

PLANNING DEVELOPMENT CONTROL COMMITTEE

17 JUNE 2010

REPORT DETAILING THE CURRENT POSITION REGARDING THE  
DEVELOPMENT OF STUDENT ACCOMMODATION QUEENS ROAD  
WINCHESTER

07/02101/FUL ERECTION OF STUDENT ACCOMMODATION CONTAINING 382  
ROOMS AND ANCILLARY FACILITIES FOLLOWING THE DEMOLITION OF  
COLEBROOK AND PARCHMENT FORMER NURSES ACCOMMODATION  
HOUSES IN QUEENS ROAD (AMENDED PLANS INCREASING NUMBER OF  
UNITS FROM 375 TO 382 AND SHOWING REDUCED HEIGHT AT SOUTHERN  
END AND CONSEQUENT INCREASED HEIGHT TO BLOCK ADJACENT TO  
QUEENS ROAD AND INCLUDING MINOR CHANGES TO FOOTPRINT AND  
LAYOUT)

REPORT OF HEAD OF PLANNING MANAGEMENT

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RECENT REFERENCES:

Report PDC845 - 11 March2010 - Planning Development Control Committee

EXECUTIVE SUMMARY:

This report updates Members with regard to the progress of negotiations with the developer concerning the alleged breach of planning control regarding the omission of privacy louvers on the southern elevation of the blocks that face Milnthorpe Lane, as reported to Committee on 11 March 2010.

**RECOMMENDATIONS:**

That no further action be taken with regard to the alleged breach of condition 2 of planning permission 07/02101/ful provided that the owner shall submit forthwith a unilateral undertaking by which the owner shall install and maintain in perpetuity the internal louvers as described in this report and to the satisfaction of the Head of Legal Services and the Head of Planning Management.

## PLANNING DEVELOPMENT CONTROL COMMITTEE

17 June 2010

### REPORT OF HEAD OF PLANNING MANAGEMENT

#### 1 Introduction

- 1.1 This item informs members of the outcome of negotiations with the developer since the last report to Committee on 11 March.
- 1.2 By way of background and in brief, Members will recall that the external details of the building, as originally depicted in the architect's sketches that were shown to Planning and Development Control Committee when the application was permitted on 28 January 2008, suggested external black aluminium louvers that would be installed to cover all the glazing on the south elevations, these were not however incorporated on the approved detailed elevations or floor plan drawings. Condition 2 of the planning permission called for details of such louvers to be submitted to and approved by the Council. Those details have not to date been agreed.
- 1.3 In response to the Council's request that the developer satisfy the requirement of condition 2 of the planning permission concerning the submission of design details for louvers, the developer provided details of the briese soleil that have been fitted over the top of windows in the building and insisted that this was all that the condition required.
- 1.3 Officers pointed out that this was not in accord with the sketch elevations shown to Committee at the time of the original determination of the application and did not fulfil the requirement of the condition.
- 1.4 Further exchanges of correspondence advised the developer of the Council's consideration of formal enforcement proceedings in the event that matters did not find a satisfactory conclusion.
- 1.5 The developer has proposed an alternative means of resolving the overlooking concerns and has requested the Council's formal response. The alternative details are described below.

#### 2. Background

- 2.1 The site description planning history and explanation of issues was set out in the previous report PDC 845 considered at 11 March Committee. In view of the legal advice contained in the report it was taken as an exempt item following the officer presentation and representations from local residents. The minutes of the meeting are available via this link  
<http://www.winchester.gov.uk/Documents/Committees/PDC/Minutes/2010/100311PD.pdf>

### 3 The Current Position

3.1 As members will recall at the last meeting on 11 March it was resolved:

“That the officer’s opinion regarding the position in relation to planning permission 07/02101/FUL and specifically in regard to the finished treatment of the southern elevation of the development, be noted.

That the continued efforts of officers to secure compliance with the requirement of condition 2 regarding the approval of details of louvers on the southern elevation and the installation of such louvers on the building be endorsed and any enforcement that may be deemed appropriate by officers, if the situation is not satisfactorily resolved, be supported.”

3.2 The contractor has advised that to install such a form of louver now would be structurally unachievable because the building has been built as a timber frame building with the external brickwork acting as a cladding rather than being a part of the load bearing structure. The contractor also considers that the wind loads that the louvers would need to withstand could not be supported by the timber framed structure.

3.3 The contractors have therefore offered to achieve the same level of privacy for neighbouring properties by other means and have offered internal fixed timber louvers or alternatively the application of an obscuring film to the windows to be applied externally, which would have the same effect as obscured glazing. In an attempt to test the effectiveness of these suggestions a mock up of the suggested internal louver solution has been provided within one of the rooms that has the closest view towards objector’s property in Milnthorpe Lane.

3.4 Officers have viewed the timber louver proposal and found that it would be effective in preventing overlooking of properties in Milnthorpe Lane if it were employed to all the rooms that have a view towards the objector’s properties. The internal louvers are not however full height as the top part of the windows need to remain unobstructed in the interests of retaining reasonable day lighting to the rooms. Looking out of the building from the upper parts of the windows would however need a deliberate effort by the occupiers and thus it is considered that the lack of louvers to the upper parts of windows should not result in a materially harmful loss of privacy to the neighbours. In the normal course of events it would not be possible for occupiers to have clear views of the neighbouring properties in Milnthorpe Lane.

3.5 A sample of the film has also been seen and was considered effective in eliminating overlooking but was not available as a full window version at the time. However officers feel the internal timber louvers offer the closest and most reliable solution to that originally suggested by way of external louvers.

- 3.6 Members have had an opportunity to view the situation for themselves both as regards the relationship of the development to Milnthorpe Lane properties and as regards the sample alternative timber louver. Similarly the developer provided an opportunity for residents to view the situation from within the building. Officers believe that site viewing in this case is important in appreciating the effectiveness of the alternative internal permanently fixed wooden louver proposal and in terms of understanding the extent of the overlooking concerns, as the perception one forms from looking at the buildings from outside the site is very different to that obtained internally. This is particularly so as the elevation presents a fully glazed curtain wall impression externally whereas internally much of the externally glazed area is in fact solid wall and the extent of overlooking is both limited and filtered by boundary vegetation. In other words, not all of the glazed areas evident on the outside of the buildings are windows which permit views towards the neighbouring properties.
- 3.7 Although the possibility of enforcement action remains the outcome is not certain and, at an enforcement appeal, an Inspector will weigh up any material considerations including whether the original intention of providing louvers to protect privacy can be met satisfactorily in an alternative way. Furthermore the Council should consider any reasonable alternative solution that the applicant may offer as a matter of principle.
- 3.8 The effect on the external appearance of the building will of course be different as the external louvers were designed as a feature of the elevation. The internal louvers would be visible externally but if fitted to all levels of the elevation from where overlooking may occur would at least appear as a consistent feature albeit only across about half the height of the windows. Internally the louvers would be a robust timber construction that would be permanently fitted within a purpose made frame that could only be removed for maintenance and decoration purposes. The design of the wooden louvers is also such that it will be complementary to the design and materials of the rooms. However, it must be remembered that the purpose of the louvers was to minimise overlooking and not for architectural decoration. In the circumstances your officers believe that the provision of internal louvers would be effective in avoiding direct overlooking of the near neighbours in Milnthorpe Lane much as intended by the original proposal for external louvers.

#### 4 Conclusion

- 4.1 The suggestion to fit louvers to the south elevations of blocks 4 and 7 of the development clearly arose in response to the serious concerns expressed by residents of Milnthorpe Lane at the time of the application's original consideration. The louvers were the design response of the architects to a particular problem and not part of the original design. Nevertheless the suggestion did form part of the Committee's consideration in their determination of the application and hence the inclusion of the requirement for approval of such details as part of condition 2. Unfortunately the requirement was not translated to the design and build architects who were appointed to

undertake the implementation of the development and the developer contends that the structural constraints of the timber frame now prevent such a solution. Nevertheless the developer has tried to respond positively in the circumstances to find an alternative solution that will still meet the original objective of reducing the risk of overlooking and light spillage from the rooms. The alternative now offered is considered to be a reasonable response which offers the best solution in the circumstances and the developer is prepared to provide a unilateral undertaking which will achieve the installation of the internal louvers and their retention thereafter.

## 5 Recommendation

- i) That no further action be taken in regard to the alleged breach of condition 2 of planning permission 07/02101/ful provided that the owner shall submit forthwith a unilateral undertaking by which the owner shall install and maintain in perpetuity the internal louvers as described in this report and to the satisfaction of the Head of Legal Services and the Head of Planning Management.

### OTHER CONSIDERATIONS:

#### 6.1. SUSTAINABLE COMMUNITY STRATEGY AND CORPORATE BUSINESS PLAN (RELEVANCE TO):

- 6.2. Compliance with planning permissions is important in achieving a high quality environment and meeting the interests of the community.

#### 7. RESOURCE IMPLICATIONS:

- 7.1. None at present

#### 8. RISK MANAGEMENT ISSUES

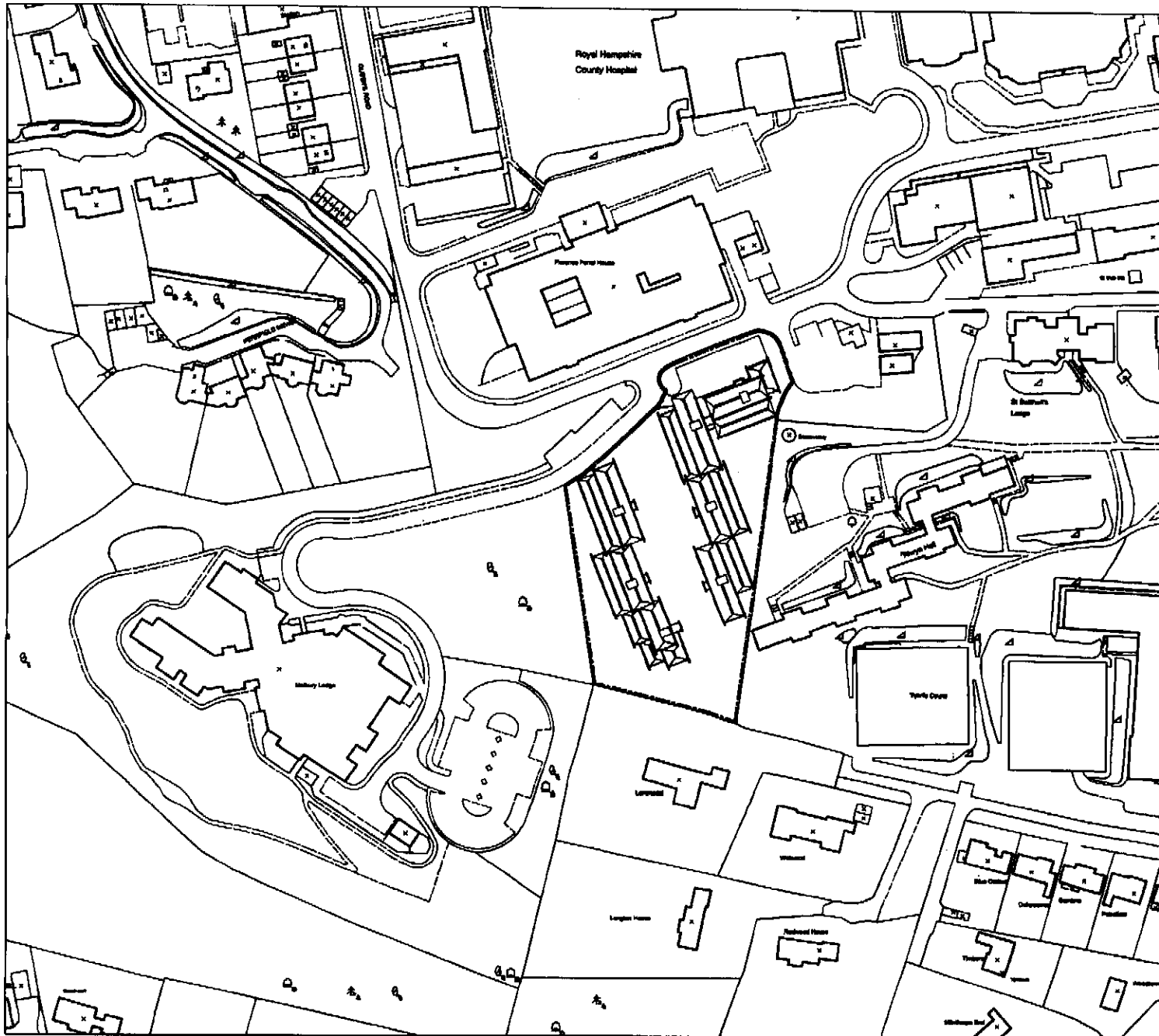
- 8.1. There are no risk management issues for the City Council.

### BACKGROUND DOCUMENTS:

All planning history files relating to the development

### APPENDICES

- Appendix 1 Site location plan



The proposed name and building levels are subject to the relevant local planning authority and may vary from the information provided in this plan. Any variation to be made on the basis of these provisions should be made to the drawings or conditions of the contract documents and not this plan.

revision	date	author	reason notes
R1	01.10.07	MAP	approved the information provided
R2	21.11.07	MAP	approved final plan

## PLANNING



STUDENT ACCOMMODATION QUEEN'S ROAD, WINCHESTER

Site Location Plan

1:1000 @ A3 10" OCT 08 0246 D1 001 P2

DO NOT SCALE FROM THIS DRAWING. Scale as indicated on the drawing.

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Appendix 1