

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 25 May 2006

Item No: 02
Case No: 06/00642/FUL / W00859/03
Proposal Description: Two-storey detached six bedroom house
Address: Field House 1 Field Way Compton Down Winchester Hampshire
Parish/Ward: Compton And Shawford
Applicants Name: Homespace Solutions
Case Officer: Mr David Cunningham
Date Valid: 24 February 2006
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

1 Field Way is a large 2 storey detached dwelling site on a large plot opposite the village sports field
There are some mature trees in the north-west corner of the site, some of which are the subject of Tree Protection orders and mature 2 to 2.5 metre high hedges that run along the northern and eastern boundaries, part of which will be removed to facilitate the new entrance to the proposed dwelling.
The western boundary is characterised by a combination of a three metre high hedge and a 1.8 metre high timber fence.
The adjoining dwelling at number 2 Field Close to the west can be seen from the proposed plot and is well screened by vegetation.
The surrounding built form is predominantly two storey detached dwellings set in large spacious plots

Proposal

Erection of a detached 2-storey house (6 bedrooms) with brick and timber boarded elevations, beneath a tiled roof.
The proposal achieves a density of approximately 9 dwellings per hectare based on the plot area of 0.11 hectares which forms part of the curtilage of Field House.

Relevant Planning History

W00859 – Conversion of garage to living accommodation erection of garage with vehicular access (*Application Permitted 27/01/1975*)
W00859/01 – Provide extension to form unit of accommodation (*Application Permitted 11/06/1990*)
W00859/02 – Two-storey front extension; alterations to enlarge existing garage (*Application Permitted 13/04/2006*)
Also relevant:
W01495/08 – Erection of 4.no dwellings with creation of new access (OUTLINE) on land adjacent to Highdown, Cliff Way, Compton Down (*Application Refused 10/06/2004 – Appeal Dismissed 05/08/2005*)
W09526/04 – Erection of 1 no. dwelling (OUTLINE) on land adjacent to Highdown, Cliff Way, Compton Down (*Application Refused 08/0/2005 – Appeal Allowed 05/08/2005*)

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Consultations

Engineers: Highways:

Recommend no highway objections.

There is a lot of history and issues regarding development in Compton Down and I remain concerned about the affects that continuous small scale incremental development will have on the safety of the Hurdle Way and Shepherds Lane junction.

Another issue is the suitability of the internal road network to accommodate a significant increase in traffic flows.

A recent traffic survey has been undertaken by Hampshire County Council to determine the volume of traffic using both the Hurdle Way and Shepherds Lane approached to their junctions with Otterbourne Road.

The results of these surveys indicate a further three housing units (i.e. and additional 24 movements) can be accessed from each junction before reaching the 5% threshold suggested in the IHT Guidelines for Traffic Impact Assessment as representing a 'material increase' in traffic flows.

This 5% figure was referred to in the Inspectorate's Appeal Decision Notice dated 5th August 2005 for the Highdown, Cliff Way appeal.

Since the survey was undertaken only one additional dwelling has been permitted on the 13th February 2006 at Longacre, which will mainly use the access at Hurdle Way.

Traffic from the subject application is likely to use the Shepherds Lane junction.

Mindful of this and the recent planning appeal decisions in the vicinity it will be difficult to prove sufficient demonstrable harm will occur to successfully sustain a highway reason for refusal at appeal in this instance.

It should be noted that only a further two dwellings would need to be permitted off each access junction onto Otterbourne Road before Highway Reasons for refusal.

Landscape:

The area is characterised by large detached houses, of various styles with large gardens in leafy surroundings.

There is a large dwelling with a generous garden, albeit subdivided from an even larger plot, so I do not think it will have an impact on the character of the area.

Within the garden are a number of large mature trees which are subject of a TPO and I would not wish them to be compromised by this development.

There is sufficient space to accommodate a house, however, a tree impact assessment and method statement is necessary to ensure there is no damage to the tree roots.

I understand this has been submitted and the Tree Officer needs to be satisfied with this.

If the Tree Officer considers there will be no problems, I shall raise no objection to this application.

Tree Officer

No objection subject to condition requiring works and tree protection to be carried out in accordance with Arboricultural Method Statement prepared by CBA Trees dated March 2006 (ref CBA6305).

Southern Water

No adverse comment on this application.

Representations:

Compton & Shawford Parish Council - Object

The proposed development is not in keeping with the character and appearance of the surrounding properties.

The proposal will detract from the setting and character of the area due to the size of the proposed dwelling on a relatively small plot of land and in the immediate vicinity of adjoining properties.

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The Urban Capacity study 2001 did not identify this site as one considered to be a “good opportunity” for further development in this area and that a recent planning appeal on an application for this area was rejected on the grounds of the impact of traffic movements on highway safety.

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

- Infilling development of this type is contrary to the character of Compton Down.
- The size of the proposed plot is not in keeping with other plots in the locality.
- If allowed, the proposal would set an unwanted precedent for other similar proposals to occur within Compton Down.
- Increased housing will contradict the Inspector’s findings of the previous appeal decision at Highdown, Compton Down which identified the substandard junctions as a major issue.
- The plot was not identified as an infill site in the Council’s Urban Capacity Study – any future development within Compton Down should be in accordance with this document.
- The additional traffic caused by the development would be detrimental to highway safety.
- The hazardous junctions should first be upgraded before any future development is allowed.
- The proposal will have an adverse visual impact when viewed from the adjoining playing field.
- The proposal will have an impact on vegetation and wildlife.
- Compton Down’s infrastructure is unsuited to this type of development.
- Proposal would have an adverse impact on neighbours by way of overlooking from the new dwelling.

Relevant Planning Policy:

Hampshire County Structure Plan Review:

E8, H11, R2, T2, T6, UB1, UB3

Winchester District Local Plan

EN.1, EN.5, EN.7, EN.9, H.1, RT.3, T.9

Winchester District Local Plan Review Deposit and Revised Deposit:

DP.3, DP.5, DP.6, H.2, RT.3, T.2, T.4

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPG 3 Housing

PPG 13 Transport

Supplementary Planning Guidance

Winchester District Urban Capacity Study

Technical paper: Open Space Provision and Funding

Guide to the Open Space Funding System

Planning Considerations

Principle of development/Highways

The site is included within the development boundary of Compton Down where the principle of residential development is acceptable in accordance with planning policies H.1 of the WDLP and H.2 of the WDLPR, subject to additional criteria being met.

The site is currently designated as an EN.1 area within the adopted WDLP which refers to low density areas with important tree cover. However, this policy is not being carried forward in the WDLPR.

Nevertheless the issue of character and tree cover are still material planning considerations in the assessment of this application.

PPG3 encourages Local Planning Authorities to make the best use of land and recommends development proposals achieve densities of 30 to 50 dwellings per hectare. This proposal for a single dwelling achieves a density of approximately 9 dwellings per hectare based on the plot

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area of 0.11 hectares.

Whilst the proposal does not accord with PPG3 in terms of density, the issues of character, tree protection and previous appeal decisions concerning the substandard junctions at Hurdle Way and Shepherds Lane are considered to be important factors in the determination of this proposal. The following appeals and previous applications are particularly relevant:

1) Longacre, Hurdle Way

In March 2004, an appeal for 17 dwellings at Longacre, Hurdle Way (Council reference W11420/05) was dismissed on highway grounds.

The Inspector concluded that *“the development would materially increase traffic through Hurdle Way/Otterbourne Road junction, where visibility is significantly below the normally acceptable standards.”*

A subsequent application for 6 dwellings (Council reference W11420/07) was refused by the Planning Committee in April 2004 for the same reason:

“Development as proposed is contrary to Policy T5 of the Hampshire County Structure Plan Review and Policies EN5 and T9 of the Winchester District Local Plan in that it would result in additional traffic using the junction of Hurdle Way with Otterbourne Road, a County Distributor Road, where visibility is significantly below acceptable standards”

An appeal against this decision was also dismissed where it was found *“that in view of the unsatisfactory visibility at the junction of Hurdle Way and Otterbourne Road that the additional traffic generated by the proposed development would be detrimental to highway safety.”*

The applicant again tested the principle of erecting 17 units on the site and included a Junction Assessment Report prepared by a highway engineer where it was concluded that the junction *“has visibility meeting the appropriate standards and is not a danger to road users.”*

However, the resubmitted application (Council reference W11420/08) was also refused in October 2004 for the same reasons as that described under reference W11420/07.

It was therefore considered that the principle of erecting only one house (council reference W11420/09) on such a large site would be acceptable because, in highway terms, any more additional dwellings would lead to an unacceptable additional use of a sub-standard junction.

2) Land Adjacent to Highdown, Cliff Way

Two applications were considered by way of a joint appeal in August 2005 – the first application for 4 dwellings was dismissed (Appeal A – Council reference W10495/08) while the second application for 1 dwelling was allowed (Appeal B – Council reference W09526/04).

The findings of the Inspector as part of this appeal decision is considered fundamental to the assessment of all other housing proposals within Compton Down.

The Inspector found that Appeal A would add 4 dwellings resulting in a further 56 to 70 additional vehicle movements using the Shepherds Lane junction.

Based on the other 4 dwellings that had already been approved on the estate, this level of additional traffic exceeded the 5% threshold suggested in the IHT Guidelines for traffic Impact Assessment.

The Inspector concluded that Appeal A proposal for 4 dwellings would materially increase traffic movements at the Shepherds Lane junction, to the detriment of highway safety and as such, the Inspector found that Appeal A would unacceptably compromise highway safety and was accordingly dismissed.

Conversely, the Council argued at the appeal that the traffic movements associated with one additional dwelling would not be a material increase. The Inspector found that Appeal B would not unacceptably compromise highway safety and it was therefore allowed.

The Inspector concluded that; *“Whilst allowing only one dwelling on the site would not achieve the density sought in national and emerging local policy, a higher density would not necessarily be acceptable in terms of highway safety.”*

3) Shepherds Grove, Shepherds Lane

The proposal for a single dwelling achieved a density of only 3 dwellings per hectare (gross) with the site area being 3,204m².

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Planning permission was granted by the Development Control Committee in February 2006 (Council reference W06994/03).

Outline planning consent was previously granted in October 2005 (Council reference W06994/02) for a new detached dwelling at the site. Officer's recommended refusal due to the inadequate visibility splays at the junction of Shepherds Lane with Otterbourne Road.

Members resolved, on balance, to give permission on the basis that one dwelling would be acceptable in highway safety terms (given the inconsistency of previous appeal decisions), and recommended approval for siting and means of access subject to a S106 agreement being entered into for public open space provision.

Current application

The highway officer has raised no objection to the current application citing the recent traffic survey undertaken by Hampshire County Council to determine the volume of traffic using both the Hurdle Way and Shepherds Lane approaches to their junctions with Otterbourne Road.

This survey indicated that a further three housing units can be accessed from each junction before reaching the 5% threshold suggested in the IHT Guidelines for Traffic Impact Assessment. This figure will not be exceeded should this application be permitted.

To this end, the highway officer noted that only a further 2 dwellings could be permitted off each access junction onto Otterbourne Road before the 5% threshold figure was exceeded and a highway reasons for refusal could then be sustained.

Having due regard to the above appeals and survey undertaken by HCC, it is considered that in this instance a higher density would not be acceptable because it would lead to higher traffic levels that would compromise highway safety.

As such, the principle of a single dwelling is therefore considered acceptable.

Impact on character of area and neighbouring property

The character of Compton Down is that of detached dwellings on large plots reflecting the previous EN.1 designation in the WDLP.

The proposed dwelling is a large detached two storey dwelling situated towards the middle of the plot with a footprint comparable in size to that of Field House (as shown on the Site Layout Plan) and indeed many of the dwellings located along the northern side of Field Close.

Paragraph 56 of PPG3 encourages LPA's to look at the wider context when assessing issues relating to character and states: *"New housing development of whatever scale should not be viewed in isolation. Considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality."*

Although the size of the plot (being 0.11ha) is smaller than that of neighbouring plots, there are other plots within the settlement that are comparable in size, specifically those located on the eastern side of Shepherds Lane and those on the northern part of Cliff Way.

More significantly, a previous Inspector allowed on appeal a single dwelling on land adjacent to Highdown, Cliff Way with a site area of 0.16ha, only marginally larger than the plot proposed at Field Way.

On both occasions, the Inspectors found that the development of single dwellings (and the size of land to which they are sited on) were in keeping with the character of Compton Down.

Notwithstanding PPG3 density considerations (as previously discussed), the erection of one detached dwelling is considered not to harm the character of Compton Down.

The retention of the 2 metre high hedge along the Field Way frontage will ensure that there is no detrimental impact on the street scene.

Most of the significant TPO trees located towards the north-western corner of the site will be retained in accordance with the details outlined in the Arboricultural Method Statement prepared by CBA Trees dated March 2006 (reference CBA6305).

The materials of the dwelling are proposed to be a mixture of facing brick and cedar weatherboarding exterior with a clay tiled roof and these are considered appropriate for this area of Compton.

Notwithstanding, a condition has been included requiring the submission and approval of materials.

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Residential amenities

The dwelling most likely to be affected by the proposal is Field House to the south who's occupants are also the applicants of this application.

This dwelling is located 11 metres to the south of the proposed development.

It should be noted that a recently permitted extension to Field House (reference W00859/02) included a condition requiring that all northern facing windows at first floor level be obscured glazed to reduce the impact of overlooking.

Further additional planting along the southern boundary will also reduce the impact of any potential overlooking.

The neighbouring dwelling to the south-west (2 Field Close) is currently visible from the new plot, however the site layout plan indicates the incorporation of additional landscape planting in the south-west corner.

A landscape condition is included requiring such boundary treatment to be to the Council's satisfaction.

Furthermore, the distance from the upper level windows in bedrooms 3 and 4 is in excess of 25 metres from the dwelling at number 2 Field Close. This distance is considered to be acceptable and would not result in materially harmful loss of privacy.

Similarly, the dwelling to the north known as 'Heathercroft' is located in excess of 30 metres from the proposed dwelling. Again this is an adequate distance which would avoid an unacceptable degree of overlooking.

There is also sufficient landscape treatment located along the northern boundary to further minimise the impact of the development.

Overall, the proposal is not considered to be harmful to the amenities of adjoining properties.

Permitted Development Rights have also been removed to allow the Local Planning Authority to retain control over future development on the plot.

Public open space provision

A request has been made for a financial contribution of £2,438 to be made towards public open space provision and payment of this contribution is awaited.

Other Matters

The issue of precedent has been raised in objections but all applications must be considered on their own merits. Nevertheless, it is noted under the 'Highways Officers' consultation on this report that only a further two dwellings could be permitted off each access junction before a highway reason for refusal could be sustained.

Mention has also been made of the Winchester District Urban Capacity Study 2001. The subsequent Housing Monitoring Report 2003 has not identified the site on the Compton Down map. Paragraph 9.1 of the Housing Monitoring Report 2003 states that the original Urban capacity Study 2001 identified 548 sites across the district as being 'good opportunities' to provide for 2,177 dwellings. It goes on to state: "*There remained however, a number of additional opportunities (classified as 'medium' and 'poor' opportunities) within the defined built up areas that were not identified in the published Study, as well as other sites that were not identified at all. **The fact that they were not identified in the UCS does not mean that they could not be developed.** Sites which have come forward and which were not identified by the UCS (as good, medium and poor opportunities) are referred to as windfall sites.*"

The argument that the site is not included in the UCS maps is an insufficient reason to resist the proposed development.

Concerns have been raised regarding the effect on construction traffic on the road network.

Similar developments in Compton have not required conditions relating to the reinstatement of the private highways following construction. It would therefore be unreasonable to impose a similar condition for this application

Furthermore, objectors have identified issues relating to the impact of the development in the adjoining sports field. The proposal will be well screened when viewed from the field as the majority of the hedgerow along Field Way frontage is proposed to be retained.

The TPO trees will be retained by way of a condition and will therefore not have an impact on

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local wildlife. No other trees will be affected by the development.

Planning Obligations/Agreements

In seeking the planning obligation(s) and/or financial contributions for public open space funding, 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 (provided the applicant is prepared to make the appropriate provision for public open space through the open space funding system) – subject to the following condition(s):

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

Conditions

01 The development hereby permitted shall be begun before the expiration of three 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 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.

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

03 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.

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

04 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling hereby permitted is first occupied. Development shall be carried out in accordance with the approved details.

04 Reason: In the interests of the visual amenities of the area.

05 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.

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These trees shall be protected during building operations by the erection of fencing in accordance with BS 5837 and the Arboricultural Method Statement prepared by CBA Trees dated March 2006 Ref CBA6305 and the accompanying tree protection plan (drawing number CBA6305.03). The Local Planning Authorities Arboricultural Officer Michael Edwards shall be contacted once the Tree Protection fencing has been erected.

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

06 The hedgerow identified on the site layout plan shall be retained and maintained at a minimum height of 2 metres in good condition and where necessary reinforced with appropriate species to be agreed in writing with the Local Planning Authority. The new planting shall be completed before the end of the first planting season following the completion of the development hereby permitted.

06 Reason: In the interests of the visual amenity of the area.

07 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 and E of Part One of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

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

08 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 Class A of Part Two of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

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

09 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 or rooflights other than those expressly authorised by this permission shall, at any time, be constructed in the front, side and rear elevation(s) of the development hereby permitted without the prior written consent of the Local Planning Authority.

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

10 Before the development hereby approved is first brought into use, a minimum of two car parking spaces shall be provided within the curtilage of the site and thereafter maintained and kept available solely for the parking of vehicles.

10 Reason: To ensure adequate car parking provision within the site in accordance with the standards of the Local Planning Authority.

Informatives:

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

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the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

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

Hampshire County Structure Plan Review: E8, H11, R2, T2, T6, UB1, UB3

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

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

All work relating to the development hereby approved, including works of demolition or preparation prior to operations, shall only take place between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 Saturdays and at no time on Sundays and Bank Holidays.