

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 10 November 2005

Item No: 04
Address: Land To The Rear Of Ballakitch And Merries Highways Road
Compton Hampshire

Parish/Ward Compton And Shawford

Proposal Description: Erection of block of 16 No. Apartments comprising of 14 No. two bed and 2 No. one bed : 6 No. three bed houses in two terraces with associated landscaping, car parking, access, bin and bike stores (AMENDED PLANS RECEIVED 26/08/2005, 06/09/2005, 14/09/2005, 16/09/2005)

Applicants Name Foreman Homes Ltd

Case No: 05/01426/FUL

W No: W18023/02

Case Officer: Mrs Julie Pinnock

Date Valid: 6 June 2005

Delegated or Committee: Committee Decision

Reason for Committee: At the request of a councillor
Reason for Committee: Parish Council submitted representations contrary to officer recommendation
Reason for Committee: 4 or more representations contrary to the Officer's recommendations have been received

Site Factors: Tree Preservation Order

Site Description

- The site area is 0.43 hectares and comprises part of the large rear gardens to two detached dwellings 'Merries' and 'Ballakitch' which front Highways Road
- The site is situated on the south side of Highways Road
- To the west of the site is a triangle of land which separates the site from the M3 Motorway
- Highways Road is fronted on both sides by residential development and the eastern boundary of the site forms in part the rear boundary of dwellings which front Otterbourne Road
- The southern boundary is adjacent to land used by the nursery
- The site has been used as an orchard and has a substantial tree cover

Relevant Planning History

- (AMENDED DESCRIPTION) Residential development for 8 no. dwellings with new access (OUTLINE) – withdrawn – 18/12/2002
- W18023/01 - (AMENDED DESCRIPTION) Residential development including parking and new access (OUTLINE) – Resolution to permit subject to legal agreement
- W18260 – Demolition of existing dwelling and erection of replacement dwelling with new access (OUTLINE) – Resolution to permit subject to legal agreement

Proposal

- As per Proposal Description
- The plans have been amended since the original submission, the amendments include alterations to the roof, to provide covered entrance porches to the block of flats, the re-positioning of windows, bin stores to either end of the block of flats, and the provision of free standing purpose designed lockable bike stores.
- There has also been changes to the parking layout

Consultations

Engineers:Highways:

- No objection to amended plans subject to conditions
- Also raises no objection to the making up of highways road subject to condition that these works are undertaken prior to the commencement of development

Environmental Health:

- No formal comments received to date, although verbally advise that have some concerns over noise to the rear garden of the terrace of three dwellings, Foreman Homes are liaising with Environmental Health, and a verbal update will be provided at the meeting

Environment Agency:

- No objection in principle – advise that site in a Protection Zone 1, so recommend a condition to ensure that no pollution occurs during construction

Landscape:

- No objection subject to conditions

Southern Water:

- Comment that as existing permeable area drains into foul sewer, providing this no longer occurs raises no objection – subject to condition

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Housing Enabling Officer

- Proposal requires 6.6 or 7 units to be provided
- Shortfall of 1 and 3 bedroom units, although still a demand for 2 bedroom units in this area
- Requested that Eastleigh Housing Association make the apartments available on a Low Cost Home Ownership basis – there is a waiting list of at least 85 households

Architects Panel

- People should be provided with places which enhance their well being
- This scheme cannot be commented on either on the basis of location or architecture
- The panel note with concern that a residential scheme to the north was granted on appeal

Representations:

Compton And Shawford Parish Council : object

- By trebling number of dwellings proposal completely alters environment of Highways Road, contrary to strategy laid down in the 2003 deposit plan para 2.25 “avoiding development that would harm the character of the countryside, towns and villages”
- Fails to comply with DP.1 of deposit plan
- Traffic report is unrealistic
- Inspectors appeal decision – Highdown, Cliff Way, Compton Down – upheld on highway safety and character and appearance – decision is relevant to this case as traffic access to the same main highway network and areas of similar character and appearance

Letters of representations have been received from 15 Neighbours in objection to the original submission, and a further 3 letters of objection to the amended plans

- Highways Road unadopted and has an uneven surface currently existing residents in road club together and buy gravel and hoggins to fill potholes – further 22 units will result in the surface disintegrating further
- Highways road is not as wide as adopted road and no pavement
- Increase in traffic – alter character and charm of relatively peaceful road
- Increase in traffic will pose a danger to children living in the road
- Increased noise and pollution
- Increase in traffic on already busy Otterbourne road will be safety hazard
- Inadequate car parking – cars will overflow into Highways Road
- Speed limit in Otterbourne Road should be reduced to 30mph
- Traffic report is flawed
- Previous refusal for 15 units – at last site meeting Councillors advised that 15 was overdevelopment and 8 would be more sensible
- Insufficient infrastructure to support additional 22 houses, with the development at Tilden Road, will result in 46 new dwellings in Compton
- No schools or shops within safe, lit, reasonable walking distance
- Proposal does not provide adequate amenity space for residents
- Nearest doctors surgery several miles distance and dentist further – neither on a direct bus route
- Nearest railway station is over a mile away at Shawford
- No cycle routes in the vicinity of the site
- A block of apartments is out of character with the surrounding dwellings
- Rural feel – making Highways Road up to adoptable standard will remove the rural feel
- Increase from existing 12 units to 34 results in an increase of 283%
- Should Highways Road be ‘made-up’ steps must be taken to prevent surface water affecting properties on the south side of the road
- Provide an estate location
- Position of apartment block will deflect noise from the motorway and will create more motorway noise for other residents in Highways Road
- Noise report identifies site as Category ‘C’ which should not normally be granted planning permission

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- Proposals not environmentally friendly proposing powered ventilation system which is unsustainable
 - Development at Tilden Road is a mistake and would not wish it to create a precedent
- Winchester Group for Disabled People
- With the move towards making all domestic housing accessible to disabled people – request that proposed dwellings take into account needs of disabled people

Relevant Planning Policy:

Hampshire County Structure Plan Review:

- UB3, T2, T6, H5, H7, H8, R2

Winchester District Local Plan

- EN.1, EN.5, EN.9, EN.13, EN.15, H.1, H.5, H.7, RT.3, T.9

Winchester District Local Plan Review Deposit and Revised Deposit:

- DP.1, DP.3, DP.6, DP.14, H.1, H.2, H.5, H.7, T.3, T.4, RT.3

Supplementary Planning Guidance:

- Hampshire County Structure Plan (Revision): Implementing Policy H4
- Achieving a Better Mix in New Housing Developments
- Winchester Housing Needs Survey
- Winchester District Urban Capacity Study
- Technical Paper: Open Space Provision and Funding
- Guide to the Open Space Funding System
- Parking Standards 2002

National Planning Policy Guidance/Statements:

- PPG 1 Delivering Sustainable Development
- PPG 3 Housing
- PPG 13 Transport
- PPG 24 Planning and Noise

Planning Considerations

The main considerations in respect of this application are:

- Principle of development
- Impact on the character of the area/spatial characteristics/street scene
- Highways
- Public open space provision
- Comments on representations
- Residential Amenities
- Affordable housing

Principle of development

- The site is located within the settlement boundary for Compton and therefore the principle of development is acceptable
- PPG3 encourages residential development on 'previously developed land'
- The proposal equates to 28 dwellings per hectare at the lower end of the recommended range of between 30 – 50 dwellings per hectare, however the density calculation includes an area of mature trees protected by a tree preservation order and provides for on-site play
- The planning history refers to two outline applications, which both have a resolution to permit.
- The applications at that time proposed the demolition of Ballakitch and its replacement, and re-development to the rear of both Ballakitch and Merries.
- Members held a Viewing Sub Committee at the site on 19th April 2004 – PDC414 applies
- The applicant Foreman Homes have decided to submit a full planning application, rather than pursue the legal agreement on the outline, and then submit reserved matters.
- This application is a full planning application, but the outline consent, although not issued is a material planning consideration

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- There are no specified number of units on the original outline application, although originally 15 units were cited, no details of their siting or design was submitted, so your Officers were concerned about agreeing to a specific number of dwellings
- Another material consideration is the appeal decision on the site to the north called Mountain Ash, Tilden Road, Compton
- There were two separate applications at Mountain Ash, one was refused, the other was not determined.
- The refusal was for a number of reasons, including:-
- i) the scale, mass and height of the development would be out of keeping and detrimental to the character of the area; ii) over-development of the site out of character with the area; iii) the height of the proposed development would have a detrimental visual impact when viewed from the M3 and would have a detrimental impact on the amenities of the occupiers of dwellings in Highfield to the south of the site; iv) health of a tree; v) Proximity of the proposed development to the M3 would be detrimental to the health of future residents due to air quality standards and extensive traffic noise.
- Both appeals were allowed by the Appeal Inspector and a partial award of costs was given against the Council on noise, air quality and loss of trees
- Your Officers consider that the proposal, at the lower range recommended in PPG3, accords with national and local plan policies

Impact on character of area/spatial characteristics/street scene

- The site is situated to the rear of Ballakitch and Merries two existing dwellings which front onto Highways Road
- The proposal includes the provision of a new vehicular access which takes its route between these two dwellings to the rear, and develops part of the long rear gardens
- The western boundary of the site is situated adjacent to an access track and verge, and beyond that is the M3 motorway
- There will be limited views into the site from Highways Road, and the rear elevation of the block of flats will be visible in views from the M3, however it is not considered that the proposal affects the character of the area
- The development to the north of Mountain Ash is closer to the motorway than the application site, and whilst visible from the M3 does not detract from the character of the area

Highways

- The highway engineer initially raised concern over the parking layout, and the proposals to make up Highways Road to an adoptable standard (although not to be adopted)
- The applicant has submitted amended plans to increase the parking provision, alter the access into the site between the two existing dwellings Ballakitch and Merries, and provide a detailed plan indicating how Highways Road is to be upgraded
- The highway engineer is satisfied with the amended plans and recommends approval subject to conditions
- Initially the highway engineer had recommended the need for a legal agreement relating to the making up of Highways Road, however having given this further consideration, and in light of the recent appeal decision at the site to the north Mount Ash, Tilden Road, has agreed that a Grampian condition is acceptable to require the works to Highways Road to be undertaken prior to development of the site, this was the approach taken by the Appeal Inspector in determining that appeal

Public Open Space provision

- The applicants have agreed to enter into a Section 106 legal agreement to contribute to the Open Space Funding System
- The applicant is providing on-site play, including a local area of play, which can be used and will benefit the wider community
- The financial contribution relates to off-site sport provision.

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Comment on representations

- The concerns by local residents relate primarily to the principle of development, highways, infrastructure, affect on the character of the area and noise
- The principle of development has been addressed elsewhere in this report
- With regard to the concerns over highway matters, the highway engineer did originally have concerns over the proposal and recommended refusal, however following the submission of amended plans which provided details on the making up of Highways Road, re-align the access into the site between Merries and Ballakitch, and an increase in the parking provision to provide 36 parking spaces which equates to 1.6 spaces per unit across the site, he is satisfied with the proposal subject to conditions
- The car parking provision is 2 spaces per unit for each of the three bedroom dwellings, and 1.5 spaces per unit for the 1 and 2 bedroom flats
- The concern regarding infrastructure, particularly the proximity of the development to the nearest shops and doctors/dentists has been raised by local residents, however the entrance to the site is situated approx 120m from Otterbourne Road, the main road between Winchester and Southampton, and situated close to Shawford Railway station
- Local residents are concerned that by increasing the number of units from 12 at present to 34 will alter the rural feel of the area, Officers acknowledge that the making up of highways road to an adoptable standard may alter the character, however consider that this will be an improvement for existing residents, and with respect to the proposed buildings, the development is largely screened by existing dwellings on Highways Road, and it is not considered that the proposal will adversely affect the character of the area

Residential Amenities

- The living conditions of the occupiers of the proposed flats and houses are a material planning consideration
- The outline application required details of an acoustic fence along the western boundary to mitigate noise
- The applicant has commissioned a noise report which has been assessed by the Council's Environmental Protection Team, they have raised concern over noise to the rear garden of one of the blocks of terraced dwellings, and are in discussions with Foreman Homes the applicants to find an acceptable solution
- However given the appeal decision at Mountain Ash it is considered that it would be difficult to substantiate a reason for refusal on noise matters alone, but Officers do require noise to be mitigated and welcome the continued discussions to resolve the matter.
- Officers will provide a verbal update on this matter to the Committee

Affordable Housing

- The requirement for affordable housing applies to sites of 5 or more houses within the Compton area, at a proportion of 30%
- This equates to 6.6 dwellings
- Following detailed consultations with the Housing Enabling Officer, an agreement has been reached that an appropriate mix of units of 6 units will be provided on site, and a financial contribution for the 0.6 of a dwelling be provided
- The mix is 1 no. one bedroom flat, 4 no. two bedroom flats, and 1 no. three bedroom dwelling

Planning Obligations/Agreements

In seeking the planning obligation(s) and/or financial contributions 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

APPROVE – subject to a Section 106/Section 278 Agreement for:

- 1. The provision of 6.6 units of affordable housing**
- 2. A financial contribution of £17,054 towards the provision of public open space through the open space funding system for sport**

(Note: If the Legal Agreement is not completed within 6 months then the application may be refused without further reference to Committee)

Conditions/Reasons

01 The development hereby permitted shall be begun before the expiration of five 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 Prior to the commencement of development details of the laying out and improvement of Highways Road together with a programme for implementation (which shall include undertaking these works prior to the construction of any houses or flats [excluding final surface dress]), and details for the parking and turning of vehicles within the site (including construction traffic) shall be submitted to and approved in writing by the Local Planning authority; the approved scheme shall be completed in accordance with the agreed details and no dwelling shall be occupied until the approved parking areas have been laid out and made available for use.

02 Reason: In the interest of highway safety.

03 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.

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

04 Details of the width, alignment, gradient and type of construction proposed for the roads and footways including all the relevant cross-section and longitudinal sections showing the existing and proposed levels together with the method of disposing of surface water, and details of a programme for the making up of the roads and footways shall be submitted to and approved in writing by the Local Planning Authority before development commences. The agreed details shall be fully implemented before the use hereby approved is commenced.

04 Reason: To ensure that the roads are constructed to a satisfactory standard.

05 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.

05 Reason: In the interests of highway safety.

06 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.

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

07 The roads and footways shall be laid out and made up in accordance with the specification, programme and details to be approved by the Local Planning Authority. No dwelling erected on the land shall be occupied until there is a direct connection from it completed to the approved specification less the final carriageway and footway surfacing to an existing highway.

07 Reason: To ensure that the roads and footways are constructed to a satisfactory standard.

08 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, including any retaining structures:
- hard surfacing materials:
- minor artefacts and structures (eg. street furniture, play equipment, refuse or other storage units, signs, lighting etc):
- proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines etc, including lines, manholes, supports etc.):

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

09 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.

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

10 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, specifically the woodland area to the front of the site, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the details hereby approved.

10 Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation and historic significance.

11 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.

11 Reason: To prevent pollution of the water environment.

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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 or 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 development permitted by Classes A of Parts 2 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

13 Reason: To protect the amenities of the locality and to maintain a good quality environment.

Informatives

01. 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.

02. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Hampshire County Structure Plan Review: UB3, T2, T6, H5, H7, H8, R2

Winchester District Local Plan Proposals: EN.1, EN.5, EN.9, EN.13, EN.15, H.1, H.5, H.7, RT.3, T.9

Emerging Development Plan- WDLP Review Deposit and Revised Deposit: DP.1, DP.3, DP.6, DP.14, H.1, H.2, H.5, H.7, T.3, T.4, RT.3

03. During construction, any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

04. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800hrs 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.

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05. 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.

06. Under the terms of the Water Resources Act 1991, the prior agreement of the Agency is required for discharging dewatering water from any excavation or development to a surface watercourse.