

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Winchester City
Council
Planning Department
Development Control

TEAM MANAGER
SIGN OFF SHEET

Committee Decision

Case No:	08/01207/FUL	Valid Date	19 May 2008
W No:	17512/05	Recommendation Date	4 July 2008
Case Officer:	Mr Tom Patchell	8 Week Date	14 July 2008
		Committee date	
Recommendation:	Application Permitted	Decision:	Committee Decision

Proposal:	2no. three bed detached and a 2no. semi detached two bed dwellings, ancillary buildings and associated amenity space; upgrade of existing access road (RESUBMISSION)
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Site:	Appleridge Northfields Twyford Winchester Hampshire
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Open Space	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
Y	N	N	Y=5	N	Y	Y

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

AMENDED PLANS DATE:-

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Item No: 3
Case No: 08/01207/FUL / W17512/05
Proposal Description: 2no. three bed detached and a 2no. semi detached two bed dwellings, ancillary buildings and associated amenity space; upgrade of existing access road (RESUBMISSION)
Address: Appleridge Northfields Twyford Winchester Hampshire
Parish/Ward: Twyford
Applicants Name: Hazeley Developments
Case Officer: Mr Tom Patchell
Date Valid: 19 May 2008
Site Factors:
Recommendation: Application Permitted

General Comments

This application is reported to Committee at the request of Twyford Parish Council and at the request of Councillor P K Mason, whose requests are appended in full to this report.

This planning application has been submitted following an application for Judicial Review being submitted, in relation to a previously determined application on the site. It was considered to be more efficient to submit a new planning application than to await the determination of the Judicial Review.

The previous planning application for 2no. three bed detached and a pair of semi-detached two bed dwellings, ancillary buildings, associated amenity space and upgrading of existing access road (ref: 07/00892/FUL / W17512/04), was approved under delegated authority on 14 February 2008.

The Judicial Review application was made on the following grounds:

1. That the complainant who is seeking the Judicial Review had not received a neighbour notification letter advising them of the submitted planning application.
2. That the officer's report relied on the retention of the existing tree belt, to the south east boundary, to prevent any detrimental affects to the amenities of the occupants of The Spinney, Bournemouth House, Bishopsway and The Bourne, in Bourne Lane.
3. One of the conditions (No 3) attached to the previous planning permission, (ref: 07/00892/FUL / W17512/04), stated that:

"The existing trees shown as being retained on the approved plan shall not be lopped, topped, felled or uprooted without the prior written approval of the Local Planning Authority. These trees shall be protected during building operations by the erection of fencing, in accordance with BS 5837, and as shown by plan CBA 6607.02. This fencing shall be erected before development commences and shall be retained until the development has been substantially completed."

The relevant tree belt falls outside of the planning application site and within the rear gardens of the large detached dwellings within Bourne Lane.

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It is therefore not possible to impose a condition to protect the trees, as they fall outside of the planning application site, are not on land within the ownership of the applicants and are not therefore within the control of the applicant company, Hazeley Developments.

4 That the gardens associated with the proposed dwellings are too small, resulting in a cramped appearance and a lack of amenity space for the proposed occupants.

All of the submitted details for this planning application are exactly the same as were previously submitted for planning application reference number 07/00892/FUL. A Unilateral Undertaking was submitted under the previous planning application with regard to a financial contribution of £7,140 towards the provision of recreational open space.

Since the previous planning application was approved, the financial contributions for recreational open space have been increased for the 2008-2009 financial year, in line with annual index-linking. The recreational open space contribution applicable for 2008-2009 requires a payment increase of £282.

It is considered that, as the application has been submitted in order to allow the Council the opportunity to consider the points raised within the application for Judicial Review, without incurring the costs of going forward and having to defend the Judicial Review, it is reasonable that the Council does not seek any increase in the recreational open space payment or impose the Hampshire County Council Highways financial contribution, which was not applicable at the time of the determination of the earlier application.

Within the Unilateral Undertaking submitted by the applicants for the previous application, a financial contribution of £8,000 was secured towards highway improvements. This was based on the previous scheme of highways charges that collected £2,000 per new dwelling towards local highways improvements. Although the Council will not be seeking a financial contribution under Hampshire County Council's new financial contributions scheme for highways, the £8,000 previously agreed will be secured under a deed of variation for the Unilateral Undertaking.

Site Description

Northfields is a relatively narrow road that widens into a general parking court area, with a row of existing garages.

Opposite the existing garages are pairs of semi-detached dwellings with lawns and parking areas to the front. Behind the existing pairs of semi-detached dwellings is a relatively new residential development.

The character of the existing dwellings within Northfields is a mixture of bungalows and two-storey dwellings.

The rear boundary to the application site is marked by a 1.5 metre high close-boarded fence, with a significant belt of mature trees beyond. The fence and belt of trees forms the north west boundary to The Spinney, Bournemouth House, Bishopsway and The Bourne, which are all large detached dwellings set within extensive grounds, within Bourne Lane.

To the west of the site is the existing bungalow, Appleridge, with a new development of three dwellings within its curtilage.

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Proposal

The proposal is to erect four two-storey dwellings within part of the existing curtilage of Appleridge and the existing garage court/parking area.

These would comprise two detached dwellings, with three bedrooms and gross internal floor areas of approximately 108 square metres. In addition, there will be a pair of semi-detached dwellings each with two bedrooms and gross internal floor areas of 72 square metres each.

The proposed development of four dwellings, within a site area of approximately 0.115 hectares, would result in a density of approximately 35 dwellings per hectare.

There is a significant belt of trees to the south boundary, within the rear gardens of The Spinney, Bournemouth House, Bishopsway and The Bourne. These properties have the following distances between their rear elevations and those of the proposed dwellings:

The Spinney	– House 1 = 36m
The Spinney	– House 2 = 36m
Bournemouth House	– House 2 = 49m
Bishopsway	– House 3 = 83m
Bishopsway	– House 4 = 83m
The Bourne	– House 4 = 59m

The proposed dwellings will be located opposite existing pairs of semi-detached dwellings, with areas of lawn to the front. The distance between the front elevations of the proposed dwellings and the existing properties to the north, is a maximum of 24.5m, reducing to a minimum distance of 14m.

Relevant Planning History

05/01053/FUL / W17512/03 - Demolition of Appleridge and The Bungalow and erection of 10 No. dwellings comprising of 2 No. three bed and 8 No. two bed chalet cottages, Appleridge, Northfields, Twyford - Refused - 04/08/2005 (Delegated decision).

06/01701/FUL / W17512/02 - Erection of 2 no three bedroom dwellings, 2 no two bedroom dwellings, with garage and parking, and associated amenity space and works to upgrade the existing access road, The Bungalow, Northfields, Twyford - Permitted - 31/10/2006 (Committee decision).

07/00892/FUL / W17512/04 - 2no. three bed detached and a pair of semi-detached two bed dwellings, ancillary buildings and associated amenity space; upgrade of existing access road, Appleridge, Northfields, Twyford - Permitted - 14/02/08 (Delegated decision)

Consultations

Strategic Planning:

The site is within the policy boundary of Twyford and the development is acceptable in principle. There are no significant policy issues.

Engineers: Drainage: No objection

It is proposed to connect these dwellings to the public foul sewer with storm water going to a soakaway. Permeable paving should be used wherever possible.

Engineers: Highways: No objection, subject to conditions (Condition 5.

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This proposal does not contain any significant highway issues and is unlikely to impact on highway safety.

Landscape: No objection, subject to conditions (Conditions 3 and 4).

Environment Agency:

The application has been assessed as having a low environmental risk.

Southern Water:

Southern Water does not wish to comment on this application.

Hampshire County Council (Archaeology): No objection, subject to a condition securing a programme of archaeological works, prior to the commencement of development.

Representations

Twyford Parish Council: Objects, for the following reasons:

- Close proximity of the proposed dwellings to the southern boundary.
- Reliant on the neighbours' planting to reduce impact.
- Tree within the grounds of Bournewood House is not shown and should be protected.
- Overlooking.
- Not in keeping with the character of the surrounding area.

Letter from Councillor P K Mason:

- Tree survey not done in full.

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

- Damage to the roots of adjoining trees.
- Overdevelopment and cramped appearance.
- Inadequate parking
- Inadequate rain water drainage
- Inadequate amenity area
- Loss of privacy
- Reliance on neighbours' planting, not within the control or ownership of the applicant, to reduce impact of development.
- Additional traffic pressure on the junction of Northfields with the B3335.
- Noise intrusion/impact

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

- Future occupants could require the topping and lopping of trees under the high hedges legislation.

Relevant Planning Policy:

Hampshire County Structure Plan Review:

H1 and T5

Winchester District Local Plan Review

DP.3, DP.4, H.3, H.7, T.1, T.2 and T.4

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPG 3 Housing

PPG 24 Planning and Noise

Planning Considerations

Principle of development

The site is located within the settlement boundary of Twyford and is not identified as protected recreational open space.

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 35 dwellings per hectare, with the density of the immediate surrounding areas, to the north, being 33 dwellings per hectare).
- Responds positively to the character and appearance of the surrounding area. (The proposed layout of the development does respond positively to the character and appearance of the surrounding area, as set out within the Design/Layout section).
- 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 proposed layout and size of dwellings would not result in any detrimental affect on the amenities of adjoining occupants. This is considered further within the 'Impact on the character of the area and neighbouring property' section of this report);

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 one or two bedrooms, with a gross internal floor area not exceeding 75 square metres. Of the 4 dwellings, 2 would have two bedrooms with gross internal floor areas of 72 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. PPS3 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 is making the best use of the land available. Where the plot depth is relatively narrow it is proposed to locate the dwellings close to the adjoining highway, as with Appleridge.

The narrow depth of the plots does not allow for deep gardens, but the size of the private amenity space is not considered to be cramped, as the width of the gardens compensates for the lack of depth, and the distance between the rear elevations and the proposed dwellings and the existing dwellings to the south is significant, ranging between 36 and 83 metres.

Plot 1 has a garden depth of 7 metres minimum (from the dwelling) and a maximum depth of 8.3 metres; the width of the garden is approximately 16.3 metres.

Plot 2 has a garden depth of 6.2 metres minimum (from the dwelling) and a maximum depth of 6.4 metres; the width of the garden is approximately 20.8 metres.

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Plot 3 has a garden depth of 5.1 metres minimum (from the dwelling) and a maximum depth of 6.6 metres; the width of the garden is approximately 21.5 metres.

Plot 4 has a garden depth of 3.8 metres minimum (from the dwelling) and a maximum depth of 4.5 metres; the width of the garden is approximately 22.5 metres.

The 35 dph site density represents an efficient and effective use of the land consistent with PPS3 and Local Plan objectives as well as being compatible with the density of the residential area to the north. It is not considered that the scheme represents an overdevelopment of the land.

Although Appleridge is a bungalow, the proposed two storey dwellings would not appear out of keeping with the character and appearance of the surrounding area. The dwellings immediately to the north are pairs of semi-detached two storey dwellings.

Impact on the character of the area and neighbouring property

Neighbour notification letters were sent to the immediately adjoining dwellings, and those directly opposite the proposed development, which included Bournewood House, The Spinney and The Bourne, advising them of the resubmitted planning application, where the relevant plans could be viewed and how to submit any comments on the planning application. Subsequently, letters of representation have been received from Mr Draper, the applicant for Judicial Review, and the occupants of Bournewood House and Bishopsway, in addition to two other letters of representation. In addition, a site notice was displayed adjacent to the site within Northfields.

A previous planning refusal on the land in 2005 (ref: 05/01053/FUL / W15713/03) related to a proposal for the development of 10 dwellings. It was considered that the proposals were an inappropriate form of development resulting in a cramped, urban form of development within a rural village setting. Such proposals would have resulted in an excess of hardstanding within the development and inadequate areas of amenity space. There was also inadequate information to indicate that the development could be undertaken without damaging the adjoining mature trees.

There is a significant belt of mature trees to the south of the proposed dwellings, which currently provides a screen to the adjoining dwellings and their associated curtilages. However, this tree belt is located within the gardens of the dwellings to the south and falls outside of the ownership and control of the applicant. The trees within this belt are not protected by a Tree Preservation Order and could therefore be removed at any time by the respective landowners.

On the basis that the trees could be removed, consideration of this planning application should take account of the impact on the amenities of the occupants of the dwellings to the south if these trees were not in place.

The distance between the proposed dwellings and the large detached dwellings to the south, in Bourne Lane, is between 36 and 83 metres. Whilst the proposed dwellings would, if the belt of trees did not exist, have a view over the rear gardens of adjacent properties, it is considered that the relationships between the dwellings would not result in a detrimental loss of privacy to the adjoining occupants. The distances between the proposed and existing dwellings are in excess of 20 metres, the usual accepted distance

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between dwellings. The parts of the gardens that would be within 20 metres of the proposed dwellings would not be the areas of garden immediately adjacent to the dwellings, which are considered to be the most private and used areas of garden.

It is considered that, generally, the further away the area of garden is from the dwelling, the less used it is by the occupants of the dwelling, and therefore any overlooking of these areas would not result in a detrimental loss of privacy.

If the tree belt were to remain it would be directly to the south of the proposed dwellings and, due to its close proximity and height, would result in a significant degree of overshadowing of the proposed dwellings and the associated amenity land. However, this is a relationship that is replicated with the previously approved development and existing dwellings to the west, and therefore it is not considered that this would merit refusal of the planning application.

As has been previously stated, the trees are located outside of the proposed amenity areas of the dwellings and would not be within the ownership or control of the occupants of the properties. Therefore, the dwellings' occupants could not fell, top or lop the trees without the agreement of the adjoining landowners. Additionally, it will be a situation of which the potential purchasers of the dwellings will be aware when viewing the properties.

The proposed dwellings would have an approximate ridge height of 8.2 metres for plots 1 and 2, with a ridge height of 7.2 metres for plots 3 and 4. Although the land does slope significantly to the south, with the proposed dwellings being located at a higher level than the neighbouring dwellings to the south (The Spinney, Bournemouth House, Bishopsway and The Bourne), if the belt of trees were removed they would not appear as overbearing structures to the occupants of the adjoining dwellings. This is because the levels changes between the proposed and existing dwellings would not be excessively high, taking into account the distances between them.

It is therefore considered that, if the existing belt of trees were removed by the adjoining landowners, there would be no adverse affects to the occupants of the proposed dwellings from a loss of privacy from the existing dwellings in Bourne Lane.

An objection has been raised with regard to the potential of noise intrusion from the proposed dwellings to the adjoining occupants. Planning Policy Statement 24: Planning and Noise does state that noise impact is an issue to be considered in the determination of an application. However, this is mainly in respect of noise sensitive developments being located in close proximity to noise generating uses such as railways, major roads and industrial sites.

There is no indication that the proposed dwellings would generate any greater levels of noise than would be expected for a residential development. However, in the event of an unreasonable level of noise emanating from the proposed dwellings, there is legislation available to the Environmental Protection Team to address the nuisance of noise pollution.

Landscape/Trees

The adjoining belt of trees is not located within the planning application site, or within the control of the applicant. One of the reasons for the submission of an application for Judicial Review of the previous planning approval, was the imposition of a condition

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requiring that no works, including topping, lopping and felling be undertaken without the prior written approval of the Local Planning Authority.

One of the objections that has been received relates to the potential damage to the tree roots of the adjacent tree belt. An arboricultural report has been submitted as part of the supporting information to the application. It has been alleged that the tree survey does not include a significant tree that is within the grounds of Bournemouth House, and is not therefore complete. Within an arboricultural consultation response on the previous planning application, it was considered that the proposed dwellings are close to the existing belt of trees, to the south. However, this area is already sealed with tarmac from the existing highway and garaging and parking area and therefore the proposed works would not detrimentally affect the existing root system. The removal of the existing tarmac surface and its replacement with a permeable grass garden area would benefit the existing tree belt.

As has been previously stated, the tree belt to the south of the proposed dwellings, and the tree that has not been included within the arboricultural survey, which is located within the grounds of Bournemouth House, both fall outside the control or ownership of the applicant and cannot therefore be protected by a suitable condition to any planning permission. If the tree had been included within the arboricultural survey it would not have led to a different consideration from the Council. If the root system for the tree had extended to the north and into the planning application site it would currently be sealed by tarmac and the proposed development would not therefore detrimentally affect the tree, as the tarmac is to be removed and replaced with a permeable grass surface.

If any damage is caused to the trees from works associated with the proposed dwellings, which would threaten the long-term retention of the trees, this would be a matter for the land owners to pursue privately with the developers.

The consideration of the high hedges legislation is not a material consideration in the determination of this planning application. Should the Authority receive any such future application, it would be dealt with as appropriate.

Highways/Parking

The proposed development would have 2 car parking spaces associated with each of the dwellings, which is in accordance with the standards for the Authority in rural areas.

The proposed development would result in a small increase in traffic utilising the junction of Northfields with the B3335, however, the Highways Engineer has not raised an objection to the increased traffic. It is therefore considered that it would not detrimentally increase any hazard to the existing users of the road.

The Council has not sought a financial contribution towards highways/traffic improvements in accordance with the Hampshire County Council policy that was adopted by Winchester City Council on 2 April 2008.

It is considered that, as the application was submitted by the applicant to avert, so far as possible, the potential delay associated with an application for Judicial Review, it would be unreasonable to seek an additional payment that was not part of the original planning application.

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An issue has been raised with regards to the existing highway, Northfields, not being adequate to accommodate any future development of Northfields Farm. This application must, however, be determined on its own merits, as would any future proposals affecting adjoining sites. If applications are received in the future for the development of Northfields Farm, the adequacy of the surrounding road network would be considered as part of those proposals and should not be considered as part of this planning application.

Other Matters

The proposals that have been put forward with regard to the collection of surface/storm water have been inspected by the Council's Drainage Engineer, and no objections have been raised.

Subsequent to the determination of the previous application (ref: 07/00829/FUL) a nationally important archaeological site (a Saxon cemetery) has been discovered within the grounds of Twyford School. Although it is accepted that Twyford School is some distance from the application site, within the surrounding district Saxon cemeteries have covered extensive areas and it does indicate the presence of a Saxon settlement within the vicinity. It has therefore been requested that a condition be attached to any planning approval to secure a programme of archaeological investigation, prior to the commencement of any development of the site. However, notwithstanding that the circumstances have been shown to have changed within the local vicinity, it is considered that it would be unreasonable to add a further condition in granting this application, given that it was not imposed previously.

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 and ancillary buildings 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:

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- 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:

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

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

6. No development, or works of site preparation or clearance, 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.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C, D and E of Part 1 of

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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.

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 and T5

Winchester District Local Plan Review 2006: DP.3, DP.4, H.3, H.7, T.1, T.2 and T.4

3. 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.