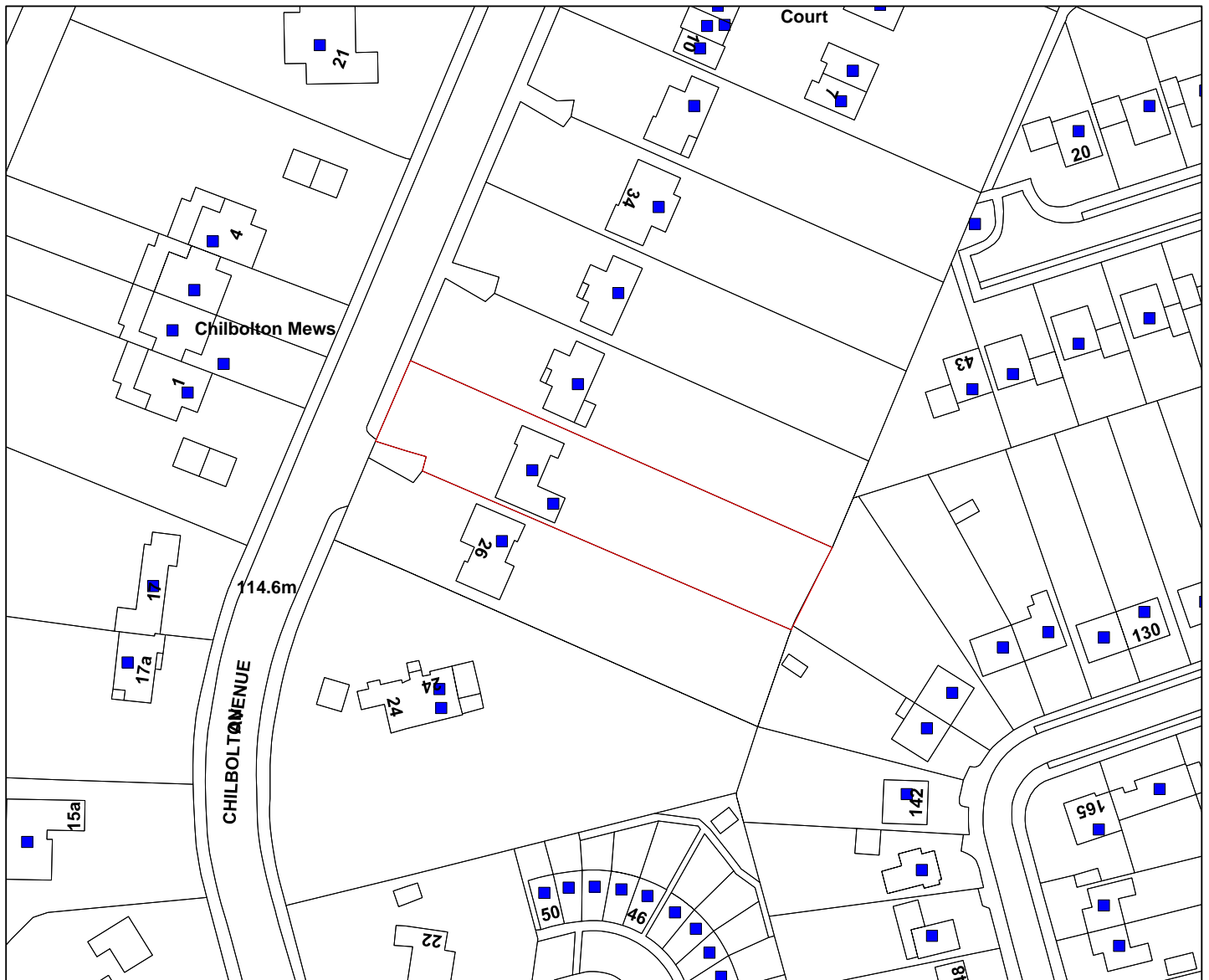


28 Chilbolton Avenue, Winchester

10/00739/FUL



Winchester
City Council



Legend

Scale:



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Organisation	Winchester City Council
Department	Development Services
Comments	
Date	14 July 2010
SLA Number	00018301

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No: 4
Case No: 10/00739/FUL / W04642/05
Proposal Description: Change of use of existing five bedroom house to a house in multiple occupation providing 11 letting rooms with shared facilities, associated parking, cycle and bin store (Resubmission)
Address: 28 Chilbolton Avenue Winchester Hampshire SO22 5HD
Parish, or Ward if within Winchester City: St Paul
Applicants Name: M Y A
Case Officer: Mrs Jill Lee
Date Valid: 18 March 2010
Site Factors: Civil Aviation
Recommendation: Application Permitted

General Comments

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

A previous application (ref: 09/02058/FUL) for the same development was refused under delegated powers for the following reasons;

1. The proposed development is contrary to Policies DP3 and DP4 of the Winchester District Local Plan Review and guideline D7 of the Chilbolton Avenue Local Area Design Statement in that the amount of hard standing to provide parking and manoeuvring, and 9 parking spaces results in a hard feature, detrimental to the visual amenity and character of the area.
2. The proposal is contrary to Policies DP1, DP3, and DP4 of the Winchester District Local Plan Review and guideline L3 of the Chilbolton Avenue Local Area Design Statement in that there is no Arboricultural Impact Assessment and Method Statement relating to existing trees. Without this information, the Local Planning Authority is not satisfied that existing trees, protected by a Tree Preservation Order, can be retained, and the proposed development may harm the long term life of these trees which would be harmful to the visual amenity of the area.
3. The proposal is contrary to Policy RT4 of the Winchester District Local Plan Review in that it fails to make adequate provision for public recreational open space to the required standard, and would therefore be detrimental to the amenities of the area and would not provide a satisfactory level of amenity for the occupiers of the units.
4. The proposal is contrary to Policy DP9 of the Winchester District Local Plan Review in that it fails to make adequate provision for improvements to transport and the highway network in accordance with Hampshire County Council's Transport Contributions Policy 2007, such provision being required in order to mitigate for the additional transport needs and burden imposed on the existing network arising from this development.

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The current application has sought to address the previous reasons for refusal, whilst still proposing 11 single accommodation letting rooms. With regard to the first reason for refusal, the number of car parking spaces to be provided has been reduced to 7 from 9 and the new hard surfacing will be constructed in permeable hoggin, and the area of hard surfacing has been reduced accordingly. In respect of the second reason, an Arboricultural Impact Assessment and Method Statement has been submitted to show that the parking area can be provided without damaging the trees. In respect of reasons 3 and 4, the applicant has confirmed that no additional dwelling units are to be created (see Condition 2) and therefore no contributions are required towards funding public open space or highway schemes.

Site Description

The site area is approximately 0.17 hectares, containing a detached dwelling in substantial grounds. The site is on the eastern side of Chilbolton Avenue, in an area characterised by large dwellings set in substantial plots, with significant tree screening to the front. On either side of the site are similar detached dwellings and No. 28 shares the first 10m of its driveway with No. 26.

The existing dwelling is two storeys with a flat roof extension to the rear. It is built with buff coloured brick with some tile hanging, and brown pantiles on the roof.

The existing driveway and parking area is constructed in tarmac.

Proposal

It is proposed to convert the existing house, which is currently occupied by six students, to a house containing 11 single rooms for letting. The house was originally a single dwelling house and the change of use to 6 letting rooms occurred before the recent change to HMO (Houses in Multiple Occupation) legislation. The changes to the external appearance are minimal, with one additional window at the ground floor side elevation, and a small area of additional hoggin to provide parking to the front of the house.

Relevant Planning History

09/02058/FUL - Change of use of existing five bedroom house to a house in multiple occupation providing 11 letting rooms with shared facilities, associated parking, cycle and bin store - Refused - 07/01/2010.

Consultations

Highways Engineers:

No objection to the application. No highways contributions are required, provided no additional dwellings are being created. Details of the internal layout of the cycle storage are required. Parking is to be marked out and retained (Conditions 3 and 4)

Engineers: Drainage:

No objection to the application. No conditions required.

Building Control:

No application has been submitted, so any work done is unauthorised.

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Private Sector Housing Team:

No objection to the application.

Landscape Team:

No objection to the application, provided that the arboricultural report is followed and the area of no-dig construction is extended to include car parking spaces 2 and 3 (Conditions 5, 6, 7 & 8)

Environment Agency:

No objection to the application.

Representations

City of Winchester Trust:

Objects to the application for the following reasons;

The scheme provides minimal accommodation, which might comply with legislation but would appear to be a retrograde step, not even complying with the Parker Morris guidelines of over 50 years ago.

The amount of communal space also seems inadequate for eleven people who are described as sharing facilities. The dining room area is reduced by the need for access into the kitchen and there is no apparent place where the residents could gather together to talk or watch TV, something that might be expected from the description "shared facilities".

Questions why the garage door needs to be retained, when a suitably designed window would improve natural light to Room 5 and the appearance of the house.

Siting the communal bin store in the rear garden is still felt to be undesirable for a multiple occupancy such as this, unless there is some form of management to ensure that this and the external areas would be managed in a satisfactory manner. The Trust therefore continues to OBJECT to the living conditions proposed for this change of use, which, it is felt, would be out of keeping with the neighbourhood as a whole and therefore detrimental to the local character of this part of Winchester.

Letters received from 10 households, objecting to the application for the following reasons:

- Inappropriate development in a residential area:
- Will significantly increase traffic on Chilbolton Avenue:
- Will result in noise pollution:
- Inadequate car parking for the number of residents:
- Proposed development is contrary to the provisions of the Chilbolton Avenue Local Area Design Statement:
- Overlooking and loss of privacy to neighbours:
- Inadequate private garden area:
- Out of character with the surroundings:
- General increase in activity on site is unacceptable:
- Insufficient communal facilities:
- Not close to a bus route, so will encourage car usage:
- No visitor parking provided:
- Car fumes will adversely affect the neighbours:
- Additional hard standing is contrary to the Chilbolton Avenue Local Area Design Statement.

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- Chilbolton Avenue is already busy and will not be able to cope with additional traffic:
- Insufficient neighbour or community consultation undertaken prior to application:
- Already suffer from noise nuisance from 6 students and this will get worse:
- A new traffic survey should be undertaken:
- Questions whether fire regulations are being adhered to:
- Bin store is too close to the boundary and the smell will affect the neighbours:
- Grounds are not being well managed:
- Access onto Chilbolton Avenue is dangerous.

Relevant Planning Policy

South East Plan 2009:

The South East Plan was formally revoked on the 6th July 2010 and no longer forms part of the development plan of the District. As a result, its policies are not material to the consideration of planning applications.

Winchester District Local Plan Review

DP1, DP3, DP4

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPS 3 Housing

Supplementary Planning Guidance

Chilbolton Avenue Local Area Design Statement

Planning Considerations

Principle of development

The site is situated within the settlement boundary of Winchester, where the principle of residential development is acceptable, provided that the development is in accordance with the policies of the Development Plan and unless material planning reasons indicate otherwise. The Development Plan comprises the saved policies of the Winchester District Local Plan and the adopted supplementary planning guidance contained in the Chilbolton Avenue Local Area Design Statement.

Within the Winchester District Local Plan Review, the policies that are relevant to this application are DP1, DP3, DP4, RT4 and DP9.

DP1 requires that the application be accompanied by a design statement, which has been received. DP3 contains general design criteria.

DP1 (i) requires the developer to make efficient use of land or buildings. The creation of 11 letting rooms complies with this requirement.

DP3 (ii) requires the development to respond positively in terms of design, scale and layout to the character and variety of the locality. The proposed change of use has required very minor changes to the external appearance and maintains a residential presence, and it therefore complies with this policy.

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DP3 (iii) requires parking to be kept to a minimum. The proposed development provides 7 spaces for 11 rooms, which is considered to be acceptable. The previous scheme proposed 9 spaces, which was unacceptable because of the impact of the amount of hard standing on the character of the area and on the protected trees. The revised proposal is considered to be acceptable in this respect.

DP3 (iv) requires development to provide for ease of movement and local permeability. Because the existing access and dwelling are to be retained, there is no opportunity to provide additional permeability, but the site is close to the university and hospital, so it is likely that occupiers of the letting rooms would be able to walk to these sites.

DP3 (v) requires the development to maximise access to public transport. The situation in relation to this will remain as existing, and will not be made worse by increasing the number of letting rooms.

DP3 (vi) requires development to facilitate the development of adjacent sites. The proposed development will not affect the development of adjacent sites.

DP3 (vii) requires the development not to have an unacceptable adverse impact on adjoining land, uses or property. The proposal is for residential development within a residential area, with little or no external changes. There are not considered to be material adverse impacts on the adjoining land, uses or property.

DP3 (viii) requires development to include sufficient amenity space appropriate to the function. It is considered that the large rear garden (50m by 17m) will provide sufficient amenity space for the future occupants and is on a scale similar to the amenity space provided elsewhere in Chilbolton Avenue where sites have been redeveloped for flats.

DP3 (ix) requires appropriate provision to be made for the storage of refuse and recyclables. The applicant has proposed a bin store in the rear garden which will provide secure undercover storage for bins. There is also a bin collection area to the front of the site. It is considered that this policy requirement is met by the proposed development.

Policy DP4 requires views, trees, slopes, hedgerows, natural features and ecological features to be maintained or enhanced by development. In the case of the proposed change of use, the only features which could be affected by the development would be the protected trees, which are part of a larger belt of trees running along the fronts of the properties on this part of Chilbolton Avenue. The applicant has now submitted an Arboricultural Impact Assessment with Method Statement, which shows that the additional car parking spaces can be provided without detriment to the trees. This policy requirement is therefore met by the applicant.

Policies RT4 and DP9 deal with the open space and highways contributions that would be required if additional dwellings were to be created on the site and were reasons for refusal on the previous application. The applicant has now confirmed that all of the letting rooms will be part of the shared house and none will be let as separate units. This will also be controlled by way of a planning condition, to ensure that no accommodation becomes an independent dwelling (Condition 2).

The site is also covered by the Chilbolton Avenue Local Area Design Statement which was adopted in 2006. The site falls within character area C. The design statement provides guidelines for consideration in new development along Chilbolton Avenue, including transport, landscape, development guidelines and opportunities.

Character area C is described as having a character of larger properties set in extensive grounds screened by a mature belt of trees. The retention of the existing mature trees is an important consideration in the determination of planning applications (L1, L2, L3 and L5).

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Guideline D5 seeks the retention of existing dwellings wherever possible and, in this proposal, the existing dwelling is to be retained and converted.

Guideline D7 seeks to resist the predominance of hard surfacing and car parking on the frontage of properties on Chilbolton Avenue. Under this application, the car parking has been reduced by two spaces and the additional spaces will not be readily visible from the public realm.

The application is partly retrospective, as the conversion works have already taken place, although the 11 rooms have not been occupied yet. The house is currently occupied by 6 students living as a household.

The proposal is for 11 single occupation letting rooms, 6 on the ground floor and 5 on the first floor. There is a communal kitchen and dining room and two communal bathrooms. Three of the rooms have en-suite facilities and bedroom 5 is capable of being occupied as a self contained unit, although it has been made subject to a planning condition, with the agreement of the applicant, that it will not be let as an independent unit of accommodation (Condition 2).

Car parking for 7 cars will be provided through a modest extension to the existing hard surfaced area, which will not be visible from the public realm.

To the front of the property is a bin collection point for bin days and the cycle and bin stores are located to the rear of the property, close to the boundary with No. 30.

The principle of development is therefore acceptable and there are no material planning considerations that indicate that permission should not be granted.

Design/layout

The existing dwelling, which is occupied by 6 students, is to be retained, with the only external change being a ground floor window in the side of the garage elevation.

Therefore, there are no design issues relating to the change of use application. The layout involves a change to the layout at the front of the property, with 7 car parking spaces being proposed. The additional hard standing is to be finished in hoggin, which is permeable and so will avoid water run off and will be acceptable in the tree protection zone.

The rear garden area will be managed as a whole rather than being sub-divided and this is acceptable. The existing swimming pool will be covered over.

The design and layout of the proposal is therefore acceptable.

Impact on character of area and neighbouring property

The actual change of use of the property has very little impact on the character of the area and neighbouring properties in terms of physical changes. There is one additional ground floor window in the side garage wall, which has no discernable impact on either the neighbouring properties or the locality.

The amount of hard standing to the front is to be increased and will be marked out to provide 7 car parking spaces; only 3 of these will be visible from the public realm and they are provided on the existing tarmac, and so the impact is minimal.

The bin store is located in the rear garden close to the boundary with No. 30, as is the cycle store. Concerns have been raised over the potential for smells from the bins being a nuisance to the neighbours, but the Environmental Protection Team has no objection to the proposal. There will be a management scheme for the site, which should be able to deal with problems such as this, should they occur, and there is legislation under which action could be taken to resolve any issue arising.

The increase from 6 to 11 letting rooms will intensify activity on the site, and concerns

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have been raised over this and the potential for noise nuisance. The potential for noise from residents has to be assessed against the existing use with 6 residents occupying the house, and the impact that a further 5 occupants could have. The site is large and could potentially be redeveloped for a more intense use with more occupants on site. Several of the single dwelling houses in Chilbolton Avenue have been demolished to make way for additional higher density residential schemes, many of them flats, without the increase in activity being a reason for refusal or a material consideration and, in this case, it is considered that the potential for noise from 11 residents could not be substantiated as a reason for refusal.

Neighbours have expressed concern over the potential for overlooking but, given that the only additional window is a ground floor window in the side elevation, this is not considered to be a material objection.

The impact of the proposal on the character of the area and neighbouring property is therefore considered to be acceptable.

Landscape/Trees

A reason for refusal of the previous application was the lack of an Arboricultural Impact Assessment and Method Statement detailing how the additional parking could be provided without detriment to the visually important protected trees to the front of the site. The applicant has provided the Arboricultural Impact Assessment and Method Statement as part of the new application and the Tree Officer has confirmed that, provided the no-dig area is extended to include car parking spaces 2 and 3 and the surface is permeable, then the additional spaces will have no adverse impact on the health or longevity of the trees (Conditions 5 to 8).

Highways/Parking

The proposal involves a conversion of the internal arrangements of the existing dwelling to provide for 11 letting rooms with shared facilities, and the applicant has confirmed that each of the letting rooms will be for single occupancy only and that a suitably worded condition will require this (Condition 2). The existing access is to be retained and reused and this will serve a total of 7 car parking spaces. The proposed use does not have a specific car parking standard. However, this Authority has granted planning consent for a number of dwellings for multiple occupancy with little or no car parking, so, in comparison, the provision of 7 spaces for 11 letting rooms is considered to be appropriate. Adequate manoeuvring space is provided on site, in order that vehicles can enter and leave the highway in a forward gear.

Chilbolton Avenue is subject to a Traffic Regulation Order which ensures that on-street car parking can be controlled. In the immediate vicinity of this site, the road is subject to a No Waiting at Any Time Order, which will ensure that parking can be controlled through the day and night, avoiding the potential for overspill parking on the highway. Furthermore, it is likely that the use of the rooms will be for students or nursing staff at the nearby university and medical establishments. Staff and student parking at these destinations is rigorously controlled, so it is likely that traffic movements will be relatively low, as motorised travel for the proposed users would be an unattractive option because of the parking difficulties.

No details of visibility at the site access have been submitted, but the Highways Engineer has visited the site and had regard to traffic survey data produced for other development in the vicinity of the site. The Highways Engineer has confirmed that adequate visibility is available for the proposed use, given the speed and volume of traffic using the road.

With regard to cycle parking, the applicant has provided a drawing (No. 056 008) which

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shows a building to be used for secure and undercover cycle parking. No internal details have been provided, and a condition is required to ensure that separate cupboards or cages are provided (Condition 4).

The highways and parking issues relating to the proposed development are therefore considered to be acceptable.

Other Matters

Objections have been raised regarding the lack of amenity space for the potential 11 occupants, but the rear garden is substantial, being some 50m long and 17m wide, and will provide sufficient amenity space for the potential residents.

The matter of one of the units appearing to be self contained has also been raised. Bedroom 5 has the potential to be occupied independently and is rated for Council Tax purposes as an independent dwelling. It is not the intention of the applicant to rent the space as a separate unit and this has been made subject to a planning condition (Condition 2). If the unit were to be let as an independent dwelling, then planning permission would be required, together with contributions for funding public open space and highways improvements.

Questions have been raised about whether the facilities provided in the house are sufficient for 11 people sharing. The Private Sector Housing Team has confirmed that the rooms are of a sufficient size and that the shared bathrooms, toilets, kitchen and dining areas are all satisfactory, according to the relevant standards.

Recommendation

Application Permitted, subject to the following conditions:

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. The change of use hereby permitted shall be limited to 11 single occupancy rooms operating as one unit. No part of the accommodation shall be used as an independent dwelling.

Reason: To ensure that the development accords with the terms of the application and no additional dwelling units are created, and accords with Policies RT4 and DP9 of the Winchester District Local Plan, in that additional financial contributions would be required for additional dwelling units.

3. The car park shall be constructed, surfaced and marked out in accordance with the approved plan before the development hereby permitted is brought into operation. That area shall not thereafter be used for any purpose other than the parking, loading, unloading and turning of vehicles.

Reason: To ensure that adequate on-site parking and turning facilities are made available.

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4. Prior to any development commencing on site, details of the internal arrangements for cycle storage, to include secure individual cupboards or cages, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, and the facilities so approved shall be retained thereafter.

Reason: To ensure adequate facilities are available for the secure undercover storage of cycles.

5. Protective measures, including fencing and ground protection, in accordance with the Arboricultural Impact Appraisal and Method Statement ref: 28 Chilbolton Avenue Winchester SO22 5HD February 2010 written by Terry Marsh of T P Marsh Arboricultural Consultant and submitted to the Local Planning Authority, shall be installed prior to any demolition, construction or groundwork commencing on the site.

Inspection of fencing

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 the Arboricultural Method Statement 28 Chilbolton Avenue Winchester SO22 5HD February 2010. Telephone 01962 848428.

Reason: To ensure that the protected trees are not adversely affected by the development.

6. The no-dig surface, shown on drawing ref: TM-478.02, shall be extended to include car parking spaces 2 and 3, as shown on the tree protection plan. 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. Telephone 01962 848428.

Reason: To allow adequate future root growth of the semi-mature beech trees.

7. No arboricultural works shall be carried out to trees other than those specified and in accordance with Arboricultural Method Statement 28 Chilbolton Avenue Winchester SO22 5HD February 2010, Chapter 4.

Any deviation from works prescribed or methods agreed in accordance with Arboricultural Method Statement 28 Chilbolton Avenue Winchester SO22 5HD February 2010 shall be agreed in writing by the Local Planning Authority.

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

8. No development, or site preparation prior to operations which has any effect on compacting, disturbing or altering the levels of the site, shall take place until a person suitably qualified in arboriculture, and approved as suitable by the Local Planning Authority, has been appointed to supervise construction activity occurring on the site. The arboricultural supervisor will be responsible for the implementation of protective measures, special surfacing and all works deemed necessary by the approved Arboricultural Method Statement. Where ground measures are deemed necessary to protect root protection areas, the arboricultural supervisor shall ensure that these are installed prior to any vehicle movement, earth moving or construction activity occurring on the site and that all such

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measures to protect trees are inspected by the Local Planning Authority Arboricultural Officer prior to the commencement of development work.

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

9. Prior to any work commencing on site, details of fencing or wooden bollards to prevent the parking of vehicles under the protected trees to the front of the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter retained and maintained.

Reason: To ensure that the important trees to the front of the site are not adversely affected by the development.

Informatives

1. The Local Planning Authority has taken account of the following Development Plan policies and proposals:-

Winchester District Local Plan Review 2006: DP1, DP3, DP4
South East Plan 2009:

2. The applicant is advised that Conditions 3, 4, 5, 6, 8 and 9 attached to this permission must be formally discharged by the Local Planning Authority before works can commence on site. The Local Planning Authority is unable to give priority to this work and therefore any details, plans or samples required by conditions should be submitted to the Council at least 6 weeks in advance of the start date of works, to give adequate time for these to be dealt with. If works commence on site before all of the pre-commencement conditions are discharged, then this would constitute commencement of development without the benefit of planning permission and could result in enforcement action being taken by the Council.

The submitted details should be clearly marked with the following information:

The name of the planning officer who dealt with the application.

The application case number.

Your contact details.