

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:	06/03262/FUL	Valid Date	1 November 2006
W No:	08786/05	Recommendation Date	15 January 2007
Case Officer:	Mr Robert Ainslie	8 Week Date	27 December 2006
		Committee date	1 February 2007
Recommendation:	Application Permitted	Decision:	Committee Decision

Proposal:	Erection of No.4 residential dwellings with associated parking, bin and cycle stores, landscaping and new access (RESUBMISSION)
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Site:	Land At 1 - 3 Westley Close 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

COMMITTEE 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 6
Case No:	06/03262/FUL / W08786/05
Proposal Description:	Erection of No.4 residential dwellings with associated parking, bin and cycle stores, landscaping and new access (RESUBMISSION)
Address:	Land At 1 - 3 Westley Close Winchester Hampshire
Parish/Ward:	Winchester Town
Applicants Name:	Heritage Property Group
Case Officer:	Mr Robert Ainslie
Date Valid:	1 November 2006
Site Factors:	Tree Preservation Order Within 50m of Listed Buildings
Recommendation:	Application Permitted

General Comments

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

This application follows three previous applications for residential development of the site. The original scheme (W08786/02) for 5 terraced houses and 9 flats in two blocks, included the proposed demolition of 1 & 3 Westley Close, and this application was refused for the following reasons:-

- Overdevelopment of site by virtue of large amount of built form and limited space about buildings, adversely affecting character of area and detrimental to visual amenities of street scene.
- Concerns about parking of vehicles on highway, interrupting free flow of traffic.
- Substandard junction with Westley Close.
- Inadequate provision for off-site highway improvements
- Inadequate provision for Public Open Space.
- Inadequate provision for programme of archaeological works.

A further scheme (W08786/03) was submitted for 5no flats and 6no houses, which included the retention of 1 Westley Close and the demolition of 3 Westley Close. This application was also refused for similar reasons to the first scheme (Overdevelopment of site, lack of archaeological programme, inadequate provision for public open space).

These applications were considered at the same appeal and dismissed. The Inspector in his report makes a number of important points which are considered of relevance in the assessment of the current application. The appeal decision is appended to the report with the salient points clearly marked.

A further application (W08786/04) for the retention of 1 Westley Close and demolition of 3 Westley Close; redevelopment of the site to provide a two storey terrace of 3 no. two bedroom dwellings and a three storey terrace of 4 no. three bedroom dwellings was withdrawn in June 2006.

Site Description

The application site is 1.47ha in size. It is currently part of the rear garden of 1 & 3 Westley Close and is located on the north side of Westley Close, a small residential cul-de-sac off Stockers Avenue.

The site slopes down from south to north and also from west to east, with Westley Close higher than Stockbridge Road to the north. A boundary wall is located at the northern boundary with

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Stockbridge Road immediately beyond. On the northern side of Stockbridge Road is located the Weeke Pond. This part of Stockbridge Road is characterised by significant vegetation and spaces between buildings.

A protected Ash Tree is located at the southern boundary of the site, currently within the residential curtilage of 1, Westley Close.

1 Westley Close is a large detached 2 storey dwelling, with 3, Westley Close being a single storey hipped roof bungalow. The opposite side of Westley Close is characterised by predominantly detached 2 storey houses. To the east of the site are two pitched roof blocks of flats with the vehicular access and parking adjacent to the application site and a ground level approximately 1m lower than the application site.

Weeke Manor is located to the west of the application site, a development of 43 dwellings, and is effectively screened by vegetation and mature trees along the boundary of the application site.

Proposal

The proposal is for four semi-detached staggered properties with pitched roofs, set to the northern part of the gardens but set back from the Stockbridge Road by between 5 to 10 metres in places. A gap of approximately 9 metres would exist between the two buildings. Parking spaces would be located to the front and side of the properties. The Ash Tree would remain to the front of the dwellings. The access would be to the immediate east of 3, Westley Close.

The dwellings would be constructed of clay tiles and red brickwork. This would be the subject of a condition (Condition No2) for the exact details of materials and it is envisaged that good quality materials would be used throughout.

The proposal equates to a density of approximately 27dph.

Relevant Planning History

W08786/02 (AMENDED DESCRIPTION) Residential redevelopment comprising 5 No: terraced houses and 9 flats in 2 blocks OUTLINE - Application Refused - 30/09/2004 – Appeal Dismissed – 22/12/2005

W08786/03 Demolition of 3 Westley close, retention of 1 Westley Close and redevelopment to provide 5 No. flats and 6 No. houses and alterations to existing access (OUTLINE) - Application Refused - 05/01/2005 – Appeal Dismissed 22/12/2005.

W08786/04 Retention of 1 Westley Close and demolition of 3 Westley Close; redevelopment of the site to provide a two storey terrace of 3 no. two bedroom dwellings and a three storey terrace of 4 no. three bedroom dwellings; new access to site with 1 no. garage and parking spaces (AMENDED PLANS) - Application Withdrawn - 22/06/2006

Consultations

Engineers: Drainage:

Public foul sewer crosses site within an easement area.

Disposal of storm water as described in submitted study is acceptable (oil interceptor should not be required). Applicant should be encouraged to use permeable materials to avoid concentrating storm water in these localised areas. Use of water butts should be promoted in interest of water conservation.

No objection raised subject to building regulations approval and Southern Water agreeing that no easement will be encroached upon.

Engineers: Highways:

Visibility is in accordance with standards set out in Places Streets and Movement, the companion

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guide to Design Bulletin 32.

The number of car parking spaces is in accordance with Hampshire Parking Strategy and Standards Summer 2002.

Cycle parking is provided in accordance with Hampshire Parking Strategy and Standards Summer 2002.

Layout allows room for cars to enter and leave the site in a forward gear and is therefore in accordance with Policy T4.

Contribution required towards off site highway improvements.

Landscape:

No objections subject to landscape conditions relating to hard and soft landscape works (Conditions No4 & No5)

Trees

Site layout plan shows small area to south of tree in middle of the site which will require some special attention. This area is to be of a no dig style construction type as area is slightly inside the trees protected area.

Drainage detail shows there will be no encroachment into the trees rooting zone which is acceptable.

No mention is made of any fencing around tree. Assurances required that root protection area will be made certain in the form of a plan indicating the position and type of fence. (*Plan now received and considered to be acceptable*).

Environment Agency:

No objection subject to conditions for storage of oils, fuels or chemicals to be sited on impervious bases and surrounded by impervious bund walls (Condition No9), Surface water to be passed through trapped gullies (Condition No10) and trade effluent not being discharged to a septic tank (Condition No11)

Natural England

Re-iterate comments made in July 2005.

“Local authorities should have regard to PPG9. Should you feel that PPG9 applies in this instance, appropriate course of action should be taken”.

“With regard to Weeke Pond, English Nature recommends that consultation is carried out with County Ecologist at HCC and Hampshire and Isle of Wight Wildlife Trust”.

Southern Water:

Exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works.

Suggest that if consent granted, condition is attached in order to protect drainage apparatus. (Condition No12)

Southern Water can provide foul sewage disposal to service the proposed development. Request that informative is attached to permission. (Informative No5)

Technical staff should be asked to comment on adequacy of soakaways to dispose of surface water from development.

Southern Water can provide a water supply to the site. Southern Water. Request that informative attached to consent. (Informative No6).

Ecology – Hampshire County Council

No comments

Weeke Pond Improvement Scheme

Object to proposals due to damage to character of Stockbridge Road, water table effects, bio-diversity implications, influence on traffic, and expectations of local people.

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Hampshire and Isle of Wight Wildlife Trust

Comments awaited.

Representations:

City of Winchester Trust:

Reduced number of dwellings welcomed, as is retention of Nos 1-3 Westley Close, although it is noted the new access could be detrimental to amenities of No3. Seems siting and height of the dwellings would be more acceptable in the Stockbridge Road scene and should not over-shadow the pond. Hoped the large area of hard surfacing will be made of porous material and central ash tree will be adequately protected.

Winchester City Residents Association

Objection: out of character in a sensitive area that contains essential elements of Old Weeke Village which is in EN1 Special environmental Policy Areas in the earlier Local Plan. Characterised by landscape features of tree cover and space between buildings. In breach of UB3 of Structure Plan. In breach of Policy DP3.

Inspectors comments in report of 22 December 2005 for appeal on site should be considered as should Inspectors report on Local Plan (para 6.5.12).

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

- Will create a precedent and allow for development of 1-3 Westley Close.
- Inadequate allowance for off-street parking and access for emergency services to all properties in Westley Close. Increase in traffic could be dangerous to pedestrians given proximity of access to adjoining access to flats.
- Westley Close is subject to flooding. Drainage issues still remain.
- Overdevelopment. Out of character with Pond Cottage and Stockbridge Road frontage. Overdominant.
- Damage to rural nature.
- Unacceptable impact on both Westley Close and Stockbridge Road.
- Inappropriate backland development.
- Inadequate space for additional planting close to Stockbridge Road.
- Hard surfaced areas will be extensive.
- Concerns about boundary treatment.
- Overlooking/loss of privacy.
- Loss of daylight to garden and pond. Rural nature of pond affected. Will deter wildlife from visiting it.
- Impact on Weeke Manor.
- Precedent.
- Inaccuracies in Design and Access statement relating to locality. There is no Public House to Stoney Lane shop frontage. Reference to Nethercliffe School is inaccurate as this school has been dismantled. List of bus services is misleading as it mentions same service twice. Application history is misleading in that it describes this proposal as four whereas it is six in total.
- Inadequate arrangements for permanent protection of Ash Tree.

1 letter of support received.

- Proposal seems to take full account of criticism of earlier applications for development.
- Will be very little increase in traffic and Westley Close will remain a peaceful cul-de-sac.
- Should inflict no visual or aesthetic damage on neighbourhood. Tree will be retained.
- Number of people who will be affected by the development is very small

Relevant Planning Policy:

Hampshire County Structure Plan Review:

UB3, T6, H5, H7, R2, E6, E8,

Winchester District Local Plan Review 2006

DP1, DP3, DP4, DP5, DP6, DP8, DP10, HE16, H3, H7, RT4, T2, T4, W1, W7

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPS 3 Housing

PPS 9 Biodiversity and Geological Conservation

PPG 13 Transport

PPG 15 Planning and the historic environment

PPG 16 Archaeology and planning

PPG 17 Planning for Open Space, Sport and Recreation

PPS 23 Planning and Pollution Control

PPG 24 Planning and Noise

PPS 25 Development and flood risk

Supplementary Planning Guidance

Achieving a Better Mix in New Housing Development.

St Barnabas West Neighbourhood Design Statement (Draft)

Other Planning guidance

Guide to the Open Space Funding System

Hampshire Biodiversity Action Plan

Movement, Access, Streets and Spaces

Parking Standards 2002

Technical Paper: Open Space Provision and Funding

Winchester City and its Setting

Planning Considerations

Principle of development

The application site falls within the built up settlement of Winchester where residential development is considered to be acceptable in principle subject to other material considerations.

The density of the proposals equates to 27dph, which falls below the guidelines in PPS3 and Policy DP3 and Policy H7 of the Local Plan. However, given the comments made by the Inspector in the appeal decision outlined above, and given the character of the surrounding area, the proposed density is considered to be acceptable in this location.

The proposal includes 2no two bedroom properties with a floorspace not exceeding 75 square metres and therefore meets the housing mix requirements of Policy H7.

Design/layout

The proposals result in significantly less building mass than in previous submissions. The two buildings are set back from Stockbridge Road by some distance and provide some separation between the two buildings.

The proposals have taken into account the constraints of the site, with the dwellings grouped around the Ash tree, and the sewer easement line involving no development.

The access would be alongside the access to the flats to the east and alongside the side of 3 Westley Close, which is considered to be acceptable. A vehicular access to the side of 3 Westley Close currently exists, which leads to a detached garage.

1 & 3 Westley Close would remain and the character of Westley Close would not therefore be

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adversely affected. Whilst there may be oblique views of the dwellings to the rear, these would not be significant given that the levels of the land drop towards Stockbridge Road. Whilst there may be views along the access towards Plots 1 and 2 these would not be out of keeping with the variety of properties in the locality.

Impact on character of area and neighbouring property

The main issues highlighted in previous refusals and appeal decisions have been addressed in this latest submission. The breaking up of built form into two buildings set back from Stockbridge Road would reduce the impact on Stockbridge Road and retain the character of buildings with space about them and vegetation. It is considered that the dwellings in their proposed position would not have an adverse impact on neighbouring properties or on Weeke Pond. No concerns have been raised by the Ecology Team at Hampshire County Council in this respect. No objections have been raised by the Drainage Engineer, Southern Water, or the Environment Agency.

The dwellings are set at a sufficient distance from neighbouring properties and will not result in overlooking, loss of privacy or loss of light/overshadowing. The boundary of the nearest residential property to the north of Stockbridge Road is approximately 25 metres away, beyond the Weeke Pond.

Whilst the access would be close to the side elevation of 3 Westley Close, the site layout plan allows for a pathway within this property and some boundary treatment to minimise the impact. This relationship is considered to be acceptable. Whilst the access is proposed to be alongside the existing access to the flats, it is not considered that the additional vehicular traffic would be so significant as to have an adverse impact on the amenities currently enjoyed by these neighbouring properties.

Concern has been raised that approval of this application could set a precedent and that a future application could be submitted for the remaining land of 1 & 3 Westley Close. The applicant has confirmed that the current intention of the developers is for 1 & 3 Westley Close to remain as individual dwellings. Even if this was not to be the case, and the developer was to submit further proposals at a later date, these would be considered on their own merits.

Landscape/Trees

The works include the retention of the impressive ash tree in the centre of the existing garden to 1 Westley Close. Protection of the tree is covered by way condition (Condition No16). In addition, other planting is proposed along the boundary with Stockbridge Road to re-enforce the green corridor along this road. Additional planting is proposed along the access to the site, which is considered to be acceptable.

Highways/Parking

The parking provision meets with current standards and the access is also considered to be acceptable. Cycle parking is provided within current standards and a refusal on highway grounds could not be sustained.

Other Matters

It is considered that the listed buildings in the locality are at a sufficient distance away from the application site for the setting of these buildings not to be adversely affected.

The application is considered acceptable in relation to drainage/flooding concerns. No issues have been raised by the Drainage Engineer, Southern Water or the Environment Agency.

The applicant has expressed a willingness to make a contribution towards the provision of public open space, to be covered by way of a Section 106 Agreement.

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 contribution towards provision for public open space through the open space funding system and contributions towards off-site highway improvements and to

- 1. A financial contribution of £12,000 towards highway improvements**
- 2. A financial contribution of £7,620 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

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 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 each dwelling 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, chimneys, eaves, rainwater gear, garden gates, 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 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:

- means of enclosure, including any retaining structures:
- other vehicle and pedestrian access and circulation areas:
- implementation programme:

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

Soft landscape details shall include the following as relevant:

- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, including lines, manholes, supports etc.):
- minor artefacts and structures (e.g. street furniture, play equipment, refuse or other storage units, signs, lighting etc):
- hard surfacing materials:
- car parking layout:

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

5 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.

6 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.

7 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.

8 The car parking areas shall be constructed, surfaced and marked out in accordance with the approved plan before the development hereby permitted is brought into operation. That area shall not thereafter be used for any purpose other than the parking, loading, unloading and turning of vehicles.

Reason: To ensure that adequate on-site parking and turning facilities are made available.

9 During construction, any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the

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compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution into the water environment.

10 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies to BS5911:1982 with an overall capacity compatible with the site being drained.

Reason: To prevent pollution of the water environment.

11 Trade effluent shall not be discharged to a septic tank.

Reason: To prevent pollution of the water environment.

12 The developer shall advise the Local Planning Authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.

Reason: In order to protect the drainage apparatus.

13 No development shall take place until details of the finished floor levels of the new buildings hereby permitted in relation to the existing floor levels of the site 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 development is occupied.

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

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 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.

15 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.

16 The Ash tree shall be protected during construction in accordance with proposed tree protection details and fencing on submitted drawing number HP02075 RPA 01

Reason: In order to protect the Ash Tree, this has an amenity value.

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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, T6, H5, H7, R2, E6, E8,
Winchester District Local Plan Review 2006: DP1, DP3, DP4, DP5, DP6, DP8, DP10, HE16, H3,
H7, RT4, T2, T4, W1, W7

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 Under the terms of the Water Resources Act 1991, the prior agreement of the Agency is required for discharging dewatering water from any excavation or development to a surface watercourse.

5 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.

6 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.