

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 29 March 2007

Winchester City
Council
Planning Department
Development Control

TEAM MANAGER
SIGN OFF SHEET

Committee Decision

Case No:	07/00135/FUL	Valid Date	23 January 2007
W No:	19518/02	Recommendation Date	13 March 2007
Case Officer:	Mrs Jill Lee	8 Week Date	20 March 2007
		Committee date	14 June 2007
Recommendation:	Application Permitted	Decision:	Committee Decision

Proposal:	Demolition of 38 - 40 Chilbolton Avenue and construction of 10 no. dwellings comprising; 5 no. two bedrooms and 5 no. four bedrooms with associated parking and landscaping (RESUBMISSION)
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Site:	Ardmhor 38 Chilbolton Avenue Winchester Hampshire SO22 5HD
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Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
YES	YES	NO	YES	NO	Y	YES

COMMITTEE ITEM SIGN OFF		
APPROVE Subject to the condition(s) listed	REFUSE for the reason(s) listed	
	Signature	Date
CASE OFFICER		
TEAM MANAGER		

AMENDED PLANS DATE:- 27 March 2007.

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Item No: 02
Case No: 07/00135/FUL / W19518/02
Proposal Description: Demolition of 38 - 40 Chilbolton Avenue and construction of 10 no. dwellings comprising; 5 no. two bedrooms and 5 no. four bedrooms with associated parking and landscaping (RESUBMISSION)
Address: Ardmhor 38 Chilbolton Avenue Winchester Hampshire SO22 5HD
Parish/Ward: Winchester Town
Applicants Name: Lacey Simmonds Ltd
Case Officer: Mrs Jill Lee
Date Valid: 23 January 2007
Site Factors: None identified.
Recommendation: Application Permitted

General Comments

This application is reported to Committee because of the number of objections received. This is the first time that a scheme for the residential redevelopment of this site has been to Planning Committee. Previously a scheme for 11 dwellings (05/00394/FUL) was refused under delegated powers for being out of character in terms of layout, density, scale, form and materials, loss of important trees, overlooking to neighbours, inadequate attention to highways matters and failure to make provision for public open space.

An amended scheme for 10 dwellings, largely the same as the current proposal, was then withdrawn (W19518/01) due to concerns over important trees being in garden areas, the provision of a footpath through the site, the requirement for contributions for public open space and highways matters and further investigation into the proposed drainage for the site. These matters have now been addressed by the applicant and the result is the current scheme before Members.

Some minor revisions were made to this application when amended plans were submitted on 27 March 2007 showing bedroom windows removed from the side elevation of plot 6 to avoid overlooking, garage G moved away to allow for the hedge to be properly protected, house F moved a further 1.4m from the side boundary to allow for a hedge to be planted and the parking spaces for houses D – F rearranged.

Site Description

The application site is 0.35h. It currently contains two substantial, fairly modern, two storey dwellings with substantial plots. They currently share an access onto Chilbolton Avenue. The parking and turning area is currently to the front of the existing dwellings. The site slopes down from Chilbolton Avenue towards the residential properties in Byron Avenue to the rear of the site. To the front and rear of the site are belts of important mature trees which contribute much to the visual amenities and character of the area.

To the north east of the site is an area of open playing fields. To the south west of the site are similar detached properties in substantial plots.

Proposal

It is proposed to demolish the two existing dwellings at 38 and 40 Chilbolton Avenue and erect 10 new dwellings in the form of five 2-bedroom dwellings and five 4-bedroom dwellings. The 2-bedroom dwellings are to be provided towards the front of the site in a pair of semis and a terrace of three. A detached 4-bed dwelling will also be provided on the frontage. The remaining four 4-bedroom dwellings will be provided in the form of semis towards the rear of the site. The existing access is to be utilised and a new driveway taken down the centre of the site.

The only immediate neighbour to the site is number 36 Chilbolton Avenue which is situated 4m from the side wall of one of the proposed new dwellings. Number 20 Byron Avenue is to the east of the application site and is more than 35m from the proposed buildings.

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The residential development would equate to a density of 28dph which is slightly lower than DP3 or PPS3 advises, but reflects the importance of giving adequate clearance from the important mature trees which reduces the actual area available for development.

The development proposes houses rather than flats and this is considered to be more appropriate in this part of Chilbolton Avenue where blocks larger than single dwelling scale would be out of character. The houses are largely two storey although there are rooms in the roofs of the 4-bedroom properties. They are to be traditional in design and constructed with render walls under plain clay tile roofs. The windows have stonework sills and headers and the buildings feature plinths and horizontal band detailing in render. Parking provision averages 2 spaces per dwelling over the site and provision has been made for turning on site of a refuse vehicle.

Relevant Planning History

W19518 – Residential development of 11 dwellings comprising 4no four bedroom houses, 1no three bedroom house, 2no two bedroom houses and 4no 1 bedroom flats, associated garages, cycle stores, bin stores, car parking, landscaping and new access. Refused under delegated powers 11.05.2005.

W19518/01 – Residential development comprising 5no two bedroom houses and 5no four bedroom houses, Withdrawn 2006.

Consultations

Engineers: Highways:

Provision has been made for turning for a refuse vehicle. The scheme is acceptable subject to the requirement for the applicant to make provision for a highways contribution of £24,000 and subject to conditions to secure car parking and turning for residents and parking and turning for construction traffic (conditions 3, 4 and 5).

Landscape:

Tree protection measures have now been shown on the layout and the mature belts of trees retained outside of private garden areas in order to secure their long term protection and retention. On receipt of the amended plans being received, no objection subject to the requirement for a legal agreement to cover maintenance of the significant wooded areas to the front and rear of the site and other landscape and tree protection conditions (No. 7, 8, 11, 15,16,17 and 18).

Environment Agency:

No objection.

Southern Water:

Inadequate capacity in sewer at present. Applicant has addressed this by way of suggesting a holding tank and pumping during off-peak periods which is acceptable to Southern Water.

Others:

HCC Rights of Way officer consulted – no response received.

Representations:

City of Winchester Trust: - no submission received.

20 letters of objection from 13 households were received objecting to the application for the following reasons: It should be noted that no objections were withdrawn on receipt of the amended plans.

- Proposals ignore the requirements of the Chilbolton Avenue LADS.
- Buildings are out of scale and character.
- Would result in the over-development of the site.
- Trees to be lost.
- Position of bins unacceptable.
- No public footpath has been provided.
- Too much hard surfacing particularly to the front of the site.
- Loss of privacy to neighbours.

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- Gardens too small.
- Should be restricted to two storey development only.
- Out of character with surrounding development.
- Increase in traffic and light pollution from cars.
- Roads not suitable for additional traffic.

Relevant Planning Policy:

Hampshire County Structure Plan Review:

UB3, R2, T2, T6, H7, H8, E16

Winchester District Local Plan Review

H3, DP1, DP3, DP4, DP5, DP6, H7, T1, RT4, W1

National Planning Policy Guidance/Statements:

PPS 3 Housing

Supplementary Planning Document.

Chilbolton Avenue Local Area Design Statement. Adopted 18 January 2006.

Other Planning guidance

Movement, Access, Streets and Spaces

Parking Standards 2002

Technical Paper: Open Space Provision and Funding

Planning Considerations

Principle of development.

Design and layout.

Impact on the character of the area and neighbouring properties.

Landscape and tree issues.

Highways and parking.

Public open space.

Principle of development

The site is located within Winchester where the principle of residential development is normally acceptable subject to normal development control criteria. In the case of the application site it is also within the area covered by Chilbolton Avenue Local Area Design Statement (LADS) which gives advice on residential development. The application site is located within character area C, where the properties are fronted by a belt of mature trees. Infilling behind the existing properties is likely to have very little effect on views from Chilbolton Avenue or on its existing character because of the density of roadside vegetation and limited space between properties which significantly reduces the awareness of back gardens in views from the road. The fall in the ground to the east away from the avenue would also reduce the effect of development. A second belt of mature trees protected by a TPO lines the far end of the gardens and this further restricts the development potential in this locality.

The proposed development would comply with housing mix policy in providing 50% two bedroom dwellings. The density is at 28dph, which is slightly less than PPS3 recommends but reflects the special character of the site and the importance of retaining the tree belts front and rear, thus reducing the area available for development. Because the site is currently rear garden area it is considered to be previously developed land and therefore suitable for residential development. It is considered that the proposed development makes the most efficient use of the site without compromising the important tree belts.

The applicant is preparing unilateral undertakings to cover highways contributions and public open space contributions.

The principle of the development is acceptable.

Design/layout

The design of the site and provision of houses rather than apartment blocks respect the

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principles set out in LADS which identifies that new development should be domestic in appearance. The LADS also recognises that new development should be of high quality and respectful of the existing character and architectural style of the avenue. In the context of the application site there is no strong architectural style with properties dating from the 1960s and 1970s. The character is defined more by the trees and vegetation than by the architecture of the dwellings. The design of the proposed dwellings is classical and simple with good quality materials and low-key detailing. The scheme should not appear dominant within the street scene and will appear domestic in scale and thus acceptable for the area in which it is situated. Property F, which is likely to be the one glimpsed from Chilbolton Avenue, has been designed to address the open space as well as Chilbolton Avenue and so has two fronts.

The layout of the development has taken into account the building line that exists and the development to the front of the site is located broadly on the footprint of the existing dwellings. The development to the rear is in tandem to that at the front and the applicant has not been persuaded to develop mews style at right angles to the road. The proposed layout is nevertheless considered acceptable and the impact on the neighbour of this layout is probably less than a mews building running down the site which could create the potential for more overlooking. The current layout also ensures maximum distance from the new development to the protected tree belt to the rear of the site. The retention and protection of these trees is essential to the visual amenity and character of the local area.

The site will continue to be well screened by the substantial vegetation to the front which is to be retained and enhanced.

Impact on character of area and neighbouring property

The proposed buildings are located broadly on the site of the two dwellings to be demolished and also in the rear garden area, thus providing development in depth. The site has open space to one boundary and the nearest house in Byron Avenue is 35m away from the rear wall of the proposed dwellings to the rear of the site and also screened by the substantial belt of mature trees, with the only neighbour to be potentially affected by the scheme at 36 Chilbolton Avenue. The proposed new dwellings to the front of the site are limited to two storey on the site of number 36 and have no windows in the side elevation that would overlook the neighbour. The land falls slightly from number 36 to the application site and the provision of two storey dwellings on this area of the site is considered to be acceptable in terms of protecting the amenity of the occupiers of the neighbouring dwelling.

In terms of the proposed dwellings to the rear of the site there is potential for overlooking from one bedroom window in the front elevation of plot G and this is at a distance of 17.5m from the neighbours rear wall and at an oblique angle and is considered to be acceptable. There are small secondary windows in the side elevation of the property plot G but these are conditioned to be obscure glazed to prevent any overlooking to the garden area of number 36.

There are no other points from which overlooking to neighbours could occur within the site. The scheme is for houses rather than flats or apartments and this is considered to be preferable in this part of Chilbolton Avenue where the scale and character of development is of single occupation domestic properties. The development to the rear of the site is unlikely to be significant when viewed from Chilbolton Avenue because of the lie of the land and the screening effect of the mature trees to the front boundary. This is recognised in the Chilbolton Avenue LADS.

Landscape/Trees

The most important trees on the site are those contained within the belts of mature trees to the front and rear of the site. These belts of trees are to be retained. The belt of trees to the rear of the site has been excluded from private garden areas which is considered to be the best solution to ensure the long term retention and protection of the trees. There is scope to provide boundary planting and this is covered in the condition requiring details of the proposed planting to be agreed prior to work commencing on site. The finished levels on the site will be important in terms of future landscaping and this is covered by way of a condition. (No 10)

Highways/Parking

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The proposal includes parking for 20 cars and access and turning for a refuse or removal lorry sized vehicle. The existing access is to be utilised and this will prevent undesirable loss of trees to the frontage which are so important to public amenity. The access provides adequate visibility. The applicant is required to make a financial contribution towards off site highways improvements which will be achieved by way of a Section 278 agreement.

Public open space.

The applicant has instructed their solicitor to prepare unilateral undertakings to provide for contributions towards public open space and provided that these are signed and submitted this will be acceptable. In order that this is adequately covered there is a requirement for the applicant to enter into a Section 106 agreement to cover payment of the contributions.

Planning Obligations/Agreements

In seeking the planning obligation(s) and/or financial contributions for highways improvements and 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:

That, provided the Applicant enters into a Section 278 agreement to secure a financial contribution towards off site highways improvements and a Section 106 agreement to make provision for public open space and the provision of a landscape management plan to cover the future maintenance of the woodland belts to the front and rear of the site, then the application be permitted subject to the following conditions.

Conditions

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

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

02 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.

02 Reason: In the interests of highway safety.

03 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.

03 Reason: In the interests of highway safety.

04 Before the development hereby approved is first brought into use, a turning space shall be provided within the site to enable vehicles using the site to enter and leave in a forward gear. The turning space shall be retained and kept available for such purposes at all times.

04 Reason: In the interests of highway safety.

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

05 Reason: To ensure the provision and retention of the n the interests of local amenity and highway safety.

06 No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development 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.

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

07 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and specifically the woodland belts to the front and rear of the site, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out in accordance with the details hereby approved.

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

08 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.

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

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

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

10 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.

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

11 Details of the design of building foundations and the layout, with positions, dimensions and levels of service trenches, ditches, drains and other excavations on site, insofar as they affect trees and hedgerows on or adjoining the site, shall be submitted to and approved in writing by the Local Planning Authority before any works on the site are commenced.

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11 Reason: To ensure the protection of trees and hedgerows to be retained and in particular to avoid unnecessary damage to their root system.

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, 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.

12 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 any elevation or roof of the dwellings hereby permitted.

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

14 The first and second floor window(s) in the south west elevation of the dwelling on plot G hereby permitted shall be glazed in obscure glass and thereafter retained.

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

15 An Arboricultural Impact Appraisal and Method Statement, in accordance with BS5837:2005 shall be submitted to and approved by the Local Planning Authority, prior to any demolition, construction or groundwork commencing on the site.

15 Reason: to ensure the trees to be retained are not damaged during construction.

16 The Arboricultural Officer shall be informed as soon as the construction exclusion zone has been fenced in order that it can be inspected and approved in accordance with the approved Method Statement.

16 Reason: To ensure that the protective fencing is erected in accordance with the approved method statement and the trees to be retained will be properly protected during construction.

17 The Arboricultural Officer shall be informed prior to the commencement of construction of special surfacing under tree canopies so that a pre commencement site visit can be carried out.

17 Reason: To ensure that the trees to be retained are not damaged during construction.

18 No arboricultural works shall be carried out to trees other than those specified and in accordance with Method Statement. Any deviation from works prescribed or methods agreed in accordance with the Method Statement shall be agreed in writing to the Local Planning Authority.

18 Reason: To ensure that the trees to be retained are protected during construction.

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:-

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Hampshire County Structure Plan Review: UB3, R2, T2, T6, H7, H8, E16
Winchester District Local Plan Review: H3, DP1, DP3, DP4, DP5, DP6, H7, T1, RT4, W1