

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Winchester City
Council
Planning Department
Development Control

TEAM MANAGER
SIGN OFF SHEET

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Committee Decision

Case No:	08/00800/FUL	Valid Date	28 March 2008
W No:	07604/03	Recommendation Date	28 May 2008
Case Officer:	Mr James Jenkison	8 Week Date	27 June 2008
		Committee date	
Recommendation:	Application Permitted	Decision:	Committee Decision

Proposal: Erection of 11 no. dwellings with associated garaging and car parking, landscaping and new access from Bull Lane to include land at Fairlawn and Cherry Trees (RESUBMISSION)

Site: St Aubyns Bull Lane Waltham Chase Southampton Hampshire

Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
YES	YES	NO	YES	NO		YES

DELEGATED ITEM SIGN OFF		
APPROVE Subject to the condition(s) listed		
	Signature	Date
CASE OFFICER		
TEAM MANAGER		

AMENDED PLANS DATE:-

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Item No: 1
Case No: 08/00800/FUL / W07604/03
Proposal Description: Erection of 11 no. dwellings with associated garaging and car parking, landscaping and new access from Bull Lane to include land at Fairlawn and Cherry Trees (RESUBMISSION)
Address: St Aubyns Bull Lane Waltham Chase Southampton Hampshire
Parish/Ward: Shedfield
Applicants Name: Heritage Property Group
Case Officer: Mr James Jenkison
Date Valid: 28 March 2008
Site Factors:

Recommendation: Application Permitted

General Comments

This application is reported to Committee because of the number of objections received and at the request of Shedfield Parish Council, whose request is appended in full to this report as Appendix II.

There have been three previous applications for development on these sites. The first application (06/00502/FUL) was for 14 dwellings and included Fairlawn, Cherry Trees and Wrenbeck and was refused planning permission on 16 May 2007 as essentially being overdevelopment and a poor form of development. An appeal was lodged but was later withdrawn. The second application (06/03512/FUL) comprised Fairlawn and St. Aubyns and was for four dwellings only. It was refused planning permission on 24 January 2007 for similar reasons.

It was resolved to refuse planning permission for the most recent application (ref: 07/02698/FUL) at a Planning Sub-Committee meeting on 22 February 2008 and the decision notice was issued on 6 March 2008 (copy appended as Appendix I). The application was refused mainly on the grounds that the flats proposed at the front of the site represented a cramped form of development detrimental to the character of the street scene of Bull Lane, and because it would have a materially harmful impact upon the amenities of the occupiers of the dwellings at St. Aubyns and Samarinda in terms of loss of light to and outlook from these properties. Additional refusal reasons were the non-payment of open space contribution and non-provision of affordable housing. This refusal decision is now the subject of an appeal.

The scheme now proposed under ref: 08/00800/FUL differs from that previously refused (07/02698/FUL) in that the building proposed between Samarinda and St. Aubyns has been reduced in size to create a greater amount of space between buildings and is to be used as a single dwelling rather than a building subdivided into apartments. The internal layout of St. Aubyns would be altered to ensure the outlook for bedrooms and living rooms is orientated to the front and back of the dwelling, should permission for the current scheme be granted (Condition 21). The three affordable housing apartments are now proposed to be located on plots 8-10, which backs onto the rear gardens of Samarinda and 52 Brooklyn Close. The rear single storey aspect of this building now spans the width of the building, whereas in the previous application it spanned only half the width of the main building element.

Site Description

Fairlawn, Cherry Trees, Wrenbeck and Grouville comprise a row of similar 2-storey detached

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residential properties facing Bull Lane and have very deep back gardens approximately 58 metres long.

St. Aubyns comprises a single storey bungalow, with a wide west side garden and a shallower back garden (30 metres depth). The adjacent property to the west of the application site, Samarinda, is also a chalet style bungalow, with large dormer windows in the roof facing towards the street and the rear of the property.

Adjoining properties at the south and south-west of the site are part of Brooklyn Close and have small back gardens adjacent to the application site, with depths ranging between 11 and 15 metres and widths ranging from 13 to 16 metres. All of these properties are detached 2-storey dwellings. The properties at the south boundary of the application site have their flank walls facing towards it, with the space between 34 and 36 Brooklyn Close comprising a carparking forecourt.

The application site consists of 0.41 hectares and comprises the property of St. Aubyns and the rear gardens of Fairlawn and Cherry Trees. The land is predominantly flat lawn with ornamental trees and shrubs and boundary vegetation. There is a mature oak tree on the south boundary of the site which is subject to a Tree Preservation Order.

Proposal

The proposal relates to the erection of 11 dwellings and associated garaging, carport, driveway and hardstanding area and comprises two main elements. The first is a chalet bungalow style building with rooms in the roof in the side garden of St. Aubyns and adjacent to Samarinda. This building comprises a three bedroom dwelling and the property will have a back garden which backs onto a small shared carparking courtyard with a garage.

The second, more significant, element of the proposal comprises of 2 detached houses, 2 link-detached houses, 3 terraced houses and three 1-bedroom apartments (Plots 8-10, located in a building which has the form and style of a 2-storey detached house) in the rear gardens of Cherry Trees, Fairlawn and St. Aubyns. The proposed dwellings are all two storeys high and will essentially be arranged in two rows from east to west. These dwellings, as well as the affordable housing, will be served by a driveway situated between St. Aubyns and Fairlawn. The driveway has a slight curve to it and has landscaping proposed along either side. The driveway leads south from the access directly towards the TPO'd Oak Tree, located in the forecourt between Nos. 34 and 36 Brooklyn Close, which acts as a visual end stop to views from the access. The southward direction of the driveway terminates in a group of carparking spaces and the driveway turns to the west to serve Plots 1-6. This also allows manoeuvring space for pantechnicons. Plots 3-7 have back gardens approximately 10 metres deep, with dwellings being set back 10-11 metres from the south boundary of the site. The proposed dwelling on Plot 7 will be set much closer to the west boundary, with the north-west corner of the dwelling being set back 3 metres from the common boundary with 52 Brooklyn Close.

Relevant Planning History

06/00502/FUL - Residential redevelopment following the demolition of Fairlawn comprising: 14 no. detached and semi-detached three bedroom dwellings, associated parking, landscaping and communal play area with new access (site including land to the rear of Cherry Trees & Wrenbeck) - Refused – 16/05/2006 - Appeal withdrawn.

06/03512/FUL - Erection of 4 no. dwellings with associated garaging and car parking, landscaping and new access on land to the rear of St Aubyns and Fairlawn – Refused – 24/01/2007.

07/02698/FUL - Erection of 3 no. one bedroom, 3 no. two bedroom, 1 no. three bedroom, 4 no.

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four bedroom dwellings with associated garaging, car parking, landscaping and new access from Bull Lane to include land at Fairlawn and Cherry Trees - Refused - 06/03/2008.

Consultations

Engineers: Drainage:

A public foul sewer is available. Stormwater drainage could be problematic due to the heavy nature of the ground and its poor absorption properties. A water course runs across the site and the drainage system must respect this, and the ditch needs to be retained in order to drain the gardens of those properties. Minimising hard landscaping with permeable paving, water butts for each dwelling and a cellular type soakage system might overcome the problem. A drainage strategy needs to be presented showing the disposal of both foul and surface water in a sustainable manner prior to commencement of development (Condition 15).

Engineers: Highways:

The proposed number of carparking spaces complies with the requirements of the Hampshire Parking & Strategy Document.

Bin storage location ensures that a pantechnicon will have no need to enter the site.

No recorded personal injury accidents at the Bull Lane junction or along the full length of Bull Lane.

£41,036 was requested as a contribution to sustainable transport improvements.

Conditions recommended for access construction (Condition 6), visibility splays (Condition 7), turning space (Condition 8) carparking (Condition 9), road and footpath construction (Condition 10) and cycle storage (Condition 16).

Landscape (consultation response from previous application):

There is insufficient room for medium or large growing tree species to replace the amenity which was provided within the site by the existing trees now removed. Proposal considered unacceptable in landscape terms for this reason.

Environmental Health

Environmental health recommend three conditions (Conditions 17-19) relating to potential contamination of land.

Environment Agency:

The Environment Agency assessed the application as having low risk.

Southern Water:

Southern Water referred to comments of previous application:

Southern Water able to provide foul sewage connection to the development. Surface water disposal should not involve disposal to a public foul sewer.

Hampshire Ecology

Ecological Survey contains an adequate assessment. Mitigation measures proposed will need to be adhered to during the work, including Great Crested Newts assessment (Condition 20).

Strategic Housing.

30% of units required to be affordable housing, which equates to 3.3 dwellings. The 3 x 1-bedroom flats have been agreed. The size, design and location of the affordable units are acceptable and there is a real identified need for their provision, with social rented units being the greatest need. Financial contribution for remaining 0.3 fraction is acceptable.

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Representations:

Shedfield Parish Council (full comments appended as Appendix II):

Contrary to Policy RT4,

It is cramped and overdevelopment and would have an effect on existing properties.

Mains drainage and flooding have not been considered;

Highways and carparking inadequate, road safety for pedestrians;

Wildlife protection, emergency services and electricity service has not been considered;

Schools.

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

- Insufficient on-site carparking, with no visitor parking provided. Bull Lane too narrow for on-street parking and access at narrowest point.
- Bull Lane dangerous to use for pedestrians, horse riders, dog walkers and cyclists and is used as a rat run.
- Problems for emergency vehicles and refuse collection.
- Existing sewage flooding will be exacerbated.
- Land waterlogged and proposal would increase flooding. Water butts only useful in summer.
- Bin store will be an eyesore and hazard.
- Loss of greenery, trees and wildlife habitat, with badgers, bats and Great Crested Newts being sighted. Lack of bat survey. And more surveys for Great Crested Newt needed.
- Overlooking and loss of privacy too neighbours (all neighbouring properties). Obscure glazing not effective.
- Proposal is cramped and overdevelopment, with space about houses being eroded and gardens being too small for domestic purposes. No children's play area.
- Overbearing and over-shadowing impact on Samarinda and St. Aubyns.
- Loss of trees, outlook, light and amenity.
- Noise impact from proposed properties on existing properties.
- Impact of construction activity and traffic.
- Proposal out of character with rural character of Bull Lane and materials out of character with the locality.
- Land may be contaminated.
- Bus service infrequent

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

- No local school spaces available.

Relevant Planning Policy:

Winchester District Local Plan Review

DP3, H3, H5, H7, RT4, T1

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPS 3 Housing

Planning Considerations

Principle of development

The site is located within the settlement boundary of Waltham Chase and does not have any designations that would prevent its development in principle, in accordance with Policy H3.

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Dwelling Mix/ Density

Six of the proposed dwellings (Plots 4, 5, 6, 8, 9 and 10) will have an internal floor area of less than 75m² and are classified as small dwellings in accordance with Policy H7. The remaining five dwellings are classified as large dwellings. One of these dwellings has 3 bedrooms whilst the rest have 4 bedrooms. The dwelling mix is therefore considered to be acceptable in accordance with Policy H7. Condition 13 is recommended to ensure the properties remain compliant with this policy in the future.

The dwelling density amounts to 26 dwellings to the hectare, which is slightly less than the minimum figure encouraged in PPS3. PPS3 is not prohibitive of allowing lower densities, noting that density will vary for different locations across the district. This density, whilst below the figure in PPS3, is considered to be appropriate in this case taking into account the shape of the site, the proximity of neighbouring dwellings and the character of the surrounding locality.

Design/layout

The layout of the proposal generally reflects that of its surroundings, consisting of dwellings with space about them. The layout of the proposed development is fundamentally that of a lane overlooked by houses, the density, mass and scale of which is consistent with the surrounding locality. The main difference is the requirement to build smaller dwellings as part of the mix, and this has resulted in some dwellings having a smaller garden area than is typical for the area. The use of multiple roof spans and hip and half hip roofs will ensure that these two storey buildings (with ridge heights ranging from 8 – 8.5 metres) maintain a modest profile in relation to neighbouring sites and are not significantly larger than Fairlawn, Cherry Trees, Wrenbeck and Grouville.

The design of the buildings is traditional in form and style. Materials proposed are brick and tile.

Impact on character of area and neighbouring properties.

Proposed dwelling in side garden of St. Aubyns (Plot 11).

St. Aubyns has a significantly wider plot than neighbouring dwellings (28 metres compared to 14 metres for Samarinda and 16 metres for Fairlawn), and allowing development in its side garden could, in principle, sit comfortably within the street scene, with plot widths being created that are similar to neighbouring properties .

The design of the dwelling proposed is intended to reflect the character of the two dwellings to either side (St. Aubyns and Samarinda) and is essentially a bungalow design in terms of its appearance. The proposed building will have a roof ridge height of about 7 metres and a varying eaves height ranging from 2.2 to 4.8 metres (the maximum height being that of the half hips on the side elevations). The roof slope will therefore be reasonably large, but will be screened from most public viewpoints by St. Aubyns and Samarinda, with which the building is set in line. This proposed dwelling differs from that of the previously refused application in that it is narrower (8 metres compared to 9 metres) and therefore allows a greater degree of space between buildings. The side wall of this building will be set 4.5 – 5.5 metres away from the main flank wall of Samarinda and 1.8 metres from the sidewall of St. Aubyns (compared to 1 metre for the previous application). Whilst the gap between this proposed dwelling and St. Aubyns will be relatively narrow (1.8 metres) compared to the larger gap between St. Aubyns and Fairlawn (which is required for the driveway access), it is only enclosed by single storey rather than 2-storey walls, with roofs sloping away from the gap, so there is enough space about the buildings to ensure that their detached character is obvious within the street scene. Additionally, the building has been designed to step back from the street, maintaining the building line between St. Aubyns and Samarinda. It is therefore considered that the proposed building will sit comfortably within the street scene due to its similar size, scale, location and plot width to neighbouring dwellings and

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will not be detrimental to the character of Bull Lane.

Because of the downward slope of the roof towards a single storey eaves level at the front and rear, views of the side wall from the street will be restricted by Samarinda and St. Aubyns. This is assisted by the use of a half-hip roof which would bring the side wall height down to 4.8 metres at its highest point.

St. Aubyns

St. Aubyns is proposed to be re-modelled to ensure that the main habitable rooms of the dwelling face the front and rear of the house, with the living room opening onto the retained back garden. Consequently, the bungalow will not be reliant on light and outlook from side windows/doors facing Plot 11 in order to provide satisfactory living conditions for its occupiers. The gap separating St. Aubyn's from the proposed dwelling on Plot 11 will only be overlooked by a secondary window to the kitchen and a bathroom window, and this situation has been replicated with the proposed dwelling itself. The relationship between these two buildings will therefore be satisfactory.

Impact of Plot 11 on Samarinda

The dwelling on Plot 11 differs from that of the refused scheme in that it has a smaller building mass and a flank wall which steps further away from the side boundary with Samarinda. The distance of the proposed dwelling on Plot 11 from Samarinda is considered to be reasonable, being no less than 4.5 metres from the flank wall of Samarinda at the closest point, with the separation distance increasing further towards the rear as the buildings angle away from each other. The proposed dwelling on Plot 11 will also be 2.5 metres from the side boundary with Samarinda, allowing comfortable space for boundary planting. The reduction in the height of the side wall to 4.8 metres, the separation distances between the proposed development and Samarinda and the alignment of the dwellings side by side (with front and rear elevations facing north and south) ensures that there will be no material overbearing or overshadowing impact on Samarinda from the proposal.

Samarinda has windows to habitable rooms in the side wall facing St. Aubyns. However, these rooms have additional windows more conventionally situated to promote outlook to the front and rear of the property rather than to the side. A no additional windows condition (Condition 12) has been recommended in the west side elevations of the proposed dwelling on Plot 11 (ground floor secondary windows are proposed to serve a study and living room in this elevation). With this condition, it is considered that the proposed development will not have a materially harmful impact on Samarinda in terms of loss of privacy and outlook.

A triple carport and additional carparking spaces providing for a total of 5 parked cars and a cycle store will be set at the rear of Plot 11, and about 12.5 metres from the main rear wall of Samarinda. Because of this separation distance and the small number of car parking spaces provided here, the impact of vehicles on the amenities of Samarinda is not considered to be materially harmful.

Development in the back gardens of Fairlawn and Cherry Trees.

The rear gardens of Fairlawn, Cherry Trees, Wrenbeck and Grouville differ from the surrounding locality in that they are significantly deeper, allowing dwellings to be placed in the rear gardens of Fairlawn and Cherry Trees, which generally reflects the spacing of buildings in the locality. The layout of the scheme is also similar to that of the surrounding locality, forming a cul-de-sac. Because the rear gardens of neighbouring properties and the properties proposed are modest in size (about 10 metres), care has been taken to protect the privacy between the dwellings proposed and the existing dwellings on neighbouring sites. This has been achieved by the orientation of dwellings, with Plots 1 and 2 set back to back with Fairlawn and Cherry Trees (with a separation distance of 21 metres between rear elevations) and Plots 3-7 having rear walls facing towards the side of neighbouring properties rather than into the rear elevations that have

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windows for habitable rooms. The design of the proposed dwelling on Plot 7 ensures no windows at 1st floor level on the elevation that would overlook Nos. 50 and 52 Brooklyn Close. The privacy of Nos. 20, 34 and 36 Brooklyn Close is not considered to be materially harmed as the proposed dwellings on Plots 3-5 face the side walls and back gardens of these properties. The perception of a loss of privacy to rear garden living areas of Nos. 20 and 34 Brooklyn Close has also been alleviated by the amended plans submitted, which reduce the level of clear glazed windows at 1st floor level on the proposed dwellings. Additionally, these windows are modest in size and the 1st floor level of the rear elevation of Plot 3 has been designed with part of the wall stepped back further from the common boundary with Nos. 20 and 34 Brooklyn Close. This step back creates a higher separation distance from the gardens of Nos.20 and 34 and makes the clear glazed window here less visually evident. Conditions 11 & 12 prevent the insertion of new windows or the enlargement of existing windows and require a level of obscure glazing to the windows.

Generous gaps have been maintained at 1st floor level between the proposed buildings, both within the site (10-12 metres) and between the proposed dwellings and neighbouring properties (11-17 metres) ensuring that there is no solid mass of buildings and no overbearing impact on neighbouring properties or within the site. The mature oak tree also creates a landscape foil to these buildings.

Landscape/Trees

The size of the gap between St. Aubyns and Fairlawn has allowed the provision of planting along both sides of the driveway leading into the development, and the curvature of the driveway will make this landscaping more visually apparent in views from Bull Lane at the access. Views into the site from the access will be focused towards the mature oak tree, with views of buildings being much more incidental. Additionally, the entire development (apart from the existing dwellings of Fairlawn and Cherry Trees) will be served by a single access, allowing for the provision of a significant level of front garden landscaping along Bull Lane. Within the site, one tree with sufficient space for it to mature has been shown, as have the side boundary hedgerows. The comments of the Landscape Architect are duly noted and it is accepted that the level of landscaping for the proposed development is not generous but it is considered that the general arrangement of dwellings and access road will allow for sufficient open space/landscaping and would not be harmful to the character of the area. Conditions 3, 4 and 5 require the protection and retention of these trees and hedgerows and new landscape planting.

Ecology

The applicant has submitted an ecological survey with the application which included identifying signs of breeding sites and foraging areas for Great Crested Newts, badgers, bats, reptiles, nesting and feeding birds, invertebrates and other fauna. Both the survey author and the Hampshire County Council Senior Ecologist specify that further survey work for Great Crested Newts should be undertaken and are confident that this can be achieved by way of a planning condition (Condition 20). The Hampshire County Council Senior Ecologist also noted that the ecology survey provided an adequate assessment of the ecological interest of the site.

Drainage

Sustainable urban drainage solutions, such as water butts and soakaways, are able to be adopted to reduce stormwater runoff and this is assisted by the use of permeable paving materials such as grasscrete for driveway and carparking areas (ref: Condition 16).

Highways/Parking

The Highways Engineer is satisfied with the carparking and access arrangements for the site and cycle storage has been incorporated into the scheme. The Highways Engineer has also provided accident data which suggests that there have been no personal injury accidents along Bull Lane or at its junction and has therefore raised no objections to the proposal on highways safety grounds. However, the Highways Engineer has recommended conditions to ensure acceptable formation of the access and driveway (Condition 6), the provision of visibility splays (Condition 7), adequate on-site turning (Condition 8), retention of garage parking (Condition 9)

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and formations of the road and footway (Condition 10). It is therefore considered that, with the recommended conditions, highways safety and the amount of carparking provided-for by the proposed development will be acceptable.

Planning Obligations/Agreements

In seeking the planning obligation(s) and/or financial contributions for public open space and affordable housing provision, 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.

Public Open Space

The development does not provide any on-site public space and a financial contribution for public open space purposes is therefore appropriate and has been calculated at £23,306.

Affordable Housing

A development of this scale would require the provision of 3.3 affordable housing units. Three affordable dwellings are to be provided on-site (Plots 8-10), and this requires a contribution of £46,665 for the additional percentage.

Sustainable Transport Improvements

The application was validated on 28 March 2008 and the Council policy on requiring financial contributions for sustainable transport improvements did not come into effect until 2 April 2008. As the application was submitted prior to the adoption of the policy, a financial contribution for this purpose is not required.

Conclusion

It is considered that the proposed development respects the density, dwelling types and spatial characteristics of the surrounding locality and retains a level of landscaping that ensures that local amenities and the amenities of neighbouring residents can be adequately protected. Revisions to the design of the buildings located at the front of the site have overcome the previous reason for refusal regarding the impact upon the street scene of Bull Lane and the amenities of the neighbouring dwelling, Samarinda. As contributions for affordable housing and public open space have not been made, a Section 106 Agreement to secure their provision is therefore required, as detailed in the report.

Recommendation

APPROVE (provided the applicant is prepared to make the appropriate provision for affordable housing and 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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

1. Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

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2. No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the 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.

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

3. 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 within the first planting season of the substantial completion of the development or as otherwise agreed in writing by the Local Planning Authority. These details shall include the following, as relevant:

- means of enclosure, including hedgerow planting:
- hard surfacing areas and hard surfacing materials:
- landscape areas.
- relocation of the pond at Cherry Trees

Soft landscape details shall include the following as relevant:

- retention of existing trees and hedgerows
- planting plans
- written specifications (including cultivation and other operations associated with plant and grass establishment):
- schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate:
- schedule of plants for the re-inforcement of the existing hedgerow and new hedgerow planting:
- manner and treatment of watercourses, ditches and banks:
- implementation programme.

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

4. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Landscape maintenance shall be carried out in accordance with the approved schedule.

4. Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features.

5. In this condition "retained tree" means an existing tree which is to be retained in accordance with the arboricultural impact appraisal and method statement prepared by Barrell Tree Consultancy and dated 6 November 2007 (ref: 7404-AIA-PB) and submitted as a part of this application and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building(s) for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

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c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with details to be submitted to and approved in writing by the Local Planning Authority before any equipment, machinery, or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

5. Reason: To ensure the protection of trees which are to be retained.

6. The proposed access and drive, including the ditch pipe, shall be laid out and constructed in accordance with specifications to be first submitted to and approved in writing by the Local Planning Authority.

NOTE: A licence is required from Hampshire Highways Winchester, Central Depot, Bar End Road, Winchester, SO23 9NP prior to the commencement of access works.

6. Reason: To ensure satisfactory means of access.

7. Before the development hereby approved is first brought into use, visibility splays of 2.4 metres by 39 metres shall be provided at the junction of the access and public highway. The splays shall be kept free of obstacles at all times. No structure, erection or vegetation exceeding 1 metre in height above the level of the adjacent highway shall be permitted within the splays.

7. Reason: In the interests of highway safety.

8. 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.

8. Reason: In the interests of highway safety.

9. The garage and parking hereby approved shall not be used for any purpose other than the parking of cars.

9. Reason: To ensure the provision and retention of the parking spaces, in the interests of local amenity and highway safety.

10 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 dwellings 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.

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

11 The windows at 1st floor level in the elevations or roof slopes of the dwellings on the plots of the approved plans listed below and hereby permitted shall be glazed in obscure glass and fixed shut to a height of 1.8 metres above floor level and thereafter retained.

(i) west elevation of the dwelling on plot 7 (facing 50 and 52 Brooklyn Close).

(ii) windows on south elevation of the dwelling on plot 4 (facing 34 Brooklyn Close).

(iii) windows in south elevation of the dwelling on plot 3 (facing 20 and 34 Brooklyn Close).

(iv) bathroom windows in north elevations of the dwellings on plots 1 and 2.

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

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 windows, and no enlargement of the windows expressly authorised by this permission shall, at any time, be constructed above ground floor level in the elevation(s) listed below:

(i) all walls and roofs in the west rear elevation of the dwelling on plot 7 (facing 50 and 52 Brooklyn Close).

(ii) all walls and roofs in the south rear elevation of the dwellings on plots 3 and 4 (facing over 20 and 34 Brooklyn Close).

(iii) north side elevation of the building comprising dwellings/plots 8-10.

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

13 The dwellings shall be constructed in accordance with the approved plans and at no stage thereafter shall any of the dwellings hereby approved be combined to form a larger dwelling unit.

13 Reason: To ensure that a mix of small and larger dwellings is retained in accordance with Policy H7.

14 Details of the floor slab levels and existing and proposed ground levels shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on the site. The development shall be carried out in accordance with the approved details.

14 Reason: To protect the amenities of the locality and neighbouring residents.

15 None of the dwellings of the development hereby approved shall be occupied until a system for the disposal of sewage and surface water (including methods for the retention/management of greywater and stormwater within the site, such as water butts) has been provided on the site in accordance with details (including layout plans, sections, calculations and identification of management responsibilities post implementation) to be first submitted to and approved in writing by the Local Planning Authority.

15 Reason: To ensure satisfactory provision of foul and surface water drainage and to prevent flooding.

16 Prior to work commencing on the site, details for the provision and retention of cycle parking in a satisfactory manner shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with the approved plans prior to the occupation of the dwellings on the site.

16 Reason: To ensure the provision of cycle parking and to promote sustainable forms of transport.

17 Prior to the commencement of the development hereby permitted (or within such extended period as may be agreed with the Local Planning Authority), a scheme to deal with contamination shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall conform to current guidance and best practice as set out in BS10175:2001 Investigation of potentially contaminated sites – code of practice and Contaminated Land Reports 7 to 11 or other supplementary guidance and include the following phases, unless identified as unnecessary by the preceding stage and agreed in writing by the Local Planning Authority:

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- a) A desk top study and conceptual model documenting all the previous and existing land uses of the site and adjacent land;
- b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study;
- c) A remedial strategy detailing the measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a suitably qualified person to oversee the implementation of the works.

17 Reason: In order to secure satisfactory development and in the interests of the safety and amenity of the future occupants.

18 Prior to the occupation of the development hereby permitted, written verification produced by the suitably qualified person approved under the provision of E110c) shall be submitted to and approved in writing by the Local Planning Authority. The report must demonstrate that the remedial strategy approved under the provisions of conditions E110c) has been implemented fully, unless varied with the written agreement of the Local Planning Authority in advance.

18 Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants.

19 Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings, along with details of any remedial action required (including timing provision for implementation), have been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details.

19 Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants.

20 Surveys in accordance with the recommendations of Section 6 of the Ecological Scoping Survey submitted with the planning application and prepared by Adrian Hutchings of White Young Green Environmental, shall be undertaken and details of surveys and proposed mitigation measures submitted to and approved in writing by the Local Planning Authority prior to work commencing on the site. The mitigation measures shall be undertaken in accordance with the approved details.

20 To ensure the protection of any protected species that may be found on the site.

21 Prior to work commencing on the dwelling on plot 11, the alterations to the existing dwelling of St. Aubyns shown on drawing HP05035/10 by White Young Green and dated 24.04.2008 (date stamp received 28 April 2008) shall be undertaken.

21 Reason: To ensure an acceptable level of amenity is maintained for the dwelling of St. Aubyns.

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 the

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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: T5

Winchester District Local Plan Review 2006: DP1, DP3, DP4, H3, H5, H7, RT4, T3, T4, T5

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water's Network development Team (Wastewater) based in Otterbourne, Hampshire or www.southernwater.co.uk.

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APPENDIX I

White Young Green Planning
The Loft
St.clairs Farm
Wickham Road
Droxford
Hants
SO32 3pw

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

Case No: 07/02698/FUL
Ref No: W07604/02
Grid Ref: 456095 114965

Erection of 3 no. one bedroom, 3 no. two bedroom, 1 no. three bedroom, 4 no. four bedroom dwellings with associated garaging, car parking, landscaping and new access from Bull Lane to include land at Fairlawn and Cherry Trees

St Aubyns, Bull Lane, Waltham Chase, Southampton, Hampshire, SO32 2LS

In pursuance of its powers under the above mentioned Act, the Council, as the Local Planning Authority, hereby REFUSES permission for the above development in accordance with the plans and particulars submitted with your application received on 29th October 2007.

The reason(s) for the decision of the Local Planning Authority to refuse permission is/are specified hereunder:-

1 The application is contrary to Policy DP.3 of the Winchester District Local Plan Review in that the proposed flats (plots 9-11) at the front of the site would:

- i) represent a cramped form of development detrimental to the character of the streetscene of Bull Lane
- ii) have a materially harmful impact upon the amenities of the occupiers of the dwellings at St. Aubyns and Samarinda in terms of loss of light to and outlook from these properties.

2 The proposal is contrary to Policy RT.4 of the adopted Winchester District Local Plan Review 2006 in that it fails to make adequate provision for public recreational space to the required standard, and would therefore be detrimental to the amenities of the area and would undermine the plan's policies for recreational open space provision with the district.

3 The proposal is contrary to Policy H.5 in the adopted Winchester District Local Plan Review 2006 in that it fails to make adequate provision for affordable housing and would therefore be detrimental to the needs of local people in the Housing Monitoring Report and Housing Needs Survey.

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 the

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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: T5

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A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water's Network development Team (Wastewater) based in Otterbourne, Hampshire or www.southernwater.co.uk.

F. Tebbutt

Head of Planning Control
6 March 2008

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APPENDIX II

St Aubyns, Bull Lane, Waltham Chase, Southampton, Hampshire

08/00800/FUL - Erection of 11 no. dwellings with associated garaging and car parking, landscaping and new access from Bull Lane to include land at Fairlawn and Cherry Trees (RESUBMISSION).

Response of Shedfield Parish Council to planning application.