Item No:	**8**
Case No:	**07/01061/FUL / W06107/05**
Proposal Description:	6 no. one bed and 4 no. two bed flats with associated undercroft parking (RESUBMISSION)
Address:	Orchard House Sarum Road Winchester Hampshire SO22 5DP
Parish/Ward:	Winchester Town
Applicants Name:	Abbotswood Properties
Case Officer:	Mr Simon Avery
Date Valid:	15 May 2007
Site Factors:	Tree Preservation Order
Recommendation:	Application Permitted

General Comments

This application is reported to Committee because of the number of objections received.
An application in 2006 for 10 flats (Reference W06107/03) was refused under delegated powers because:-

(i) it was considered that the proposed development would be likely to encourage the parking of service vehicles on the public highway which would interrupt the free flow of traffic and thereby add to the hazards of road users at this point;

(ii) no financial contribution had been submitted to Hampshire County Council towards highway improvements;

(iii) no financial contribution had been submitted to Winchester City Council towards public open space.

The application was then dismissed at appeal on 5 March 2007. The applicants had provided the appropriate financial contributions to overcome reasons (ii) and (iii) and submitted plans showing a lay-by to provide an off-road stopping point for service vehicles. Another application was also submitted to the Council showing this lay-by (Reference W06107/04). However, the lay-by was not considered to be satisfactory by the Highway Authority and the appeal was therefore dismissed on the grounds of reason (i) above and the second application also withdrawn.

The proposal has now been re-submitted with the lay-by in a different position in order to overcome the objections of the Highway Authority. This has slightly altered the positioning of the cycle and bin storage but apart from these details the proposal is the same as the previous applications.

Site Description

Orchard House is a detached two storey dwelling in a fairly large plot on Sarum Road, sited towards the north-eastern corner of the site. The site is surrounded by a mixture of development with semi-detached properties to the east on Greenhill Road, large detached houses to the west and south-west on Chilbolton Avenue and Sarum Road and large blocks of apartments to the south-east and east on Sarum Road. To the north, several of the back gardens of properties on Chilbolton Avenue have been developed and a curved terrace of ten townhouses (Bath Place) has been built adjacent to the site. The land levels rise up to the west and the site contains several trees around the boundaries including a belt of conifer trees which currently screen the site from Bath Place. The vehicular access to the site is near the south-eastern corner of the site and this is adjacent to a pinch point in the road which acts as a traffic calming measure.

Proposal

The proposal is for a block of ten flats, comprising four 2 bed units and six 1 bed units. The two bedroom units are provided on the outer wings on the ground and first floor. The block is three storeys in height with undercroft parking providing 10 spaces. Cycle parking is provided with provision for 14 spaces in the undercroft area and for 9 visitor spaces adjacent to the undercroft entrance.

Relevant Planning History

W06107/03: Residential development of 6 no one bedroom flats and 4 no two bedroom flats with associated and undercroft parking - Refused - 02/11/2006 (delegated decision, appeal subsequently dismissed)

W06107/04: Residential development comprising of; 6 no. one bedroom and 4 no. two bedroom flats with associated undercroft parking - Withdrawn - 26/02/2007

Consultations

Engineers: Drainage:
No objections.
Engineers: Highways:
No objections.
Arboriculture
No objections subject to conditions to ensure the protection of the trees on the site (Conditions 15 to 19).
Landscape:
No objections subject to conditions to provide hard and soft landscape details (Conditions 2 and 3)
Environment Agency:
No objection.
Highways Agency:
No objections subject to conditions relating to the provision of a lay-by and a construction management plan (Conditions 11 and 12)
Southern Water:
No objection.

Representations:

City of Winchester Trust:
No comment
9 letters received objecting to the application for the following reasons:

- Size of the development
- Increase in traffic/highway safety/pedestrian safety
- Loss of privacy/overlooking
- Loss of light
- Traffic noise
- Loss of wildlife
- Noise disturbance
- Problems with refuse collection
- Poor design
- Inadequate parking provision
- Loss of trees
- Impact on the character of the area

Relevant Planning Policy:

Hampshire County Structure Plan Review:
- UB3, R2, T1, T2, T3, T4, T5

Winchester District Local Plan Review 2006
- DP1, DP3, DP4, DP5, T2, H3, RT4

Supplementary Planning Guidance:
- Achieving a Better Housing Mix in New Developments
- Chilbolton Avenue Local Area Design Statement

National Planning Policy Guidance/Statements:
- PPS1
- PPS3

Principle of development

The principle of residential development is acceptable within the settlement boundary, subject to certain criteria. The main policies to be considered are PPS3 and Policy DP3 of the WDLPR 2006. PPS3 requires land to be used efficiently with an emphasis on high density development in appropriate city locations. Policy DP3 of the WDLPR 2006 also requires development to respond positively to the character, appearance and variety of the local environment and this encompasses such issues as highways and arboriculture. As this application is fundamentally the same as the previous one, the Inspector's appeal decision is a material consideration. The Inspector principally considered highway issues, but also commented on the impact on residential amenity and the Inspector's comments in this regard are referred to below.

Density/Impact on character of area

The density of the proposal is 64 dwellings per hectare and this is in accordance with PPS3 which encourages high density development in sustainable locations. This has to be balanced against the impact of such development on the character of Sarum Road and the surrounding area. The high density of this development will result in a building which is much greater in height and plot coverage than the existing house. However, this is considered to be acceptable as it will not be out of keeping with nearby buildings such as West Hayes and Sarum Court and because the plot is set away from the other buildings on this side of Sarum Road. This means that the height of the proposal will not appear overbearing on adjacent properties or cramped in the street scene. Furthermore, views of the new building will be softened by the planting along the boundary. The design of the proposal is also considered to be appropriate, being of a similar style to the other blocks of flats nearby.

Residential amenity

The proposal has to be assessed in terms of its impact upon properties and gardens to the north and east. To the north is the curved terrace of Bath Place. The gardens of No.s 1 to 5 Bath Place are adjacent to the site. Due to the orientation of the curved terrace, the rear elevations of No.s 2 and 3 Bath Place are closest to the site. Bedroom and kitchen windows from the new development will face towards the terrace and gardens. The distance between the proposed building and the north boundary will be 10 metres and the distance between the property and the nearest property on Bath Place is 20 metres. These are considered to be adequate distances to protect both these respective dwellings and their gardens from loss of privacy through overlooking or also from loss of light. The existing row of conifer trees also provides some screening.

To the east the proposed building will be 8.5 metres from the boundary with the gardens of No.s 182 and 184 Greenhill Road and there are also trees along this boundary. Kitchen and sitting room windows at upper ground and first floor level face this direction. Although these are closer to the boundary than the windows in the north elevation, this boundary is partially screened by planting and the gardens of No.s 182 and 184 Greenhill Road are over 25 metres long and under these circumstances it is not considered that the privacy of these properties would be unacceptably affected.
Therefore it is considered that the proposal would not have an unacceptable impact on the residential amenities of surrounding properties. This view was upheld by the Planning

Inspectorate in dismissing the earlier appeal, stating:
"There would be adequate separation between the new building and existing residential properties to avoid an unduly overbearing effect or a harmful loss of light or privacy."

Amenity areas
The scheme will provide relatively generous shared amenity areas which are considered acceptable for one and two bedroom flats.

Highway issues
The undercroft parking and turning area and access are considered acceptable. Previous concerns about service vehicles accessing the site have been overcome in this latest scheme by siting a lay-by away from the existing access and the Highway Authority has agreed to this in principle. Therefore there are no highway objections to the scheme, subject to a Section 278 Legal Agreement between the applicant and the Highway Authority for the lay-by.

Trees/landscape
The site is well contained by tree cover and planting around its boundaries with tall conifers along the northern boundary, a mixture of ash and beech along the western boundary and conifers and maples along the western boundaries. Two of these maple trees are protected by a Tree Preservation Order. There is a tall laurel along the frontage. One of the TPO'd trees is to be removed, but this is in decline and a replacement tree has been required by Condition 2. In general, the existing landscaping and trees are to be retained and re-enforced and therefore this proposal is considered acceptable subject to various conditions (Conditions 2, 3, 15, 16, 17, 18, and 19).

Drainage
There are no concerns about drainage.

Open space
An open space contribution of £10,374 was received by the Council during the course of the previous appeal and this needs to be increased to £10,832 due to the change in contributions for the new financial year.

Conclusion
This application is considered to be an acceptable scheme and this view is supported by the recent Inspector's decision and, following the removal of highway objections, it is recommended for approval.

Planning Obligations/Agreements
In seeking the planning obligation(s) and/or financial contributions for highway improvements, 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 completion of a Section 278 Legal Agreement between the applicant and Hampshire County Council as Highway Authority to ensure the provision of a service vehicle lay-by;

- the completion of a Section 106 Legal Agreement between the applicant and Hampshire County Council as Highway Authority to ensure the provision of £27,000 towards highway improvements;

- an appropriate provision for public open space through the open space funding system;

- the following conditions:

Conditions/Reasons

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

1 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 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;

- hardsurfacing materials;

- minor artefacts and structures (eg. street furniture, refuse or other storage units, signs, lighting etc);

Soft landscape details shall include the following as relevant:

- planting plans, including replacement tree planting for the protected tree that is to be removed;

- written specification (including cultivation and other operations associated with plant and grass establishment:

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

- implementation programme.

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

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

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

4 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. The materials used shall be:
- timber windows and doors
- clay roof tiles
- clay bonnet hips

- lead cheeks and roofs to dormers

Development shall be carried out in accordance with the approved details.

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

5 Detailed proposals for the disposal of foul and surface water from the building 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 new dwelling hereby approved is occupied.

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

6 The two bedroom units hereby approved shall be permanently retained as two bedroom units and shall not be extended, altered or combined with another unit.

6 Reason: To ensure the housing mix is maintained in accordance with H7 of the Winchester District Local Plan Adopted 2006.

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.

7 Reason: In the interests of the amenity of the area.

8 Details of measures to be taken to prevent mud being deposited on the public highway from vehicles leaving the site during construction works 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.

8 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.

9 Reason: In the interests of highway safety.

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

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

11 No part of the development shall be occupied until the service lay-by as shown indicatively on drawing 0602 003B has been constructed to the satisfaction of the Local Planning Authority.

11 Reason: In the interests of highway safety.

12 Prior to occupation the applicant must submit for approval a Construction Traffic Management and Implementation Plan, for approval by the Planning Authority (in consultation with the Highway Authority).

12 Reason: In the interests of highway safety.

13 The doors and windows on the development hereby approved shall be recessed a minimum of 75mm.

13 Reason: In the interests of the amenity of the area.

14 Prior to the commencement of development 1:20 scale fully annotated elevations and sections shall be submitted to and approved in writing by the Local Planning Authority, showing fully:

- windows
- eaves
- window sills
- front doors
- brick detailing over front doors
- dormer windows
- chimneys
- roller shutter grille
- quoins
- plinths
- brick bands
- steps and railings

The approved details shall be fully implemented before the development is occupied.

14 Reason: in the interests of visual amenity.

15 Protective measures, including fencing and ground protection, in accordance with the Arboricultural Impact Appraisal and Method Statement reference BJH.0040 written by Bernie Harverson Arboricultural Consultant and submitted to the Local Planning Authority shall be installed prior to any demolition, construction or groundwork commencing on the site.

15 Reason: to ensure protection and long term viability of retained trees and to minimise impact of construction activity.

16 The Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with Method Statement reference BJH.0040 written by Bernie Harverson Arboricultural Consultant. Telephone 01962 848317.

16 Reason: to ensure protection and long term viability of retained trees and to minimise impact of construction activity.

17 No arboricultural works shall be carried out to trees other than those specified and in accordance with Method Statement reference BJH.0040 written by Bernie Harverson Arboricultural Consultant.

17 Reason: to ensure protection and long term viability of retained trees and to minimise impact of construction activity.

18 Any deviation from works prescribed or methods agreed in accordance with Method Statement reference BJH.0040 written by Bernie Harverson Arboricultural Consultant shall be agreed in writing by the Local Planning Authority.

18 Reason: to ensure protection and long term viability of retained trees and to minimise impact of construction activity.

19 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.

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

20 Details of cycle storage shall be submitted to and approved in writing by the local planning authority before the development commences.

20 Reason: in the interests of sustainability and highway safety.

Informatives:

1. This permission is granted for the following reason:

   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, T1, T2, T3, T4, T5, R2
   Winchester District Local Plan Revised 2006: DP1, DP3, DP4, DP5, T2, H3, RT4

3. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water's Network Development Team (Wastewater) based in Otterbourne, Hampshire or www.southernwater.co.uk.

4. 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.

5. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or Bank Holidays. Where allegations of noise from such works are substantiated by the Environmental Health and Housing Department, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

6. No materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Health and Housing Department, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

7. The applicant is advised that there may be asbestos within the fabric of the building. The removal of such material may be subject to Licensing Regulations and Codes of Practice.

For further information contact the Health and Safety Executive, Priestley House, Priestley Road, Basingstoke, Hampshire. RG24 9NW. Tel: 01256 404000.