7, E2, RT3, T1, T3, T4, W6,

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

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