

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

Winchester City  
Council  
Planning Department  
Development Control

TEAM MANAGER  
SIGN OFF SHEET

## Committee Decision

<b>Case No:</b>	07/00950/FUL	<b>Valid Date</b>	23 April 2007
<b>W No:</b>	15838/01	<b>Recommendation Date</b>	10 July 2007
<b>Case Officer:</b>	Mr Tom Patchell	<b>8 Week Date</b>	<b>23 July 2007</b>
		<b>Committee date</b>	
<b>Recommendation:</b>	<b>Application Permitted</b>	<b>Decision:</b>	<b>Committee Decision</b>

**Proposal:** Erection of 5 no. 2 bed and 5 no. 3 bed dwellings

**Site:** 10A Stoney Lane Winchester Hampshire SO22 6DN

Open Space	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
Y	N	N	Y=14	N	Y	Y

<b>DELEGATED ITEM SIGN OFF</b>		
<b>APPROVE</b> Subject to the condition(s) listed	<b>REFUSE</b> for the reason(s) listed	
	Signature	Date
<b>CASE OFFICER</b>		
<b>TEAM MANAGER</b>		

**AMENDED PLANS DATE:-**

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**Item No:**  
**Case No:** 07/00950/FUL / W15838/01  
**Proposal Description:** Erection of 5 no. 2 bed and 5 no. 3 bed dwellings  
**Address:** 10A Stoney Lane Winchester Hampshire SO22 6DN  
**Parish/Ward:** Winchester Town  
**Applicants Name:** Drew Smith Homes Ltd  
**Case Officer:** Mr Tom Patchell  
**Date Valid:** 23 April 2007  
**Site Factors:** Tree Preservation Order  
**Recommendation:** Application Permitted

### General Comments

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

### Site Description

The site is set to the rear of existing dwellings, on the north side of Stoney Lane.

The character of the surrounding area is that of detached dwellings all set back from the highway with low hedges to the front boundary. The dwellings within the surrounding area are a mixture of 2-storey houses, bungalows and chalet style bungalows, with those on the northern side of Stoney Lane being set in an elevated position relative to the adjoining highway.

There is an existing narrow driveway between 10a and 14 Stoney Lane, which currently serves number 12.

Number 14 is a small, full hipped bungalow, with a sizeable rear garden that is mostly laid to lawn, although there are large feature trees to the northern boundary of the rear of the curtilage.

To the western boundary is a 2.5 metre high hedge to the adjoining property that currently provides a complete screen of the dwelling.

The rear garden of number 10a is a sizeable area, with mature trees to the northern and eastern boundary. Number 12 lies to the rear of 10a and 14 and is a large 2-storey property, and like numbers 12 and 10a, has extensive hedging and mature trees to all boundaries.

### Proposal

The proposal involves the demolition of the existing dwelling, 12 Stoney Lane, and the development of 10 dwellings within the rear curtilages of 10a and 14 Stoney Lane and the cleared plot of number 12.

The site area is approximately 0.38 hectares and with the proposed 10 dwellings would result in a development of approximately 26 dwellings per hectare.

Of the 10 dwellings proposed, 5 will have gross internal floor space that does not exceed 75 square metres and will contain only 1 or 2 bedrooms.

On entering the site the proposed dwellings would be located parallel to the entrance road with their rear elevations facing, to the east and to the west, to the shared boundaries with adjoining dwellings.

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To the rear of the site the orientation of the proposed dwellings changes, with three of the four dwellings facing in a north-south orientation.

It is proposed that plot 1 is a bungalow, with all windows and other openings at ground floor level, and no windows within any of the roof slopes. Furthermore, the distance between plot 1 and 16 Stoney Lane is approximately 12 metres.

The dwellings on plots 1 and 2 are approximately 5.4 metres and 6.4 metres, respectively, from the western boundary. The rear elevations of plots 7-10 are between 10 metres and 11.2 metres from the eastern boundary.

Plot 3 is closest to 18 Stoney Lane, the proposed western elevation of which contains only a single window at ground floor level, at a distance of approximately 6.5 metres. The front elevation of plot 4 would have oblique views of the rear elevation of 18 Stoney Lane, particularly as it is proposed to have three first floor windows facing its rear elevation and curtilage. The distance between the two properties is approximately 19 metres.

Plots 4 and 5 would be approximately 5.5 metres from the northern boundary, but there would be a distance of approximately 25 metres and 29 metres between these proposed dwellings and those back onto the site within Uplands Road.

There is proposed to be a distance of 10 metres between 10 Stoney Lane and the side elevation of plot 10, which is proposed to be a blank elevation. The closest point of plot 10's rear elevation and 10 Stoney Lane is approximately 17 metres, although this is at a very acute angle.

The closest distance between plot 10 and 8 Stoney Lane is approximately 24 metres.

It is proposed that each of the properties is provided with two parking spaces. These are open spaces, not garages, to the front or side of the dwellings.

### **Relevant Planning History**

None relevant

### **Consultations**

Engineers: Highways: Support subject to conditions (see conditions No's 3, 4, 5, 6 and 7)

- The proposed visibility splays of 2.4 metres x 90.0 metres actually exceed the requirements, as set out within the Manual for Streets.
- The proposed access is 5.5 metres wide for the first 15 metres, which would allow two vehicles to pass and the road then narrows to form a shared surface.
- Car parking is provided to the County Council's full standards.
- The applicant has shown that a service vehicle and pantechnicon can enter the site, turn and leave in a forward gear.
- A financial contribution of £30,000 is required towards improvements in pedestrian and cycle measures in the area.

Landscape: Approve subject to a condition to cover hard and soft landscaping and 5 year maintenance. (see condition 10 and 11)

- The existing site is large supporting significant feature trees, for which the proposal allows sufficient space for their longer term retention and enhancement.
- The ecology survey and the proposed recommendations regarding bats, dormice and reptiles should have been actioned by now.

Environment Agency: The agent has been advised where information can be found with regards to low risk planning applications.

Southern Water: No objection

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- Can provide foul sewage disposal for the proposed development.
- Can provide a water supply to the site.

Natural England:

- (Response will be reported on the Update Sheet)

**Representations:**

City of Winchester Trust: Object

- Is the narrow access adequate for so many dwellings?
- Cars parked at the entrance to the site would be detrimental to its character.
- The parking provision appears high.
- Design details of the dwellings appears fussy and incoherent.
- The scheme has heavy and lopsided roofs that are visually uncomfortable.
- Where will bikes and refuse bins be stored?

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

- Noise impact.
- Loss of privacy.
- Increase in vehicular traffic and the proposed junction with Stoney Lane would create problems on an already busy road.
- Design and appearance not in keeping with the surrounding area.
- An overbearing development to the adjoining properties.
- Does not improve the character and appearance of the area, with the substitution of 3 gardens by 10 dwellings.
- Existing trees and hedges should be retained.
- Loss of habitats to birds, toads, mice and hedgehogs.
- Disturbance to the retained habitats from activity associated with the building works and use of the dwellings.
- Development site is not 'brownfield land', but is semi-rural in character.
- The development should be in close proximity to public transport and incorporate renewable energy within the dwellings.
- Have the housing development targets of the Hampshire County Council Structure Plan (Review) been exceeded?
- Planned access road onto Stoney Lane is a safety hazard.
- Loss of light to portions or adjoining gardens.

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

- Infringement of Human Rights.
- Traffic problems will be increased with the recent approval of the Waitrose application.
- Should address the issues of climate change.

**Relevant Planning Policy:**

Hampshire County Structure Plan Review:

UB3, H1, H2, H7, T4, T5, T6, E4, E6, E8, and R2

Winchester District Local Plan Review

DP.1, DP.3, DP.4, DP.6, DP.10, H.1, H.3, H.5, RT.4, T.1, T.2, T.3, T.4 and T.5

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPG 3 Housing

PPG 13 Transport

Other Planning guidance

Guide to the Open Space Funding System

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Housing Monitoring Report  
Movement, Access, Streets and Spaces  
Parking Standards 2002

### **Planning Considerations**

#### Principle of development

The site is located within the defined settlement boundary of Winchester and falls within the definition of previously developed land.

The policies of the adopted local plan support residential redevelopment and infilling within the defined settlements providing that the proposed development:

- Makes efficient and effective use of the land. The density of the proposed development is approximately 26 dwellings per hectare with the density of the immediate surrounding areas of Stoney Lane being 11 dwellings per hectare to the west and 10 dwellings per hectare to the east.
- Responds positively to the character and appearance of the surrounding area. The proposed layout of the development does respond positively to the character and appearance of the surrounding area in terms of scale, massing and mix of house types.
- Keeps parking provision to a minimum.
- Does not have an adverse or unacceptable impact on the occupants of adjoining properties (see section of report concerning impact on character);
- Contains sufficient open amenity and recreational space (see section of report on open space).

In addition, there is a need to provide for a mix of housing types and sizes with 50% of the proposed dwellings being smaller dwellings, 1 or 2 bedrooms, with a gross internal floor area not exceeding 75 square metres, which this proposal achieves.

#### Planning Policy Statement 3 Housing (PPS3)

PPS3 Promotes more sustainable patterns of development and making better use of previously-developed land. This policy document seeks to provide wider housing opportunity and choice and a better mix in the size, type and location of housing than is currently available, and to create mixed communities. PPS 3 also promotes good design in new housing developments in order to create attractive, high-quality living environments in which people will choose to live.

The definition of previously developed land, as stated within PPS3 is: "that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure". The land within this planning application currently forms the residential curtilages of 10a, 12 and 14 Stoney Lane.

#### Open Space Strategy

Proposal RT.4 provides for improvements in the provision of recreational space in the settlements, particularly where there is insufficient land for public recreational space and facilities.

Where there is an existing deficiency new developments will be expected to provide for improvements in those facilities and financial contributions will be sought where provision and improvements need to be made off-site.

With regards to this planning application the applicant has made a direct payment of £22,510 towards the provision of public open space.

#### Design/layout

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The layout of the proposed development is a linear cul-de-sac, providing a form of development that is set behind the existing frontage development, with cat-slide roof forms and a central access road through the site with turning area for service vehicles.

The properties have been designed to reflect the character of the surrounding area with a mixture of bungalows, chalet style bungalows and two storey dwellings.

The dwellings closest to the adjoining properties, to the east and the west have all been carefully designed in order to reduce any potentially detrimental affects to the amenities of the adjoining occupants, being either single storey (with no rooms in the roof) or no windows at first floor level (overlooking the adjoining land).

Impact on character of area and neighbouring property

The development to the rear of the existing dwellings reflects the varied nature of the properties within the surrounding area. For the greater extent of Stoney Lane the character of the existing dwellings is that of detached bungalows, some of which have created rooms in the roof, or more recent developments of chalet style bungalows.

However, within the area of Stoney Lane to the east of Berewecke Avenue, there are a number of two-storey houses. In addition, number 12 Stoney Lane, which is proposed to be demolished, is a large detached dwelling.

As previously mentioned some of the proposed dwellings are in reasonable proximity to adjoining dwellings, to the east and west. However, in each particular instance the design and placement of individual windows and openings prevent any potential loss of privacy to the adjoining occupants, and this is controlled by condition 9.

Concern has been raised with regards to the potential for loss of light to the adjoining property to the east and its associated rear curtilage. There are a number of mature, tall, trees that already provide a high degree of shading to the rear curtilage of the dwelling. Any additional shading that may be attributed to the proposed dwellings would not result in a detrimental increase in the loss of light to the garden area.

The design of the proposed development attempts to create a character within the scheme of a group of 10 dwellings, which have their own individual identity, whilst also responding positively to the character and appearance of the surrounding area. This is partly due to there being no particular style of dwelling typical to the surrounding area. Each dwelling, or small group of properties, would appear to have its own style and characteristics.

Ecology

A Phase 1 Ecological Survey has been undertaken on behalf of the applicants and the following conclusions have resulted.

- The main potential for bat roosts occurs in 12 Stoney Lane and a Phase ii bat survey should be undertaken on this property. The other properties, 10a and 14 Stoney Lane, do not show any evidence of bat activity to require further survey work to be undertaken.
- All of the properties have areas of habitat suitable for supporting populations of common reptiles. An assessment of the presence/absence of reptiles should therefore be made.
- Habitat on site is suitable for supporting a population of dormice and it is highly probable the species will be present. Further studies should be undertaken to determine presence/absence.
- There was no evidence of any badger activity or setts within the site.
- The dense and mature shrubs present on site provide the ideal nesting and feeding habitat for a number of breeding birds and any scrub clearance should be timed to avoid the bird breeding season, between March and August inclusive.

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Highways/Parking

The scheme is satisfactory with regards to the visibility splays with Stoney Lane, the parking provision of 2 spaces per dwelling and the available turning area for service vehicles.

Planning Obligations/Agreements

In seeking the planning financial contributions for £22,510, in-lieu of Public Open Space, and £30,000 towards improvements for pedestrian and cycle networks in the local area, 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.

The financial contribution towards the provision of Public Open Space has already been provided by means of a direct payment to the Local Authority.

A section 106 Legal Agreement needs to be completed in order to secure the £30,000 towards the improvement in local pedestrian and cycle networks.

**Recommendation**

Application Permitted subject to securing:

Public Open Space contribution of £22,510

Highways Contribution of £30,000

**(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.

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

3 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.

4 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.

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Reason: In the interests of highway safety.

5 Before the development hereby approved is first brought into use, the access shall be constructed with a non-migratory surfacing material for a minimum distance of 15.0 metres from the highway boundary.

Reason: In the interests of highway safety.

6 Prior to the completion of development a cut off drain shall be provided to prevent the egress of surface water onto the public highway.

Reason: In the interests of highway safety.

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

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

8 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 and F of Part 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.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order, with or without modification), no windows other than those expressly authorised by this permission shall, at any time, be constructed in the west elevations of plots 1, 2, 3 and 4; the east elevations of plots 5, 6, 7, 8, 9 and 10; and, the south elevations of plots 1 and 10 of the dwellings hereby permitted.

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

10 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.

11 The existing trees shown as being retained on the approved plan shall not be lopped, topped, felled or uprooted without the prior written approval of the Local Planning Authority. These trees shall be protected during building operations by the erection of fencing in accordance with BS 5837 with details to be submitted to and agreed in writing with the Local Planning Authority.

Reason: To retain and protect the trees which form an important part of the amenity of the area.

**Informatives:**

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- 1 This permission is granted for the following reasons:
- 2 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.
- 3 The Local Planning Authority has taken account of the following development plan policies and proposals:-  
Hampshire County Structure Plan Review: UB3, H1, H2, H7, T4, T5, T6, E4, E6, E8, and R2  
Winchester District Local Plan Proposals: DP.1, DP.3, DP.4, DP.6, DP.10, H.1, H.3, H.5, RT.4, T.1, T.2, T.3, T.4 and T.5
- 4 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).