

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 1 February 2007

Winchester City
Council
Planning Department
Development Control

Committee Decision

TEAM MANAGER
SIGN OFF SHEET

Case No:	06/03374/FUL	Valid Date	15 November 2006
W No:	19611/03	Recommendation Date	10 January 2007
Case Officer:	Mr Robert Ainslie	8 Week Date	10 January 2007
		Committee date	1 February 2007
Recommendation:	Application Permitted	Decision:	Committee Decision

Proposal:	Redevelopment comprising 8 no dwellings, access, parking and landscaping (RE-SUBMISSION)
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Site:	Fernhurst Lower Moors Road Colden Common Winchester Hampshire
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Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
Y	Y	N	Y	N	N	Y

DELEGATED ITEM SIGN OFF		
APPROVE Subject to the condition(s) listed		
	Signature	Date
CASE OFFICER		
TEAM MANAGER		

AMENDED PLANS DATE:-

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Item No: Item 5
Case No: 06/03374/FUL / W19611/03
Proposal Description: Redevelopment comprising 8 no dwellings, access, parking and landscaping (RE-SUBMISSION)
Address: Fernhurst Lower Moors Road Colden Common Winchester Hampshire
Parish/Ward: Colden Common
Applicants Name: Southcott Homes
Case Officer: Mr Robert Ainslie
Date Valid: 15 November 2006
Site Factors: Tree Preservation Order
Recommendation: Application Permitted

General Comments

This application is reported to Committee because of the number of objections received

Amended plans have been submitted since the application was validated. The amendments were minor and not considered so significant as to require re-advertisement of the application. The amendments relate primarily to a correction of the levels for the garage between Plots 5 & 6 and a slight increase in the size of this garage building.

This application follows three previous submissions. The first application (W19611) was for fourteen dwellings with access from Lower Moors Road. It included a taller 2.5-3storey building of flats in the north western corner of the site. This application was refused for a number of reasons, primarily relating to the development being cramped, overdeveloped and out of keeping with the rural character in the area and also because of insufficient amenity area for residents. Other issues included impact on amenity of neighbouring properties, lack of open space provision, inadequate parking within the site, and concern over additional traffic onto Lower Moors Road and inadequate turning facilities within the site for service vehicles. This application was subsequently dismissed at appeal.

A further application (W19611/01) was submitted for 12no 2 storey dwellings. However it was considered that the proposals did not allow for much space between buildings and still resulted in an overdominant impact when viewed from Lower Moors Road. In addition, the over dominance of the car parking was considered to have an adverse impact on Frampton Close. The application was also refused because of impact on the amenity of the property to the north (Aroha) and lack of open space provision.

The most recent proposal (W19611/02) was for 9 dwellings with access from Frampton Close. The following accommodation was proposed: 3no 2 bed houses, 3no 3 bed houses, 1no four bed house and 2no 2 bed maisonettes. 3 properties (Plots 7-9) would have faced towards Frampton Close, with the remaining 6 dwellings on the southern boundary, facing northwards. Parking would have been located to the front of the properties with additional parking along the north eastern boundary. Hedging would have been retained along the boundary with Lower Moors Road and new hedging planted across the existing access. The proposals would have achieved a density of 46 dwellings per hectare. This application was refused at Planning Committee in August 2006 as members considered that it resulted in cramped overdevelopment within the plot and over dominance in the street scene by reason of its mass and bulk. Given the juxtaposition of the buildings and the prominent impact of car parking in the eastern part of the site it was also considered to be out of keeping with the rural character of this part of Lower Moors Road and the lower density of Frampton Close.

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The current proposal is for 8 dwellings. The main differences to the previous application include, the reduction in the mass and bulk of Plot 5, pulling it further away from the boundary with Lower Moors Road, the introduction of pitched roofs to all of the proposed properties, the introduction of a double garage building between Plots 5 & 6 and the introduction of a carport along the north eastern boundary by 3, Frampton Close. The reduction in the density has resulted in increased landscaping to the south of the proposed carport. In addition a bin collection area is indicated on the plans on the northern side of the site entrance.

Site Description

Fernhurst is a detached bungalow sitting in a large plot within the settlement of Colden Common. Vehicular access from the site is onto Lower Moors Road to the west. The surrounding area is characterised by a variety of different property styles. To the south are three bungalows facing onto Spring Lane. To the immediate north is a chalet bungalow (Aroha) at a significantly higher level, with further 2 storey dwellings along Lower Moors Road and into New Road. Aroha has dormer windows which face directly across the application site.

Frampton Close to the east is characterised by 1.5-2storey dwellings. The end of the close has a hammerhead turning area which abuts the application site.

Land rises steadily from south to north towards the application site. The land rises significantly at the northern boundary with a bank and then hedging at the higher level with Aroha.

Lower Moors Road at its southern end, where the application site is located, retains a rural character with mature hedging located along the western boundary of the site.

A number of small trees are located within the application site, predominantly along the southern/south eastern boundary.

Proposal

The current proposal is for 8 dwellings with access from Frampton Close. The accommodation comprises: 4no 2 bed houses, 3no 3 bed houses and 1no four bed house. 3 properties (Plots 6-8) would face towards Frampton Close, with the remaining 5 dwellings on the southern boundary, facing northwards, although Plot 1 would have a frontage facing towards Frampton Close. Parking would be located to the front of the properties with additional parking along the north eastern boundary, under a carport. In addition a garage building would be located between Plots 5 & 6.

Hedging would be retained along the boundary with Lower Moors Road and new hedging planted to stop up the existing access.

The proposals achieve a density of 39 dwellings per hectare.

The materials to be used have not been confirmed; however it is considered that this can be a requirement of a condition if approved (Condition No2).

Relevant Planning History

W19611 Demolition of existing property and erection of 14 no. dwellings and new access with associated parking and landscaping - Application Refused - 29/07/2005 – Appeal Dismissed 29/12/2005

W19611/01 Demolition of existing property and erection of 12 no. dwellings and new access with associated parking and landscaping (RESUBMISSION) - Application Refused - 19/12/2005

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W19611/02 Redevelopment of site with 9 no. dwellings, access from Frampton close, parking and landscaping; demolition of existing building – Application Refused – 15/9/2006 – Application currently under appeal

Consultations

Engineers: Highways:

No objection subject to conditions and contribution of £8,000 towards off site highway improvements (Conditions No4, 5 & 6)

Landscape:

No objections to layout subject to conditions (Conditions No7 & 8)

Trees

Should require a fencing plan for trees shown as being retained as well as hedgerow along western boundary. (Condition No9)

Environment Agency:

No objection

Southern Water:

Can provide foul sewage disposal to service proposed development, but would require a formal application for connection to the public sewer to be made by the applicant or developer.

Initial investigations are that there are no public surface water sewers in area to service this development. Alternative means of draining surface water is required. Should not involve disposal to a public foul sewer.

Southern Water can provide a water supply to the site but requires a formal application for connection and on-site mains to be made by applicant or developer.

Representations:

Colden Common Parish Council

Objects to application. Number of dwelling is considered overdevelopment of the site. Access through Frampton Close would be detrimental to existing properties and lead to significant congestions on what is a narrow highway. Access from Frampton Close would be unacceptable for HGVs attempting to enter the development site. Could lead to an increase in on-street parking in an area which is prone to an unacceptable level of parking on the highway, especially in adjacent Spring Lane. Would place a further significant burden on the services infrastructure for the area, especially in adjacent Spring Lane. (Request not made for application to be considered by committee)

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

- Cramped and overcrowded.
- Out of keeping with character of surrounding dwellings.
- Loss of rural countryside feel.
- Not a brownfield site.
- Reasons for rejection of previous applications must still be valid.
- Enough new developments in village without need for any more.
- Loss of light to property to north.
- Plans seem to be inaccurate in relation to levels.
- Loss of mature trees to be replaced by tarmac parking area. Request retention of middle evergreen and lilac tree in south east corner to provide privacy to neighbouring property.
- Inadequate amenity space.
- Proximity of access to adjacent driveway
- Inadequate on-site parking provision
- Inability of emergency access vehicles to negotiate route through cars parked on street.
- Increased use of access would result in noise, light and air pollution.

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- Loss of hedgerow facing Lower Moors Road
- Access from Lower Moors Road would be safer
- Increase in surface water drainage problems and potential for flooding. Hard surfacing will affect drainage.
- Potential strain on infrastructure.

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

- Contravention of original access being held in trust to prevent being turned into a thoroughfare. (This would be a legal/civil matter to be taken up with the applicant/developer; however this is not a planning issue).
- Disruption caused during construction by parking of contractors vehicles.
- Concern about construction resulting in instability to neighbouring properties. (this would be a civil matter and not a material planning consideration).

Relevant Planning Policy:

Hampshire County Structure Plan Review:

UB3, H7, R2, T2, T5, T6

Winchester District Local Plan Review 2006

DP1, DP3, DP4, DP5, DP8, DP10, H3, H7, RT4, T1, T2, T3, T4, T5

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPS 3 Housing

PPG 13 Transport

PPG 17 Planning for Open Space, Sport and Recreation

PPS 23 Planning and Pollution Control

PPS 25 Development and flood risk

Other Planning guidance

Guide to the Open Space Funding System

Movement, Access, Streets and Spaces

Parking Standards 2002

Technical Paper: Open Space Provision and Funding

Planning Considerations

Principle of development

The application site falls within the settlement boundary of Colden Common where residential development is considered broadly acceptable in principle in policy terms subject to specific site constraints. However there are a number of issues with regard to the specifics of the plot and other site constraints which are considered in more detail below.

The density of the development, 39 dwellings per hectare, falls within guidelines outlined in PPS3, and is considered to accord with Policy DP3 of the Local Plan.

The proposal includes at least 50% 2 bed properties and therefore accords with Policy H7.

Parking provision is considered to be in accord with standards and is therefore acceptable.

Design/layout

The proposed density of development has now been reduced considerably from the original application which was 56 dwellings per hectare. In addition, the mass and bulk of the proposals has been further reduced most notably by the introduction of pitched roofs to the dwellings and also by the reduction in size of the building in the south western corner (Plot 5). This reduction, by the loss of a dwelling unit, has resulted in the 2 storey element being pulled further away from Lower Moors Road, resulting in less impact from this road. Whilst a garage building is proposed, which would be located closer to the boundary with Lower Moors Road, this would only be single

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storey and the pitch of the roof would only just be visible above the existing boundary screening. The properties now front onto Frampton Close and would effectively read as an extension of the close. The proposals now provide some distance between the two groups of dwellings and the reduction in the number of dwellings provides a less cramped feel to the development site.

The introduction of a door in the flank elevation of Unit 1 together with a 2 storey element set forward from the main dwelling facing Frampton Close; soften the appearance of the development on the approach from this road.

The dwellings would appear in keeping with the suburban character of Frampton Close and would be set back at a reasonable distance from Lower Moors Road, retaining the rural character of the road at this point.

Details of the materials have not submitted with the application. However these are conditioned to be approved at a later stage (Condition No2). It is considered that suitable materials would ensure the dwellings did not appear out of context with Frampton Close and Lower Moors Road.

Impact on character of area and neighbouring property

The proposed dwellings would not appear out of context with the character of the surrounding locality. They are set back at reasonable distances from the neighbouring properties and orientated so that there would be no issues of overlooking into neighbouring properties.

Units 6-8 would be 17 metres from 3 Frampton Close and a refusal on overlooking grounds could not be sustained. In addition, the introduction of a car port along this boundary would further reduce any potential overlooking. Unit 8 would be at a lower level and 9 metres from Aroha to the north. Whilst there would be windows looking across to the site from Aroha, only one bathroom window would face Aroha. It is considered that conditions could prevent any possible overlooking to this neighbouring property (Condition Nos 12 & 13).

Unit 1 would be to the north west of 2 Frampton Close and 11 metres away. Given the orientation of the properties and distance involved, it is not considered that there would be significant issues of overlooking or loss of light to this property. Whilst the first floor rear windows to Plots 3 & 4 would be only approximately 10 metres from the boundary with the property which has recently been approved (but has yet to be constructed) to the south there is a strong screen by way of vegetation along this boundary which is to remain as part of the landscaping proposals. It is not considered that a refusal on overlooking grounds could be sustained in this instance.

Landscape/Trees

Whilst there may be a loss of some trees within the site, it is not considered that these trees are of high amenity value. The proposals include some replacement planting to mitigate for the loss of trees.

The previous application was partly refused for the over dominance of car parking on the approach from Frampton Close. The layout and landscaping has been designed to soften the appearance of the car parking on the approach from Frampton Close.

In addition, a bin collection area has been included at the entrance to the site. This could be adequately conditioned (Condition No7) to require this collection area to be appropriately landscaped to minimise its impact.

It is not considered that the proposal will have an adverse impact on the protected oak to the south west of the boundary of the site.

The evergreen and lilac tree is not considered to be of such amenity value as to afford protection. In any event it is considered that their loss would not result in issues of overlooking to the neighbouring property which could justify refusal on this ground.

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Highways/Parking

The parking provided is considered acceptable by the Highways Officer and meets required standards

The proposed access through Frampton Close is also considered to be acceptable.. The issue of whether a safer access is available from Lower Moors Road is not considered to be relevant to this application, given that the proposed access through Frampton Close is acceptable.

The proximity of the proposed access to the driveway for 3 Frampton Close is also considered to be acceptable and no objection has been raised by the Highways Officer.

It is not considered that the resultant vehicular activity from 8no dwellings would result in significant air, light or noise pollution that would impact on neighbouring properties in Frampton Close.

The development is also considered to be acceptable in terms of space and manoeuvring for emergency and service vehicles.

It should be noted that the highway matters in this proposal do not differ from the recent application. This recent application was not refused on any highway grounds.

A Highways contribution would be required in relation to off-site highway improvements and the applicant has expressed a willingness to make such contributions.

Other Matters

The proposed provision of Public Open Space by way of a contribution is considered to be in line with the Council's Open Space Strategy.

The proposed development is considered to be acceptable in terms of impact on the existing drainage and sewerage systems. No objections have been raised by the Council's drainage team, the Environment Agency or Southern Water.

The levels are considered to be accurate within the submitted plans; however details of levels are requested in Condition No 11.

Planning Obligations/Agreements

In seeking the financial contributions for off-site highway improvements and provision of public open space, 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 conditions and provided the applicant is prepared to make the appropriate provision for public open space through the open space funding system and to

- 1. A financial contribution of £8,000 towards highway improvements**
- 2. A financial contribution of £7,155 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

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

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 the materials to be used in the construction of the external surfaces of the materials 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 each house is occupied.

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

3 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, porticos, 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.

Reason: In the interests of visual amenity.

4 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.

Reason: In the interests of highway safety.

5 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.

6 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 the n the interests of local amenity and highway safety.

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:

- existing and proposed finished levels or contours:
- means of enclosure, including any retaining structures:
- hard surfacing materials:

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- minor artefacts and structures (e.g. street furniture, play equipment, refuse or other storage units, signs, lighting etc):

Soft landscape details shall include the following as relevant:

- planting plans:
- written specifications (including cultivation and other operations associated with plant and grass establishment:
- schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate:
- retained areas of grassland cover, scrub, hedgerow, trees and woodland;
- implementation programme:

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

8 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before 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.

9 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars, and paragraphs (a) and (b) below shall have effect until the expiration of from the date of the occupation of the building(s) for its permitted use.

a) The erection of fencing for the protection of any retained tree or hedge shall be undertaken in accordance with details to be submitted and approved in writing by the Local Planning Authority before any equipment, machinery, or materials are brought onto the site for the purposes of the development, and 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.

Reason: To ensure the protection of trees which are to be retained.

10 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

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

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 thereto, have been submitted to and approved in writing by the Local Planning Authority.

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

12 The first floor window(s) in the side elevation of Plot 8 hereby permitted shall be glazed in obscure glass and thereafter retained.

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

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 side elevation of Plot 8 hereby permitted.

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

14 Before development commences details of provision for secure cycle parking for the residential units together with provision for refuse storage shall be forwarded to the Local Planning Authority for approval. Development shall be carried out in accordance with the approved details before the development is occupied and retained thereafter.

Reason: To ensure the provision and retention of secure cycle storage facilities and refuse storage facilities in the interests of local amenity and highway safety.

15 Detailed drainage 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 the dwellings are occupied.

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

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, H7, R2, T2, T5, T6

Winchester District Local Plan Review 2006 Proposals: DP1, DP3, DP4, DP5, DP8, DP10, H3, H7, RT4, T1, T2, T3, T4, T5

3. The applicant is advised that a licence will be required to carry out highway works. Please contact: Hampshire Highways, Central Depot, Bar End Road, Winchester, SO23 9NP. (Telephone: 01962 892850).

4. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water's Network Development Team (Wastewater) based in Otterbourne, Hampshire or www.southernwater.co.uk.

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5. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water's Network Development Team (water) based in Chatham, Kent or www.southernwater.co.uk.

6. 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.

7. No materials should be burnt on site where the Health and Housing Service substantiate allegations of statutory nuisance; an Abatement Notice may be served under the Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through burning of materials is a direct offence under The Clean Air Act 1993.