

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:	08/00166/FUL	Valid Date	28 January 2008
W No:	03881/01	Recommendation Date	19 May 2008
Case Officer:	Miss Megan Birkett	8 Week Date	24 March 2008
		Committee date	
Recommendation:	Application Permitted	Decision:	Committee Decision

Proposal:	2 no. two bed and 1 no. three bed dwelling with vehicular access from Lockhams Road and Chapel Lane (AMENDED DESCRIPTION)
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Site:	Triangle Of Land Junction Of Lockhams Road And Chapel Lane Curdridge Hampshire
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Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
	Y/N	N	Y	N	N	N

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

AMENDED PLANS DATE:-

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 3 July 2008

Item No: 8
Case No: 08/00166/FUL / W03881/01
Proposal Description: 2 no. two bed and 1 no. three bed dwelling with vehicular access from Lockhams Road and Chapel Lane (AMENDED DESCRIPTION)
Address: Triangle Of Land at Junction Of Lockhams Road And Chapel Lane Curdridge Hampshire
Parish/Ward: Curdridge
Applicants Name: Mr C Collins
Case Officer: Miss Megan Birkett
Date Valid: 28 January 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 Curdridge Parish Council whose request is appended in full to this report.

Site Description

The application site forms a triangle of land on the outskirts of Curdridge, and is bounded by three roads, these being Chapel Lane, Lockhams Road and the A334 (Kitnocks Hill). There are other properties to the north east and north west of the site that establish a character of large buildings on substantial plots. The surrounding properties are an eclectic mix of architectural styles.

The site is covered by a Tree Preservation Order, and large mature trees line the outskirts of the site and have considerable amenity value. There is a 1m high picket and rail fence around the majority of the site and a closed boarded fence along the main road to the southern boundary of the site.

There are two vehicular access points onto the site, one onto Lockhams Road and the other onto Chapel Lane.

Proposal

Erection of a terrace of 2 no. two bed and 1 no. three bed dwellings using existing vehicular accesses from Lockhams Road and Chapel Lane. The building would be located in the centre of the site with associated parking and amenity space surrounding. The building is of a traditional design with brick and rendered elevations beneath a slate roof.

Relevant Planning History

W03881 - Erection of dwelling - Triangle Of Land Junction Of Lockhams Road And Chapel Lane Curdridge Hampshire - Application Withdrawn - 05/05/1978

Consultations

Engineers: Drainage:

The Drainage Engineer indicates the location of a foul water manhole within the site of the development area and advises that this must be used for the disposal of foul water. In addition to this the site is very wet and storm water had puddles on several areas during the Engineer's site visit, thus indicating that the ground has poor absorbency. A method for the disposal of storm water is required from the developer before the commencement of the development. Provided

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 3 July 2008

this is applied with, the Drainage Engineer has no objection on drainage grounds to the density proposed (Condition 13 relates to drainage concerns).

Engineers: Highways:

After visiting the site the Highway Engineer can confirm that there are acceptable visibility splays from both the accesses onto Lockhams Road and Chapel Lane, subject to some trimming back of some vegetation. It is also confirmed that there is sufficient parking and turning space within the confines of the site.

Environmental Protection:

The Environmental Protection Officer examined the application and has no adverse comments to make concerning the proposals, subject to Conditions 9, 10 and 11.

Consultation response from Environmental Protection following the noise report submitted on 13th April 2008 – no adverse comments were made regarding the information submitted. The applicant must ensure proposed mitigation measures are provided (Condition 11).

Forward Plans:

The Strategic Planning Team advise that, as there is no built form to the south or west of the site, it is not considered to be a gap within a continuously built up frontage, and that the proposal does not comply with Criteria 1,3 or 6 of Policy H4.

Landscape:

The proposed development of this site would result in the loss of a desirable area of amenity. If this application is, however, given approval, the Landscape Officer highlights that substantial landscape measures need to be put into place to create screening and enclosure. The proposed building would be very visible from Botley Road, the two side roads and from the surrounding residential properties Woodlands, Robins Wood and Thatchers Wood. This is especially highlighted by the clearance of smaller trees from the site leaving the more mature trees with high canopies. It is suggested that, if the trees are to be removed, then they should be replaced on a two for one basis with similar species to those present.

Suggestions have been made regarding the planting to the boundary of the site as a screening method for the lower floors of the properties and private amenity areas.

Trees:

No objections to this application on tree grounds. The site has been cleared of trees in a piece by piece approach over the past few years, therefore only leaving a small amount of the wooded area that was there when the woodland Tree Protection Order was served. The Arboricultural Officer is satisfied that the remaining trees can be retained without a detrimental effect in terms of shade and proximity. Additionally, the development could progress using solutions limiting the impact to the remaining trees.

Environment Agency:

The Environment Agency has assessed this application as having a low environmental risk.

HCC Ecology - Natural England are aware of any possible protected species at this site and do not wish to make any objections to the planning application.

Southern Water:

No adverse comments to make regarding this application.

Representations:

Curdrige Parish Council:

Curdrige Parish Council strongly objects to this application as it is not considered to comply with

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 3 July 2008

Policy H4, DP3, the Village Design Statement or PPG24. The full Parish Council objections are appended to this report.

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

- The proposal would change the rural character and appearance of the area and would create an isolated enclave.
- There are no footpaths on Lockhams Road or Chapel Lane.
- Increased traffic will mean that the roads are more hazardous and this would cause more accidents.
- There is no GP surgery in Curdridge, the Post Office is closing down and there is a school, but there are no footpaths to walk there.
- To get to Botley and the school busy dangerous roads have to be crossed.
- The nearest services in Botley are more than 2km away from the site.
- The buses are only hourly and therefore are not frequent.
- This site does not fit in with the criteria of Policy H4 as it is not a sustainable location.
- Overlooking into property 'Woodlands'
- Access is dangerous
- This is an important and historic area of open space for the village and it should be retained like this.
- The proposed dwelling house is totally different to the scale and character of the adjacent properties.
- The development will change the character of the landscape and the setting of the existing dwellings.
- Do not believe there is a demand for affordable housing in this area.
- There are significant trees on the plot subject to TPO's.
- The remaining trees would result in a lot of shade over the proposed development and their amenity areas.
- Doesn't meet in-fill criteria as it does not adjoin an existing residential plot.
- Highly unsuitable for development as the land is surrounded by roads which would make it very unattractive.
- Disturbance from main road in terms of noise and lights from vehicles.
- This proposal would be overdevelopment of this site.
- The proposed building is one single block that is totally out of proportion and scale to the surrounding area, just too large and overbearing.
- The extent of the hardstanding will be an eyesore and there will be much more run-off.
- No garages for the properties and insufficient parking spaces.
- If the site was to be developed then it would be cluttered with the use of sheds, swings etc.
- The development has a general disregard of the wildlife.

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

- The site has a legend called Kitty Nocks buried on it and therefore should not be disturbed.
- This application has the wrong address.
- There was free right of access given by the owner of the land to the residents and this would be lost.
- Disrupt views
- This is a dog walking area.
- This is the entrance to the village.

2 letters of support received:

- Good opportunity for young first time buyers to buy small more affordable houses within the village.
- Encourages young people that were born in the village to stay there rather than move away from their families and their places of work.

Relevant Planning Policy:

Hampshire County Structure Plan Review:

H1, T5

Winchester District Local Plan Review

DP3, DP4, H1, H4, H5, H7, T2

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPG 3 Housing

PPS 7 Sustainable Development in Rural Areas

PPS 9 Biodiversity and Geological Conservation

PPG 13 Transport

PPG 24 Planning and Noise

Supplementary Planning Guidance

Curdridge Village Design Statement

Planning Considerations

- Principle of development
- Design/Layout
- Impact upon the character of the area and neighbouring properties
- Landscaping/Trees
- Highways/Parking

Principle of development

The application site falls within the settlement of Curdridge, which forms part of the countryside and where residential development is considered acceptable in policy terms where it meets the requirements of Policy H4.

Policy H4 seeks to define those situations where new housing in the countryside might be acceptable and is a more robust approach than the previous reliance on the development frontage.

The policy is explained by supplementary planning guidance 'Implementation of Infilling Policy', which sets out seven criteria for dwelling proposals in the countryside to meet. These criteria are:

Criterion 1: Site must be within a village or settlement which has an adequate range of local facilities which must include a primary school, a GP surgery and general convenience store. In the more rural areas at least two of the local facilities must be safe and easy to walk to and must be close together to allow linked trips. The criterion states that 2km would be the maximum walkable distance. Being on a very good public transport route is also desirable (frequency of 2 buses per hour and travel journey of less than 30 minutes).

Criterion 2: The site must form a limited gap between permanently established buildings (one of which must be residential) of a continuously built up frontage and, a) must involve the redevelopment of a non-residential building or, b) is no more than twice the width of a typical nearby plot.

Criterion 3: Safe vehicular access to the highway must be provided.

Criterion 4: The site is within one of the listed 'settlements' (rural settlements do not have their boundaries defined) and must fulfil the requirements of Criterion 1. This is because not all of the

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 3 July 2008

rural settlements listed are considered sustainable locations. This criterion is also intended to exclude areas of isolated ribbon development which are not considered to be sustainable locations.

Criterion 5: Development would not conflict with the Local Plan policies relating to the strategic and local gaps.

Criterion 6: The proposal would not result in the loss of a natural feature or breakage in a frontage is considered to be important to be retained as a gap. Some Village Design Statements show where these important gaps are and this criterion ensures, for example, that attractive rural lanes enclosed by hedgerows and trees do not have those features destroyed. Additionally, even within the built up areas, a gap might actually have some significance, so rural character must be retained.

Criterion 7: The proposal makes a positive response to the character of the locality and follows the guidance of Village Design Statements.

In relation to the proposal for 2 no. two bed dwellings and 1 no. 3 bed dwelling on this site:

Criterion 1 is complied with as the site is well located for pedestrian and cycle use and public transport providing access to local shops, schools and services. Curdridge Primary School is within approximately 0.9km walking distance of the application site, accessed by foot along Chapel Lane and out onto the main road B3035. Although Chapel Lane has no pavement or street lighting, it is considered that this is suitably safe to walk along. There have been no reported accidents along Chapel Lane in the last 3 years and it is a relatively quiet straight road of 30mph with good inter-visibility and therefore considered to be acceptable to satisfy this section of the criterion. In addition to this it is approximately 1.4km from the application site to a garage petrol station that has shop facilities within it. This can be accessed along the A334 that has a pavement and lighting and is therefore considered safe to walk to.

There is a bus stop within safe and convenient walking distance from the site, however, it does not fit the criterion of at least two bus services per hour on the same route. The No. 8 bus only runs hourly Monday to Saturday.

Criterion 2 is considered, on balance, to be met. The site arguably forms part of the built up frontage of Kitnocks Hill and Chapel Lane. To the north east of the site lie the dwellings of Robins Wood and Thatchers Wood on Chapel Lane whilst the properties of Tamneyrankin and Bats Hollow lie to the east fronting onto Kitnocks Hill. Woodland lies to the north west of the site in Chapel Lane. It is acknowledged that the site is separated from the properties by Chapel Lane and Lockhams Road; it nevertheless appears as a limited gap between established buildings and would logically be perceived visually as the 'rounding off' of development on this side of the village. The plot width, at a maximum of c.65m is not more than twice the width of typical nearby dwelling plots i.e. Woodlands c.55m, and Robins Wood c35m, Thatchers Wood c34m and Mabledon c48m.

It is acknowledged that the Head of Strategic Planning has advised that the proposal does not comply with the policy because there are no dwellings to the south and west of the site. However, for the reasons explained above it is considered that the proposal does satisfy this criterion.

Criterion 3: Vehicular access onto the highway is considered acceptable by the Highway Engineer.

Criterion 4: Curdridge is listed as one of the settlements in the Infilling SPD, though this should not be confused with the defined settlements in Policy H3. There are no specific boundaries associated with the rural settlements listed in the SPD.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 3 July 2008

Criterion 5: The site is not located within a strategic or local gap.

Criterion 6: It is acknowledged that the site occupies a prominent location on the village edge and is currently undeveloped. The proposal would introduce development into this space and would therefore have an impact upon the visual amenities of the area. The sites most important feature is the trees around its edge. The main trees existing on the site are remaining and therefore officers are satisfied that there will be no material planning harm to the natural features of the surrounding area.

Criterion 7: Considered to be satisfied, see below in 'Impact on character of area'

The principle of development is therefore acceptable.

Policy H7 of the Local Plan requires all development to provide a range of dwelling sizes, with at least 50% small one and two bedroom units with a gross floor area of no more than 75m², and a density of between 30 to 50 dwellings per hectare. The proposed density is 19 dwellings per hectare. Policy H7 of the Winchester District Local Plan Review permits lower densities where the site contains features that contribute to the character of the wider area, and which will act to constrain the site's development potential. The applicant has demonstrated that, due to the important trees on the site that are covered by a TPO, the developable area is reduced and therefore the actual density is effectively 34 dwellings per hectare and therefore complies with Policy H7.

Policy H7 requires at least 50% of housing units to be one or two bed units where sites are capable of accommodating two or more dwellings. The proposed development provides 2 no. two bedroom dwellings and therefore complies with this part of the policy. In addition to this the gross floor area of these small units should normally not exceed 75m² floor space. The 2 no. two bedroom units have a habitable floor area of approx. 75m² in floor area and therefore comply with this section of the policy.

The Highway Engineer is satisfied that there are sufficient parking spaces for the three dwellings proposed.

Design/layout

The surrounding area has a character of large dwellings set in spacious plots. Therefore, the proposed design of the three dwellings within one building is considered to be in keeping with the prevailing character, albeit it represents a higher density.

The surrounding dwellings are made up of an eclectic mix of architectural designs. The design of the proposed property utilises traditional forms and materials and is considered to be in keeping with the rural character of the area and responds positively to its setting in accordance with the objectives of the planning guidelines of the Village Design Statement.

Impact on character of area and neighbouring property

The design of the proposed dwellings will not appear out of keeping with the mix of dwelling types and designs within the locality. The siting and orientation of the house ensures the maximum distance and the least impact between the proposal and the existing houses to the north east and north west. The existing mature vegetation along the boundaries to the neighbouring properties will ensure effective screening and it is considered that there will be no material planning harm to these neighbouring properties. There is a distance of over 30m from the proposed development to the nearest dwelling, Robins Wood, and it is therefore considered that this application will not present any overlooking or overshadowing issues to the neighbouring properties.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 3 July 2008

Landscape/Trees

The Landscape Officer objects to the proposed planning application in that it would include the loss of a desirable area of amenity. Although it is acknowledged that this is an important feature of the village, it is considered that the proposed development will not be detrimental to the entrance into the settlement. The large trees surrounding the site, which are its most important natural feature, are to be retained. These trees will not be affected by the proposed development and the Council's Arboricultural Officer is satisfied that the works can be carried out without harm to the remaining trees, which will help to screen views of the new development from the surrounding roads. There is limited planting proposed within the site but, with the main trees to remain, the essential character of the area will not be unduly compromised. Condition 4 requires a landscape plan to be submitted, as there is some potential for planting which will help to further 'soften' this development. It is further considered that, as the site's main landscape features are to be kept, the proposed development would not conflict with the planning guidelines set out in the Village Design Statement.

Highways/Parking

The Highways Engineer has raised no objection to the application. There is a total of 7 car parking spaces provided for the three dwellings.

Planning Obligations/Agreements

In seeking the planning obligation(s) and/or financial contributions for £5196 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

Application Permitted subject to the following conditions:

(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).

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 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 treatments to be erected. The boundary treatment shall be completed before the dwellings are first occupied. Development shall be carried out in accordance with the approved details.

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

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 3 July 2008

4 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.

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

5 No development shall take place until details, including plans and cross sections of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto, 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.

5 Reason: To ensure a satisfactory relationship between the new development and adjacent buildings, amenity areas and trees.

6 Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before a site assessment 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. NB - potentially contaminated ground conditions include infilled ground, visual evidence of contamination or materials with an unusual odour or appearance.

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

7 No development shall take place until details of both hard have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before any dwellings are occupied.

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

8 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars, and paragraphs (a) and (b) below shall have effect until the expiration of 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.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with details to be submitted 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,

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 3 July 2008

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.

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

9 No materials shall at any time be burnt on site.

9 Reason: To protect the amenity of occupiers of nearby properties and in the interests of public health.

10 Details of a scheme for protecting the proposed dwellings from noise shall be submitted to and approved in writing by the Local Planning Authority before development commences. Any works which form part of the approved scheme shall be completed before any dwelling is occupied unless an alternative period is agreed in writing by the Local Planning Authority. Such noise protection measures shall thereafter be maintained and operated in accordance with the approved scheme.

10 Reason: To ensure that acceptable noise levels within the dwellings and the curtilage of the dwellings are not exceeded.

11 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 and E of Part 1; of Schedule 2 of the Order, and Classes A and B or Part 2; of Schedule 2 of the Order shall be carried out without the prior written consent of the Local Planning Authority.

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

12 Detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before the development hereby approved is occupied.

12 Reason: To ensure satisfactory provision of foul and surface water drainage.

13 The car parking and turning areas hereby approved shall be provided before any of the dwellings are brought into use and thereafter not be used for any other purpose than the parking or turning of cars.

13 Reason: To make proper provision for off street parking and turning.

14 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.

14 Reason: In the interests of highway safety.

15 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.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 3 July 2008

15 Reason: In the interests of highway safety.

Informatives

1. 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.

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

Hampshire County Structure Plan Review: H1, T5

Winchester District Local Plan Review 2006: DP3, DP4, H1, H4, H5, H7, T2

3. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 8000 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.