

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 3 July 2008

Winchester City
Council
Planning Department
Development Control

Committee Decision

TEAM MANAGER
SIGN OFF SHEET

Case No:	08/00587/FUL	Valid Date	18 March 2008
W No:	21064	Recommendation Date	29 April 2008
Case Officer:	Mr Tom Patchell	8 Week Date	13 May 2008
		Committee date	
Recommendation:	Application Permitted	Decision:	Committee Decision

Proposal: 1 no. one bed dwellings, 2 no. two bedroom dwellings and 2 no. five bedroom dwellings

Site: Crabtrees Lanham Lane Winchester Hampshire SO22 5JS

Open Space	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
Y	N	N	Y=9	N	Y	Y

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

AMENDED PLANS DATE:-

Amended plans received 2 June 2008.

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Item No: 1
Case No: 08/00587/FUL / W21064
Proposal Description: 1 no. one bed dwellings, 2 no. two bedroom dwellings and 2 no. five bedroom dwellings
Address: Crabtrees Lanham Lane Winchester Hampshire SO22 5JS
Parish/Ward: Winchester Town
Applicants Name: Mr Steven Short
Case Officer: Mr Tom Patchell
Date Valid: 18 March 2008
Site Factors:
Recommendation: Application Permitted

General Comments

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

Amended plans and additional information have been submitted with regard to two issues.

1. The windows in the south east elevation of Plot 1 have been moved, to avoid overlooking of the neighbouring property. For bedrooms 3 and 4 they have been moved to the south west and north east elevations respectively, and two additional velux windows have been proposed for bedroom 5.

2. Additional plans have been submitted which indicate that the required visibility splays are on land within the control of the applicant and the Highways Authority. In addition, a traffic study has been submitted to show that the increase in traffic using the Lanham Lane and Dean Lane junction would not be significant and, although the junction's geometry and visibility is inadequate, there would be no significant increase in the hazard to other road users.

Site Description

The site is located on Lanham Lane, on the north western edge of the defined settlement boundary of Winchester. Lanham Lane itself is a single track without the provision of any passing places.

On both sides of the road the highway is bounded by a significant belt of mature trees and hedging. Beyond the tree belt to the north west is the open countryside/agricultural land.

To the south east of the highway the character of development is of large detached dwellings set within sizeable plots. Each of the dwellings is set back from the highway with an area of garden and driveway to the front elevation and there are only glimpses of each dwelling through the trees and hedging.

The surrounding dwellings are all individually designed and two-storey in size.

The site itself is approximately 0.28 hectares in area and has a significant tree belt to all boundaries, which is supplemented in places by hedging. The existing gravel drive is lined by small fruit trees and leads to the existing dwelling, which is proposed to be retained.

Crabtrees is a two-storey dwelling, with a large covered porch area in which there is a dormer window.

Much of the site to the south of Crabtrees is currently laid to lawn and, due to the significant boundary vegetation, there are only glimpses of the adjoining dwellings.

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Proposal

The proposed development would involve the retention of the existing property, Crabtrees, with the development of five dwellings around it.

It is proposed to erect two 5-bedroom dwellings adjacent to Crabtrees, one to the east and the other to the west.

At the front of the site there will be a single building, comprising a 2-bed home and an attached pair of 1-bedroom ground and first floor flats.

The two detached 5-bedroom dwellings would have detached double garages. The properties to the north west of the site would be provided with 'lay-by parking' adjacent to the northern boundary, which would provide 3 spaces in addition to a single space adjacent to the 2-bedroom house. Parking to serve the existing dwelling, Crabtrees, would also be in the form of a lay-by to the front of the property.

Of the five dwellings proposed, three would have 2 bedrooms and a gross internal floor area not exceeding 75 square metres, therefore complying with the adopted policy of the Winchester District Local Plan Review and the provision of smaller dwellings.

The proposed density of the development would be 20 dwellings per hectare.

Relevant Planning History

No relevant planning history, although there have been pre-application discussions with the applicants and their agents with regard to the proposals.

Consultations

Engineers: Drainage: Comments

- Only acceptable method for disposing of foul water is the public sewer.
- Need to liaise with Southern Water to establish suitable connection point.

Engineers: Highways: No objection

- Required visibility splays are part of the adopted highway and are maintained by Hampshire County Council.
- The junction of Lanham Lane and Dean Lane is substandard in its junction geometry and visibility.
- Additional information submitted to show that increase in traffic using this junction would be minimal.

Environmental Protection: No objection subject to conditions relating to unexpected contamination. (Condition 12)

Hampshire County Council (Development and Biodiversity): No objection

- Any approval should adhere to the submitted Arboricultural and Planning Integration Report regarding the protected trees.
- Trees around the site form habitats and corridors for wildlife.
- Tree felling and associated works should be undertaken outside of the bird breeding season.

Environment Agency: No objection

- Application has low environmental risk.

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Representations:

City of Winchester Trust: Comments

- Retention of existing dwelling is welcomed, as is the sustainable approach to the development.
- The proposed concrete roof slate, to incorporate photo-voltaic and solar heating panels, needs to be clarified. Are they incorporated within the roof/tiles, or are they installed on top of the roof slope?
- The proposed chimneys are welcomed as a traditional design, but what is their purpose?
- All the proposed buildings are clearly three storeys.
- Concern about the small rear gardens for Plots 3, 4 and 5, all of which would be overshadowed by trees.
- Loss of privacy to the adjoining occupants.

Neighbour Representation

9 letters of objection:

- Lanham Lane is of inadequate width to allow for two vehicles to pass each other and no passing places are provided.
- The proposed visibility splays cannot be achieved using the public highway or land under the applicant's control.
- Overdevelopment and unsuitable for Lanham Lane.
- Potential damage to Lanham Lane by construction traffic.
- Limited or no public consultation prior to the submission of the application.
- Foul water drainage has not been addressed.
- Out of character with the surrounding area and conflicts with the adopted Neighbourhood Design Statement.
- The development of five dwellings is not an appropriate use of a mature garden in this situation.
- Loss of mature trees and the associated wildlife habitat.
- Loss of trees is detrimental to the character of the wider area.
- The amount of carbon generated by the proposed houses and vehicles is detrimental to the environment.
- There is no footpath along Lanham Lane and it is used by pedestrians and horse riders.
- Increased traffic a danger to other users and pedestrians.
- Loss of privacy, particularly from Plot 1.
- Three-storey dwellings would be overbearing to adjoining occupants.

3 letters raising concerns:

- Should provide adequate visibility splays.
- Existing trees should be maintained.
- No loud music during construction works.
- No building works on Saturdays or Sundays.

1 letter raising no objections:

- Providing green boundary is retained.
- Providing any disturbance during construction work is minimised.
- Providing the working hours are clearly defined.

Relevant Planning Policy:

Hampshire County Structure Plan Review:

- No saved policies of relevance

Winchester District Local Plan Review

- DP.3, DP.4, DP.5, DP.6, DP.13, H.3, H.7, RT.4, T.1, T.2, T.3 and T.4

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National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPS 3 Housing

Supplementary Planning Guidance

St Barnabas West Neighbourhood Design Statement

Planning Considerations

Principle of development

The site is located within the settlement boundary of Winchester where the policies of the adopted Local Plan support residential redevelopment and infilling within the defined settlements, providing that the proposed development:

- Makes efficient and effective use of the land. The density of the proposed development is approximately 20 dwellings per hectare and is therefore below the minimum density of 30 dwellings per hectare, as advised within Planning Policy Statement 3: Housing (PPS 3).
- Responds positively to the character and appearance of the surrounding area. The proposed design and layout of the development does respond positively to the character and appearance of the approved development to the north east.
- Keeps parking provision to a minimum. There is a parking ratio of 2 spaces per dwelling;
- Does not have an adverse or unacceptable impact on the occupants of adjoining properties, the submitted amended plans remove any potential loss of privacy to adjoining occupants;
- Contains sufficient open amenity and recreational space, or provides an adequate financial contribution towards the provision of recreational open space.

In addition, within a development of this size there is a need to provide for a mix of housing types and sizes. 50% of the proposed dwellings should be smaller dwellings of 1 or 2 bedrooms, with a gross internal floor area not exceeding 75 square metres. Three of the dwellings are smaller units of 1 or 2 bedrooms with a gross internal floor area not exceeding 75 square metres.

Planning Policy Statement 3: Housing (PPS3)

PPS3 promotes more sustainable patterns of development and making better use of previously-developed land. This policy document seeks to provide wider housing opportunity and choice and a better mix in the size, type and location of housing than is currently available, and seeks to create mixed communities. PPS 3 also promotes good design in new housing developments in order to create attractive, high-quality living environments in which people will choose to live.

Design/layout

The proposed development retains the existing dwelling, which is centrally located within the site, whilst allowing the proposed development to occur sympathetically around it.

The character of the surrounding development within Lanham Lane is of large individually designed dwellings set within large plots. The proposed development retains this character, with the addition of two large 5-bedroom dwellings with detached double garages to the south east and north west of the retained dwelling.

Amended plans have been submitted with regards to the windows to bedrooms 3, 4 and 5. Within the originally submitted plans the windows to these bedrooms were in the south east elevation, which would have resulted in a detrimental loss of privacy to the occupants of adjoining dwellings to the south east. The windows have been moved so that bedroom 3 now has its window within the south west elevation and bedroom 4 has its window within the north east elevation. Although this is within 3 metres of the adjacent boundary, this would not result in a detrimental loss of privacy. The proposed window would overlook the very rear of the adjoining garden, which is not considered the most private area. Even with an oblique view the proposed window would not provide a view of the rear elevation, or the area of garden immediately adjacent, of the dwelling to the north.

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The second floor gable window to bedroom 5 has been replaced with an additional two velux windows on the side elevations.

The rear garden to Plot 1 only has a distance of 9 metres to the south east. However, there is a distance of approximately 20 metres to the south west.

Plot 2 is the same original design as Plot 1, where none of the proposed windows would represent a detrimental loss of privacy to the adjoining occupants, with the rear garden having a depth of approximately 16 metres and a maximum width of 18 metres.

The single building to the front retains the character of individual large dwellings, although it is subdivided into three properties and is provided with lay-by parking under the belt of trees to the north.

The placing of a building close to the adjoining highway is different to the character of the surrounding area, as all other dwellings are set back from the road. However, the proposed building would not be a detrimental feature to the character of the surrounding area as it is set within a mature landscape and still retains the general character of the street scene.

The proposed density of 20 dwellings per hectare is below the minimum density of 30 dwellings per hectare as advised by PPS3, but the submitted Design and Access statement clarifies reasons as to why a scheme for a greater number of units, and thereby a more efficient and effective use of the land, has not been proposed.

The reasons are based on access, character and drainage considerations and concern the limitations of Lanham Lane in term of its width and lack of footpath, the desirability of retaining the existing dwelling, boundary vegetation and respecting the existing low density character of the area.

With regard to the matter of drainage constraints, the applicants have employed consultants to investigate drainage solutions for the development of the site. This investigation has shown that it is not possible for the density of the proposed development to be increased to 30 dwellings per hectare, in view of the difficulties of providing drainage to the site.

In order to connect to the closest public sewer the developer would have to lay pipes across land over which they do not have any control. In addition, the public sewer is at a higher level than the application site and the developers would not be permitted to have a pumped sewer across land they do not control.

The Environment Agency has also stated that all drainage for the existing and proposed dwellings should be soakaways and all the access roads are to be drained by a sustainable urban drainage system (SUDS). The area of land required by the soakaways and SUDS limits the area of land available to be developed, and the proposed number of five dwellings is the most efficient use of the land.

Landscape/Trees and Open Space

The trees to the boundaries of the site would be retained and, where necessary, supplementary planting would be undertaken. The character of the site and its setting within the surrounding area would therefore be preserved.

The provision of recreational open space is to be met by an appropriate financial contribution.

Highways/Parking

The parking within the site is in accordance with the Council's adopted standards.

Information has been submitted by the applicant's agents that indicates that the highway and the adjoining verge is owned and maintained by Hampshire County Council Highways. Therefore the

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required visibility splays are on land either owned/controlled by the applicant, or within the public highway.

Although the junction geometry and visibility is sub-standard where Lanham Lane and Dean Lane meet, the potential increase in traffic using this junction would be minimal and would not increase any danger to the users of the highway.

Planning Obligations/Agreements

In seeking the financial contributions for recreational open space 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

Application Permitted subject to the following conditions:

Conditions

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

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

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

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. 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:
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, including lines, manholes, supports etc.):

Soft landscape details shall include the following as relevant:

- 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:
- retained areas of grassland cover, scrub, hedgerow, trees and woodland;

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- implementation programme:

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

4. 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.

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

5. Details of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the duration of the construction period. No lorry shall leave the site unless its wheels have been cleaned sufficiently to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

6. Details of provisions to be made for the parking and turning on site of operative and construction vehicles during the period of development shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the construction period.

Reason: In the interests of highway safety.

7. Before the development hereby approved is first brought into use, visibility splays of 2.0 metres by 33.0 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 0.6 metres in height above the level of the adjacent highway shall be permitted within the splays.

Reason: In the interests of highway safety.

8. The parking spaces and garages hereby approved shall not be used for any other purpose than the parking of cars.

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

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

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

10. 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

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modification), no windows shall, at any time, be constructed in the south east elevation of plot 1 hereby permitted.

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

11. The existing trees shown as being retained within the Arboricultural and Planning Integration Report, dated February 2008, prepared by Quaife Woodlands, reference number AR/1700/ci plan shall not be lopped, topped, felled or uprooted without the prior written approval of the Local Planning Authority. These trees shall be protected during building operations by the erection of fencing, in accordance with BS 5837, and as shown by the plan identified as "site plan - proposed development, Appendix C" of the Arboricultural and Planning Integration Report. This fencing shall be erected before development commences and shall be retained until the development has been substantially completed.

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

12. 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), has 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.

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

Informative

This permission is granted for the following reason:

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.

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

Hampshire County Structure Plan Review: No saved policies of relevance
Winchester District Local Plan Review 2006: DP.3, DP.4, DP.5, DP.6, H.3, H.7, RT.4, T.1, T.2, T.3 and T.4