

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA 16 November 2006

Winchester City  
Council  
Planning Department  
Development Control

TEAM MANAGER  
SIGN OFF SHEET

## Committee Decision

<b>Case No:</b>	06/02231/FUL	<b>Valid Date</b>	1 July 2006
<b>W No:</b>	19388/06	<b>Recommendation Date</b>	1 November 2006
<b>Case Officer:</b>	Mrs Mary Goodwin	<b>8 Week Date</b>	<b>26 August 2006</b>
		<b>Committee date</b>	<b>16 November 2006</b>
<b>Recommendation:</b>	<b>Application Permitted</b>	<b>Decision:</b>	<b>Committee Decision</b>

<b>Proposal:</b>	Demolition of 2 no existing garages and erection of 2 no three bedroom and 1 no two bedroom terraced dwellings and 1 no detached three bedroom dwelling
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<b>Site:</b>	Land At Rear Of 63 - 67 Church Street Micheldever Hampshire
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Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
N	Y	N	Y	N	Y	Y

DELEGATED ITEM SIGN OFF		
APPROVE Subject to the condition(s) listed	<del>REFUSE</del> for the reason(s) listed	
	Signature	Date
<b>CASE OFFICER</b>		
<b>TEAM MANAGER</b>		

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**AMENDED PLANS DATE:-**

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**Item No:** 02  
**Case No:** 06/02231/FUL / W19388/06  
**Proposal Description:** Demolition of 2 no existing garages and erection of 2 no three bedroom and 1 no two bedroom terraced dwellings and 1 no detached three bedroom dwelling  
**Address:** Land at rear of 63 - 67 Church Street, Micheldever, Hampshire  
**Parish/Ward:** Micheldever  
**Applicants Name:** Bayview Developments (Bournemouth) Ltd  
**Case Officer:** Mrs Mary Goodwin  
**Date Valid:** 1 July 2006  
**Site Factors:** Micheldever Conservation Area  
Within 50m of a listed building  
Public right of way  
Tree Preservation Order  
**Recommendation:** Permission

### General Comments

This application is reported to Committee because of the number of objections received and at the request of Micheldever Parish Council, whose request is appended in full to this report. The case was deferred at PDC Committee on 5 October 2006 to allow consultation to take place with English Heritage, because the site extends to over 2500 square metres in area and lies within a conservation area. The statutory consultation period of 21 days has expired and no comments have been submitted to the LPA by English Heritage.

The current application is the fourth in a succession of applications for residential development on this site. The most recent application was refused on 8 June 2006, following committee consideration on 25 May 2006. The refusal was contrary to the officer recommendation, with reasons for refusal relating to overdevelopment of the site which would be out of character with the spatial pattern of the village and harmful to the character of the conservation area; the development of ancillary garaging outside the settlement boundary being detrimental to the openness and visual amenities of the countryside; and because of inadequate visibility at the junction of Rook Lane and Church Lane.

The amended plans seek to overcome these reasons as follows:

The triple and double garages are not included within application W19388/06. However, a separate concurrent application is submitted for a double garage to replace two existing single garages, which would serve the existing house at no. 66 (W19388/05). This reduces the amount of development proposed compared with the previous application and there is no garaging proposed for the new dwellings as part of application W19388/06. The application also includes the provision of paved build outs at the junction of Rook Lane and Church Lane within the red line site of the application to improve visibility at the access. These works would be covered by a Grampian condition.

In other respects, the proposal is similar to that previously submitted, although there is an amended design/planning statement which seeks to address the previous reasons for refusal.

### Site Description

The site is located in the rear gardens of 62 to 67 Church Street in the northern part of Micheldever village and is separated from the rear garden of 63 to 67 by an existing hedgerow. Although some sections are in poor condition this provides a natural divide to the curtilage and gardens of the listed buildings.

The site is accessed via a semi rural lane (Rook Lane) within the Micheldever Conservation Area.

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In the south eastern corner is a pre fabricated concrete single garage with a flat roof which is accessed via Rook Lane. Permission was granted in 2005 for the demolition of this garage. To the south of the site is Micheldever Primary School where an extension has recently been approved by Hampshire County Council.

The site is generally level and has a number of trees of different species within it.

### **Proposal**

The current application is for the redevelopment of the site (including the demolition of existing garages) to provide one detached 3-bedroom house and a terraced development of two 2-bedroom and one 3-bedroom houses with parking and landscaping. The proposal includes highway works to Church Lane, to provide two built out paved areas to either side of the access of Rook Lane and Church Lane, to improve visibility at the junction.

There is a separate application for a new replacement double garage and turning head on the same site (see item 2).

### **Relevant Planning History**

W19388 residential development – 2 no. three bed and 1 no. two bed dwellings with garages and parking and alterations to access, refused 24.03.2005.

W19388/01LBCA – demolition of garage block – permitted 24.03.2005

W19388/03 Residential development - Residential development comprising 3 no. two-bed and 1 no. three-bed dwellings with associated garages, parking and access, refused 24.02.2006.

W19388/04 Residential development (resubmission) 2 no. two-bedroom and 1 no. three-bedroom terraced dwellings and one no. three-bedroom detached dwelling with associated landscaping, garages, parking and access, refused 08.06.2006

### **Consultations**

#### Conservation:

Recommend approval, design concerns now overcome, as previous consultation response.

#### English Heritage:

Awaiting comments

Recommend approval subject to written scheme of investigation conditioned prior to commencement of development.

#### Engineers: Highways: no objection subject to conditions

Refer to advice of HCC as statutory highway authority. The works will be covered by a s.278 legal agreement between HCC and the applicant. A condition is required to secure the visibility splay of 2.0m by 23m at the access onto Rook Lane, to the west. The proposed build outs will improve visibility at the junction by restricting parking within the vicinity of the junction

#### HCC Highway Engineer: no objection subject to conditions

The application proposes the extension of existing build outs in the vicinity of the Rook Lane/Church Lane junction to prevent cars parking so close to the junction. HCC do not consider these works to be necessary, but since a satisfactory safety audit for these works has been provided, then no objection is raised. A Grampian condition will ensure the works are implemented prior to occupation of the dwellings.

#### Environment Agency:

No objection. A discharge consent will be required for the drainage works.

#### Southern Water:

No adverse comments.

#### Archaeology:

Recommend approval subject to written scheme of investigation conditioned prior to commencement of development.

**Representations:**

Micheldever Parish Council - objection

The junction is unsuitable for further traffic. The build outs will restrict movement, particularly for farm and emergency vehicles and these works were previously rejected by HCC. Highway safety hazard for school traffic/pedestrians. Rook Lane is dangerous and has no space for passing, horse riding or a footpath. Works contrary to VDS. Density is too high for village and conservation area.

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

- overdevelopment, excessive infilling of village, outside village envelope, urbanising.
- poor narrow access, inadequate turning / parking, poor visibility, dangerous junction, increased level of traffic, previous applications refused for this problem, also adjoins bridleway which is footpath well used by children, lack of parking, hazard to school children, there are listed buildings to either side of junction, build outs will not solve problem, sightlines will still be sub standard.
- contrary to VDS; harm to rural and conservation area character, out of keeping.
- loss of trees and hedgerows.
- impact on neighbours amenity / enjoyment from buildings and construction.
- lack of space for drainage, inadequate scheme submitted.
- Cumulative effect of surrounding permitted development.

Reasons raised not material to planning and therefore not addressed in this report

- Potential health and safety issues, disruption and damage to property during construction period.

0 letters of support received.

**Relevant Planning Policy:**

Hampshire County Structure Plan Review:

UB3, E6, T6, C1, E8, E14, E16.

Winchester District Local Plan Review:

DP1, DP3, DP4, CE5, HE2, HE4, HE5, HE6, HE16, H3, H7, T2.

National Planning Policy Guidance/Statements:

PPS 1 General Policy and Principles

PPG 3 Housing

PPS 7 The Countryside – Environmental Quality and Economic and Social Development

PPG 13 Transport

PPG 15 Planning and the Historic Environment

PPS 23 Planning and Pollution Control

Supplementary Planning Guidance

Micheldever Village Design Statement

Better Housing Mix

Other Planning guidance

Guide to the Open Space Funding System

Movement, Access, Streets and Spaces

Parking Standards 2002

Planning considerations

Principle, impact on character of the Conservation Area and historic buildings, residential amenities, highways, public open space / density / mix, drainage.

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Principle of development

The principle of this development is acceptable as the proposed dwellings are located within the H3 settlement boundary of Micheldever village, although the parking provision and access is outside the settlement boundary. The last application (W19388/04) included a reason for refusal associated with development outside the settlement boundary and the current application does not include the garages, but would involve an access, parking and turning outside the settlement boundary. This level of development is acceptable ancillary residential development within the countryside. This land is currently residential curtilage and already contains 2 garages and an access.

Impact on character and historic buildings / design.

The heights, massing and design of the proposal is considered acceptable and has been improved since the original application. The building forms/designs are traditional, with cottage openings, roof forms and detailing. The windows are traditional sashes and will be conditioned in line with the previous consultation responses from the Conservation Officer. The massing of the buildings is acceptable and the rear gardens of the new houses will back onto existing rear gardens.

The flint buildings will have no detrimental impact on the setting of the listed buildings to the west and will preserve the character of the Conservation Area in line with policy and the Village Design Statement. There will be public viewpoints from both Rook Lane and from Church Street in between the larger school and terrace of listed housing to the front. The proposed dwellings are set back far enough so that they will not dominate this view and street scene of the Conservation Area, and the traditional and varied elevational treatment of the dwellings ensures that they respond well to their context, to be in keeping with the area (including new development to the north), without harm to the setting of nearby listed buildings. The officer view is that there are no conflicts with the provisions of the Village Design Statement.

Landscaping

An arboriculture report has been prepared for the site. There is only one tree of importance on the site which will be retained and protected, with many small trees and bushes being removed. The hedge to the front will be replaced and replanted to the south to provide adequate visibility splays. The principle of this was accepted when the house to the rear of Bryony Cottage was approved. The proposal adequately deals with the removal and replacement of vegetation to assist the development of the new dwellings and mitigate impacts effectively.

Impact on residential amenities

The proposal will have no unneighbourly impacts on the existing properties to the west or north, or the school to the south. This is due to the satisfactory distance between properties utilising underused garden space, and approximately 50m between windows.

Highways

Local residents are concerned that the development will increase traffic within the vicinity of the junction, where there is frequent on street parking, particularly at the start and end of the school day. There were concerns raised by HCC with the initial application regarding highway safety from the additional traffic. However, HCC are satisfied with the existing junction of Church Lane and Rook Lane and accept that the proposed build outs to either side of the junction are in accordance with a satisfactory safety audit and it is considered that the level of traffic generated by the development will not be significant. The build outs will increase the paved areas to either side of the junction, thereby preventing parking adjacent to the junction and improving visibility at the access. It is considered that this will result in a greater level of visibility and highway safety at the junction, which will off set concerns about increased traffic at the junction resulting from the development.

There is adequate parking on site for the existing and proposed dwellings in the external parking

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area. A separate application is submitted for a detached double garage to the rear of the development to serve the existing property at no.66. A visibility splay to the west of the access onto Rook Lane is to be provided (2m by 23m) and the hedgerow set back, and this is satisfactory.

Adequate sheds are provided in the proposed gardens for cycle storage with direct access provided.

POS / density / mix

The agent has specified that the developers would wish to enter into a Unilateral Undertaking to secure a contribution towards the public open space fund; this document is awaited and comprises the recommendation.

The density of the development is satisfactory although just under PPG guidance at 28dph (min 30dph). This is due to the site and contextual constraints of the character of the area, with additional land included in the calculation for visibility splays.

The application proposes a satisfactory mix of unit sizes including 50% 2 bedroom dwellings. Policy also specifies that the floorspace of small dwellings should not exceed 75m<sup>2</sup> (measured internally) and this is as proposed.

Drainage

DETR Circular 03/99 states that the responsibility for demonstrating that a new development is effectively served by a sewerage system rests primarily with the developer. However, before deciding a planning application the Local Planning Authority needs to be satisfied that the sewerage arrangements are suitable. If the non mains sewerage and sewage disposal proposals are assessed as being unsatisfactory, this would normally be sufficient to justify refusal of planning permission and this was the case with earlier applications. However, these concerns were overcome by the submission of further details (including porosity tests and details of a sewage treatment plant with a series of ring soakaways) within the last application and the current application. There was no reason for refusal relating to drainage associated with that application (W19388/04).

Planning Obligations/Agreements

In seeking the planning obligation(s) and financial contribution for public 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 – subject to a Section 106 Agreement for:**

- 1. A financial contribution of £6,840 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)**

Application Permitted subject to the following condition(s):

**Conditions**

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

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

2 No development shall take place until details and samples of all materials, including brick, flint and render finish, tiles and slates, to be used in the construction of the external surfaces of the dwellings, garages and cycle stores 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.

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

3 Prior to the commencement of works a sample panel of brick and flintwork shall be constructed for the consideration of the Local Planning Authority. When a panel has been completed that meets with the approval of the LPA and such approval has been confirmed in writing, then the development hereby approved shall be finished in a manner identical to the approved panel.

Reason: To ensure the detailing and materials maintain the architectural interest of the building.

4 The new windows shall be full height glazed timber casements finished with microporous paint. They shall be recessed within the opening, by the width of a brick. As there is considerable variation between buildings prior to the commencement of work the following details shall be submitted to and approved in writing by the Local Planning Authority. The works hereby permitted shall be carried out in accordance with the approved details.

- details of a self supporting brick arch:

- the materials and intended finish:

- large scale elevations 1:10 of the window and full size sections showing:-

- (i) the new sill in relation to the opening in which it is to be set.
- (ii) the mouldings to be used on the glazing bars.
- (iii) the relationship of the opening window to the frame which should follow a traditional form.
- (iv) comparable sections for existing and proposed windows.

See informative.

Reason: To ensure the materials and details are satisfactory and respect the character of the (listed) building (and of the Conservation Area).

5 All rainwater goods shall be of cast iron unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the architectural detailing of the building and to preserve and enhance views within the conservation area.

6 Details of the windows and doors, which shall be recessed, and details of the eaves elements of the development, including fully annotated elevational and section drawings at 1:20 scale, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The approved details shall be implemented in full before the dwellings are occupied.

Reason: In the interests of the visual amenities of the Conservation Area.

7 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:

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- i) existing and proposed finished levels or contours:
- ii) means of enclosure and all boundary treatments;
- iii) hard surfacing materials:
- iv) minor artefacts and structures (e.g. street furniture, play equipment, refuse or other storage units, signs, lighting etc):

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

8 A detailed planting scheme for a replacement hedge adjacent Rook Lane in accordance with that indicated on approved drawing no. 3075-02 rev.1, and two new trees on the site, shall be submitted to and approved in writing by the local planning authority, before development commences. Details shall include planting plans, written specifications and a schedule of plants, noting species, planting sizes and proposed numbers and densities of plants.

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

9 The existing Willow 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. This tree and the other trees to be retained on and off the site shall be protected during building operations by the erection of fencing in accordance with details specified within Barrell Treecare's Arboriculture Impact Appraisal, Report Reference 4603-AIA-DC Date tbc and in accordance with BS 5837 2005. The construction works shall be implemented in accordance with the recommendations in the report.

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

10 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before the use hereby permitted is commenced and prior to the completion of the development or in accordance with the programme agreed with the Local Planning Authority. If within a period of five years after planting any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

11 No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Landscape maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation and historic significance.

12 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-E of Parts 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.



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

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 windows other than those expressly authorised by this permission shall, at any time, be constructed in the north elevation of unit 01 or unit 04 hereby permitted.

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

14 No development approved by this planning permission shall be commenced at the site until a scheme for the foul drainage has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the underlying groundwater and residential amenity.

15 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.

Reason: In the interests of highway safety.

16 Before the development hereby approved is first brought into use, visibility splays of 2.0 metres by 23.0 metres shall be provided at the junction of the access and public highway to the west. The splay shall be kept free of obstacles at all times. No structure, erection or vegetation exceeding 1.05m in height above the level of the adjacent highway shall be permitted within the splays.

Reason: In the interests of highway safety.

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

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

18 No development or site preparation prior to operations which has any effect on disturbing or altering the level of composition of the land, shall take place within the site until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation to be submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological interest of the site is properly safeguarded and recorded.

19 None of the dwelling hereby approved shall be occupied until the highway works at the junction of Rook Lane and Church Street have been completed to the satisfaction of the Highway Authority.

Reason: To ensure the provision of a safe junction between Church Street and Rook Lane before development commences.

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**Informatives:**

1. 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.
  
2. The Local Planning Authority has taken account of the following development plan policies and proposals:-  
  
Hampshire County Structure Plan Review: UB3, E6, T6, C1, E8, E14, E16.  
WDLP Review: DP1, DP3, DP4, CE5, HE2, HE4, HE5, HE6, HE16, H3, H7, T2.
  
3. A proposed foul drainage option has been submitted to the Environment Agency incorporating a sewage treatment plant and soakaway rings by letter dated 03 April 2006 ref NH/BH/866 and 31 March 2006 ref NF/SC04527. Under the terms of the water resources act 1991 such a system requires Discharge Consent from the Environment Agency, it is advised to complete the forms sent and submit an application well in advance of the construction phase. Please contact Miriam Nathoo 01962 764943.
  
4. All work relating to the development hereby approved, including works of demolition or preparation prior to operations, shall only take place between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
  
5. With regard to condition 04 the Council can provide information leaflets on the design of sash windows (leaflet 4) and casement windows (leaflet 5)