

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 29 March 2007

Winchester City
Council
Planning Department
Development Control

Committee Decision

TEAM MANAGER
SIGN OFF SHEET

Case No:	06/03477/FUL	Valid Date	28 November 2006
W No:	20413	Recommendation Date	5 March 2007
Case Officer:	Mr Simon Finch	8 Week Date	23 January 2007
		Committee date	29 March 2007
Recommendation:	Application Permitted	Decision:	Committee Decision

Proposal:	Erection of 1 bungalow, 2 chalet bungalows, 2 houses and 4 apartments with access onto Ashley Gardens
------------------	---

Site:	Lawsonia Bull Lane Waltham Chase Southampton Hampshire
--------------	--

Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
	Y	N	Y	N	Y/N	Y

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

AMENDED PLANS DATE:-22 February and 2 March 2007

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 29 March 2007

Item No: 6
Case No: 06/03477/FUL / W20413
Proposal Description: Erection of 1 bungalow, 2 chalet bungalows, 2 houses and 4 apartments with access onto Ashley Gardens
Address: Lawsonia Bull Lane Waltham Chase Southampton Hampshire
Parish/Ward: Shedfield
Applicants Name: Foreman Homes Ltd
Case Officer: Mr Simon Finch
Date Valid: 28 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 and at the request of Shedfield Parish Council, whose request is appended in full to this report

This application is a resubmission of a scheme for 11 dwellings which was withdrawn last year following negotiations with officers (06/01012/FUL). The main difference with the current scheme compared to the previous proposal is that the number of units has been reduced from 11 to 9 and the design of some of the dwellings has been revised.

In 2006 an appeal for 7 bungalows and 4 flats was dismissed on the grounds that the form of development would have been uncharacteristic of surrounding development.

Amended plans have been submitted in February and March which, in summary, show a reduction in the heights of the buildings on Plots 1-4 (flats) and 8 and 9, a change to the access to Plot 7 which will now be taken from within the site as opposed to from Bull Lane via the driveway to the side of Hawthorn Cottage, the omission of pedestrian access points onto Bull Lane from plots 8 and 9 and an increase in parking provision across the development to the full maximum standard.

Site Description

The site has an irregular shape with an approximate area of 0.26 hectares and lies within the village of Waltham Chase on the north side of Bull Lane. The site is occupied by a brick built single storey bungalow with access from Bull Lane and the land slopes gently to the south and east. The frontage on to Bull Lane is defined by a low bank and hedgerow and the plot also has a frontage onto Ashley Gardens which lies to the east.

To the north the site is bounded by the rear gardens of houses in Ashley Gardens and further residential properties located in Bull Lane and Ashley Gardens lie immediately to the east and west of the plot.

The character of the area around Lawsonia is somewhat mixed with a variety of dwelling types along Bull Lane itself ranging from detached bungalows/chalet bungalows to 2-storey houses most of which appear to be post war in origin although there are also several far older premises evident including Hawthorn Cottage which is the neighbouring dwelling to the west of the site. The properties in Ashley Gardens by comparison have a more consistent character having largely been built during the same period (circa 1970) and this road consists of a mix of 2-storey detached, semi-detached and terraced houses.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 29 March 2007

There are no particularly important trees growing within the site although there is a prominent Monterey cypress tree adjacent to the plot's west boundary which is situated in the garden on Hawthorn Cottage.

Proposal

The application seeks permission for the demolition of the existing bungalow and the erection of 9 dwellings consisting a detached 2-storey building comprising 4 one bedroom flats with bin/cycle store which would front onto Ashley Gardens, 2 detached four bedroom chalet style bungalows, a single storey bungalow (all 3 fronting onto the new access road within the site) and 2 detached five bedroom houses fronting onto Bull Lane. Parking for 18 cars (including garages) would be provided and each unit would have a dedicated space(s).

Access to the development would be from a lay-by in Ashley Gardens and would involve the loss of 1 existing parking space. 3 detached double garages are proposed to serve the bungalow/chalet bungalows and houses on Plots 6-9.

Relevant Planning History

04/03021/FUL – Demolition of Lawsonia and erection of 2 two bedroom bungalows, 5 three bedroom bungalows 1 detached double garage, 1 2-storey block of 4 one bedroom flats and 16 parking spaces – Refused. Appeal dismissed July 2006.

06/01012/FUL – Erection of 3 four bedroom houses, 2 three bedroom bungalows, 2 two bedroom bungalows, and 4 one bedroom flats and parking garaging and access. Withdrawn.

Consultations

Environment Agency

No objection subject to conditions covering drainage (condition 2)

Southern Water

Initial investigations indicate Southern Water can provide foul sewage disposal for the development

Engineers: Drainage:

Surface water disposal calculations received for the use of large soakaways appear to show the efficacy of the system.

Engineers: Highways:

No highways objections to the amended plans. Financial contribution of £16000 required for Sustainable Transport Improvements contained in the Central Hampshire Rural Transport Strategy.

Landscape:

Proposal considered to be acceptable in landscape terms as there are few landscape constraints on the site. If the application is recommended for approval conditions to cover landscaping should be imposed (conditions 3,4 and 5)

Arboriculture

There are no trees on this site and thus little to comment on in terms of arboricultural impact. The Monterey Cypress trees just off site require measures to protect them during the course of construction if they are to be successfully retained (condition 6). The biggest issue is the need for

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 29 March 2007

new tree planting within the development.

Representations:

Shedfield Parish Council:

Object – Overdevelopment/out of character, inadequate sewer/storm water systems, roads are too narrow to cope with additional traffic, additional parking may restrict emergency vehicle access, site meeting recommended and hidden access onto Bull Lane is dangerous. The full response is appended to the end of this report.

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

- Parking in adjacent roads is already a problem and inadequate parking for the development would result in overspill parking in Ashley Gardens/Bull Lane.
- Loss of parking in lay-by in Ashley Gardens/access to 1 and 13 Ashley Gardens will interfere with the site access.
- Bull Lane has an accident record and the junctions of Bull Lane/B2177 and Bull Lane/Sandy Lane are inadequate. Increased potential for congestion on local roads and accidents. Parking restrictions needed in Bull Lane.
- Footway in Bull Lane is narrow and incomplete. No development should proceed without improvements.
- Pedestrian access from plots 8 and 9 will encourage parking in Bull Lane that would cause and obstruction to traffic and create a highway danger.
- Ashley Gardens has a private sewer and where will spur go?
- Local post office and shop may close.
- Local flooding in Ashley Gardens/Bull Lane
- There is definite building line in Bull Lane with buildings set back from the road.
- Development is too dense and out of character. Too many units proposed. Flats inappropriate.
- Loss of open space.
- Travel using public transport is time consuming and residents of the development will therefore rely upon private cars.
- Allowing this proposal would set a precedent.
- Increased Impact upon local services.
- Development of the flats and chalet bungalows would be un-neighbourly and would result in a loss of privacy to properties in Ashley Gardens. The proposal is contrary to local plan policies DP.3 and EN.4.
- Site is more suited to social housing for the elderly.
- This is a more realistic proposal compared to the previous scheme

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

- No right of access for Plot 7 across Hawthorn Cottage.

No letters of support received.

Relevant Planning Policy:

Hampshire County Structure Plan Review:

UB1, UB3, T1, T2, T5, H11, E4, E8.

Winchester District Local Plan Review

DP.1, DP.3, DP.4, H.3, H.5, H.7, RT.5, T.1, T.2, T.4.

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPS 3 Housing

PPG 13 Transport

Other Planning guidance

Housing Monitoring Report

Movement, Access, Streets and Spaces

Parking Standards 2002

Technical Paper: Open Space Provision and Funding

The Future of Winchester Study

Planning Considerations

Principle of development

This site lies within the policy area of Waltham Chase where the development plan policies support the principle of new housing development. As a result, providing the nature of the development put forward would be compatible with the character of the locality and neighbouring land uses and properties approval can be granted. A previous proposal on the site for 11 dwellings was refused permission by the Council and dismissed on appeal mainly on the grounds that the layout and design of the development were inappropriate. The principle of developing the land for housing was not disputed. A copy of the appeal decision is appended to this report.

Design/layout

The layout of the current proposal differs significantly from the scheme dismissed at appeal in that the number of units has been reduced from 11 to 9 and 2 as opposed to 3 units are now proposed on the Bull Lane frontage. Furthermore, the amended application incorporates more variety of built form with a mix of houses (plots 8 and 9), bungalows/chalet bungalows (plots 5-7) and a single 2-storey building consisting of 4 flats (plots 1-4). The rejected scheme consisted of 7 bungalows and 4 flats.

It is considered that the revised scheme would be far more sympathetic to its setting in that it would provide more space about the buildings and would avoid a cramped or crowded form of development. A density of approximately 35 units/hectare would be achieved which is considered reasonable in this locality and complies with national and local policy. In addition, the 2 units on the Bull Lane frontage have been set back in their plots which are more in keeping with the general building line of the road unlike the earlier proposal where 3 bungalows would have been built relatively close to the site's south boundary.

The introduction of a mix of building forms, styles and materials adds more interest to the development and is characteristic of the area where there is already a wide variety of dwelling types. The monotony and uninspired design of the previous scheme is not repeated.

The buildings occupying plots 8 and 9 and the building comprising the 4 flats adjacent to Ashley Gardens have been reduced in height following negotiations with officers so that they are more in line with the heights of nearby houses and so will sit more comfortably in the street scenes of Bull Lane and Ashley Gardens. These buildings incorporate small flat roof sections but this does not detract from their appearance and would not be obvious from ground level.

The development complies with the Council's better mix housing policy in that 5 of the 9 units (plots 1-4 and 6) have a gross internal floor space of less than 75 square meters and 1 or 2 bedrooms.

Impact on character of area and neighbouring property

As described above the current scheme introduces more variety in terms of its built form which more reflects the mix of dwelling types in the area which is particularly evident in Bull Lane. The 2 houses proposed along the Bull Lane frontage are relatively large but their scale, detailing and

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 29 March 2007

materials are considered to be appropriate and would mean that they would not constitute an intrusive or discordant form of development. Similarly, the flats proposed fronting Ashley Gardens have been designed to resemble a large detached house and it is considered that this approach, coupled with an appropriate scale and pallet of materials, would mean that they would not be detrimental to the visual amenities of the street. The other units proposed within the site are considered to be appropriate in terms of the scale, mass and design and would be relatively well screened by the buildings on Plot 1-4 and 8 and 9 and by surrounding dwellings so that they would have only a modest and acceptable impact upon the area's character.

It is acknowledged that the proposed dwellings would have some impact upon the neighbouring houses. The flats proposed (plots 1-4) would be some 14.5 metres from 13 Ashley Gardens, 11 metres from No.25 and approximately 16 metres from No.1. Given the height of the building at around 8 metres, its hipped roof design and taking account of the fact that the only side wall windows are to serve bathrooms it is considered that there would not be a materially harmful loss of outlook or privacy from these houses.

The chalet style bungalow on Plot 5 would be set some 6.5 metres off the north boundary and would be around 12 metres from 29 Ashley Gardens and 14 metres from No.25. This degree of separation in conjunction with the chalet design of the new dwelling which keeps down the mass and height of the building (ridge circa 6.8 metres and eaves circa 2.6 metres) would mean that an overbearing effect and materially harmful loss of outlook would be avoided. The only windows facing north would be bathrooms and so the privacy of the houses in Ashley Gardens would not be unduly compromised.

The dwelling on plot 6 is single-storey only and would be some 8 metres from the west boundary and the chalet style bungalow on plot 7 would maintain a distance of at least 10 metres. It is considered that these distances, the design of the dwellings which minimises their height and mass (plot 6 ridge height of circa 5.7 metres, plot 7 7.5 metres) and the orientation of the dwelling on plot 7, which includes first floor rear windows, would mean that they would not have a significantly detrimental effect on the privacy and other amenities of 33 Ashley Gardens or Woodbine Cottage and Hawthorn Cottage in Bull Lane.

The house proposed on Plots 8 would be more than 20 metres from the neighbouring house to the west (Hawthorn Cottage) and would not represent an overbearing form of development and the only first window in the west elevation would be to a bathroom.

The unit on Plot 9 would set some 2 metres off the boundary with 1 Ashley Gardens and would be sited roughly adjacent to the existing property. It is considered that the new dwelling would not have an overbearing impact on No.1, which has no windows in its main west elevation, and would not unduly compromise its privacy as the only first floor side windows proposed are for bathrooms.

Landscape/Trees

There are no trees of merit within the site and therefore new landscaping will be needed to help assimilate the development into its surroundings (condition 3). The Monterey cypress tree in the garden of Hawthorn Cottage is a prominent feature in the locality, albeit that it does not have a particularly good form, and the development has been supported by an arboricultural report and is designed to minimise the impact of the building works upon the tree (conditions 5 and 6).

The hedgerow growing along the Bull Lane frontage is an important landscape feature and is to be kept as part of the development (condition 4).

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 29 March 2007

Highways/Parking

There is considerable local concern about the highway impact of the development and this has been carefully considered by officers.

The development would take access off of Ashley Gardens through a lay-by. The scheme has been amended to include parking for each dwelling to the maximum prescribed in the Hampshire Parking Strategy (1 space per 1 bedroom flat, 2 spaces per 2/3 bedroom unit and 3 spaces per 4/5 bedroom dwelling). Consequently, it is considered that the provision of 18 spaces (including garages) is satisfactory and that it would be unreasonable and contrary to policy to seek additional parking provision. A highway reason for refusal based on the loss of existing parking in Ashley Gardens caused by the formation of the site access would be unsustainable given that the reduction is small and that the units in Ashley Gardens have off road parking.

The Highway Engineer has assessed the means of access and the off site implications of the development in terms of the impact of the likely level of additional traffic generated and has raised no objections to the scheme in its amended form.

The proposed pedestrian accesses onto Bull Lane from Plots 8 and 9 have now been omitted in order to discourage parking on the road which would have been unacceptable in terms of the impact on highway safety.

Originally the access to Plot 7 was via a driveway through the grounds of Hawthorn Cottage. This has now been omitted and Plots 7 takes access from within the development site.

A financial contribution of £16000 is required for Sustainable Transport Improvements contained in the Central Hampshire Rural Transport Strategy and this would be covered by a planning obligation

Other Matters

Local residents have raised issues regarding drainage matters and this was a consideration at the time of the previous appeal although the Inspector was satisfied that the issue could be resolved and did not dismiss the scheme on this basis. Southern Water has confirmed that it should be possible to discharge foul water from the development to its sewer. Furthermore, the application has been supported by a surface water drainage report and the Council's Drainage Engineer is satisfied that the calculations provided appear to show that the use of large soakaways is a viable solution in this case.

In line with Policy H.5 of the local plan there is a requirement for the provision of affordable housing as part of the development (30% of the units). In this instance the requirement will be met by providing 2 of the flats as affordable units with a financial contribution of £48902 for the remaining proportion (0.7 units). This arrangement has been agreed by the Housing Manager and will be covered by planning obligations.

A contribution of £14186 is required for open space and this would be covered by planning obligations in the usual way.

Planning Obligations/Agreements

In seeking the planning obligation(s) and/or financial contributions for open space (£14186), £16000 for Sustainable Transport Improvements contained in the Central Hampshire Rural Transport Strategy and provision of affordable housing (2 one bedroom flats on site plus a financial contribution £48902)..., 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

Application Permitted subject to the following condition(s):

(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 Detailed proposals for the disposal of foul and surface water for the dwellings; 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 any of the dwellings are first occupied.

NB: The provision of a surface water regulation system shall be designed and implemented to the satisfaction of the local planning authority and supported by detailed calculations. The runoff generated by the 1% probability storm must not exceed the runoff of the undeveloped site. The scheme shall include a maintenance programme and establish responsibility for the system. Foul sewage should be to mains drainage unless otherwise agreed by the local planning authority.

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

3 A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

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

4 The existing bank and hedgerow growing along the site's south boundary fronting on to Bull Lane shall be retained in perpetuity and the hedge shall be maintained at a height of at least 2 metres unless otherwise agreed in writing by the local planning authority.

Reason: To protect the visual amenities of the street scene.

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

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

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 29 March 2007

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

c) The erection of fencing for the protection of any retained tree/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 enable proper consideration to be given to the impact of the proposed development on existing trees/hedges.

6 The development shall not be carried out other than in accordance with the provisions of the tree report (including the method statement at Appendix 1) produced by Sapling Arboriculture Limited unless otherwise agreed in writing by the local planning authority.

Reason: To protect trees in the interests of the visual amenities of the area.

7 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.

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

8 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.

9 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.

10 None of the dwellings hereby permitted shall be brought into use before the parking spaces for each unit (including garages) and turning areas have been provided in accordance with the approved plans and thereafter retained solely for these purposes unless otherwise agreed in writing by the local planning authority.

Reason: To make appropriate provision for off street parking.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 29 March 2007

11 The existing access onto Bull Lane shall be permanently stopped up and abandoned and the verge crossing reinstated (if applicable) to the requirements of the local planning authority immediately after the completion of the new site access and before the new access is brought into use.

Reason: In the interests of highway safety.

12 There shall be no means of access (vehicular or pedestrian) to and from the site on to Bull Lane.

Reason: In the interests of highway safety.

13 The proposed access and drive, including the footway; shall be laid out and constructed in accordance with specifications to be first submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling unless otherwise agreed in writing by the local planning authority.

NOTE: A licence is required from Hampshire Highways Winchester, Central Depot, Bar End Road, Winchester, SO23 9NP prior to the commencement of access works.

Reason: To ensure satisfactory means of access.

14 None of the dwellings shall be brought into use before bin and cycle storage for each unit has been provided in accordance with details to first be submitted to and approved in writing by the local planning authority.

Reason: To secure a satisfactory form of development.

15 The first floor windows in the north elevation of Plot 5, the north and south elevations of Plots 1-4 and east and west elevations of Plots 8 and 9 hereby permitted shall be glazed in obscure glass and thereafter retained.

Reason: To protect the amenities of neighbouring residential properties.

16 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 and C 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 neighbouring residential properties.

17 None of the dwellings shall be occupied before the existing dwelling known as Lawsonia has been demolished and the resultant debris removed from the site.

Reason: To secure an appropriate form of development.

18 No development shall commence before details of hardsurfacing materials (including porous materials in the vicinity of the Monterey cypress tree located in the garden of Hawthorn Cottage) have been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details.

Reason: In the interests of the amenities of the area.

19 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 29 March 2007

treatment to be erected. The boundary treatment shall be completed before the dwellings are first occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

20 No development shall commence before samples of all external walling and roofing materials have been submitted to and approved in writing by the local planning authority. The development shall not be completed other than in accordance with the agreed details.

Informatives:

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.

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

Hampshire County Structure Plan Review: UB1, UB3, T1, T2, T5, H11, E4, E8.

Winchester District Local Plan Proposals Review: DP.1, DP.3, DP.4, H.3, H.5, H.7, RT.5, T.1, T.2, T.4.