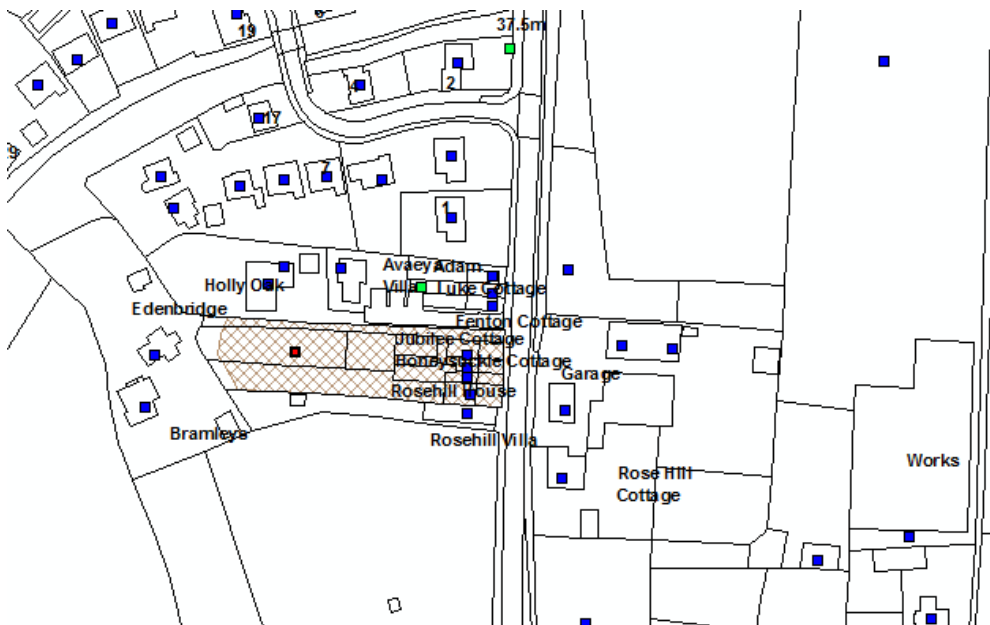


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 20/00902/FUL
Proposal Description: Construction of three dwellings and provision of car parking for properties fronting Winchester Road
Address: Land To The Rear Of Jubilee Cottage Winchester Road
Waltham Chase Hampshire
Parish, or Ward if within Winchester City: Shedfield
Applicants Name: Mr John Huddlestone
Case Officer: Rose Lister
Date Valid: 4 May 2020
Recommendation: Permit

Link to Planning Documents : [Planning documents](#)



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General Comments

Application is reported to Committee due to the number of material planning objections received contrary to the officer recommendation.

Site Description

The site is located at the southern edge of the settlement boundary of Waltham Chase and is approximately 1800 sq m in size. There are currently a number of outbuildings used for the storage and maintenance of motorbikes, vehicle parking and debris on the site as well as some hedging. The access track serves a number of dwellings adjacent to the site.

Proposal

Construction of three dwellings and provision of car parking for properties fronting Winchester Road.

Amended plans have been received to change the layout and design of the proposed dwellings from 3 detached to 1 detached and 2 semi-detached dwellings.

Relevant Planning History

None

Consultations

Service Lead for the Environment: Drainage:

No objection subject to condition 4

HCC Highways:

No objection subject to conditions 8 and 11

Service Lead for the Environment: Environmental Protection:

No objection subject to conditions 6, 10 and 14

Service Lead for the Environment: Landscape:

No objection subject to conditions 12 and 13

Natural England:

No objection subject to condition 7

Service Lead for the Built Environment: Urban Design:

Amended Plans have addressed concerns.

Representations:

Shedfield Parish Council objected to the application for the following material planning reasons:

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- Over development of the site
- Inappropriate access
- Lack of parking and turning space
- Lack of bin storage
- Flooding and drainage
- Other applications in the area would be impacted
- Lack of ecology report
- Access to existing properties should be retained.

20 letters received from 9 addresses objecting to the application for the following material planning reasons:

- access
- highway safety
- increase in traffic
- parking and turning of vehicles
- unacceptable visibility splays
- bins
- contaminated land
- loss of hedge
- impact on wildlife
- flooding
- overdevelopment of the site
- overlooking
- overbearing
- lack of landscaping
- level changes with adjacent site

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

- loss of house signage
- need to move the overhead line pole
- loss of private right of way

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy

DS1, MTRA2, CP11, CP13, CP16.

Winchester Local Plan Part 2 – Development Management and Site Allocations

DM1, DM2, DM15, DM16, DM17, DM18.

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Manual for Streets

Supplementary Planning Guidance

Swanmore Village Design Statement

High Quality Places SPD

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Planning Considerations

Principle of development

Paragraph 47 of the NPPF requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The development is situated in the settlement boundary of Waltham Chase, where the principle of development is acceptable under MTRA2, provided that the development is in accordance with the policies of the Development Plan and unless material planning reasons indicate otherwise.

Impact on character of area, Design and Layout

The proposal would see three dwellings on the site of the old garages. Plots 1 and 2 would be a semi-detached pair comprising three bedrooms, three bathrooms, a living room, utility room and open plan kitchen/living/dining area each measuring approximately 119 sqm in internal floor space. Plot 3 would be a detached dwelling comprising four bedrooms, three bathrooms, a utility room, study, living room, dining room and open plan kitchen/living area measuring approximately 200 sqm in internal floor space. Each plot would also have a detached garage. The housing mix is in accordance with policy DM2 and CP2 of the LPP2.

The layout is considered to reflect the character of the area as typically there are terraced dwellings facing Winchester Road with detached and semi-detached dwellings to the rear. The proposal would retain the existing terraces that face Winchester Road including additional parking to the rear of these terraces, before reducing to a semi-detached pair and then to detached dwellings in accordance with policies DM15 and DM16 of the LPP2.

Concerns have been raised in regard to overdevelopment of the site. It is considered that the proposal provides an acceptable balance of living and amenity space without dominating the area or the street scene. The impact on neighbouring amenities have been explored below.

The proposed design and materials would be traditional with brick and slate proposed. The amended plans show suitable amenity spaces provided for the proposed dwellings and a set back from the access to the dwellings. It is noted that the access has been widened to remove a section of the front garden of Jubilee Cottage. It is considered that while this would reduce the front garden there would still be a small front garden to this dwelling that would be in keeping with the area.

Based upon the above assessment it is therefore considered that the proposal respects the character and appearance of the area and accords with policy CP13 of the LPP1 and policies DM15 and DM16 of the LPP2.

Impact on neighbouring property

The proposed development will be visible from the neighbouring properties and concerns have been raised regarding overlooking and overbearing. The properties to the west (Bramleys) would be approximately 25m from plot 3. The properties to the south and east (the terraces) of the site would be approximately 30m from plots 1 and 2. It is noted that the neighbouring property to the south would share a boundary with the site. It is accepted that due to existing dwelling relationships there is an existing level of

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overlooking in the area. However it is not considered that the proposal would result in a significant increase in direct, harmful overlooking to neighbouring properties due to the lack of first floor windows on the side elevations of the proposed dwellings and the distance between the existing buildings and the proposed. It is noted that there would be 2 roof lights on the northern elevation of plot 3 that would serve bathrooms, however the angle of the windows and the distance would prevent direct overlooking to the property to the north. It is therefore considered that the proposal accords with policy DM17 of the LPP2.

There would be approximately 12m between the front elevations of plots 1 and 2 and plot 3. This is considered to result in a relationship that is in keeping with the tighter arrangement of buildings in the immediate surroundings. A planting scheme has been proposed to enhance the scheme and improve the visual amenities of the area. This is discussed below.

Based upon the above assessment it is therefore considered that the proposal accords with policy DM17 of the LPP2.

Landscape

A landscaping plan has been submitted indicating boundary treatments and additional planting. It is considered that the planting between the plots would help prevent overlooking between the plots, A condition (condition 13) has been recommended to ensure that the planting would be of larger trees to prevent overlooking. It is considered that while the landscaping plan indicates some detail for planting, other details are lacking therefore condition 12 has been recommended for additional details to be submitted. It is therefore considered that the proposal accords with policy CP13 of the LPP1 and policies DM15, DM16 and DM17 of the LPP2.

The Landscape Officer raised no objection subject to conditions 12 and 13.

Highways/Parking

The site benefits from an existing access form Winchester Road. Amended plans have been submitted to amend the entrance to the access and increase the existing visibility splays. The access would be approximately 5m wide for the first 10m and then reduce to 3m wide allowing cars to enter and exit without causing congestion or waiting on Winchester Road. This is considered to be acceptable and the Highways officer raised no objections subject to a condition (condition 11) restricting the height of the hedges to the front of Jubilee Cottage to 0.8m.

The proposal would provide 6 parking spaces for the terraces, 4 spaces for plots 1 and 2 and 3 spaces for plot 3, including garages. The parking to the rear of the terraces would be situated 6m apart which is considered to be an acceptable distance for manoeuvring into and out of a space within the Manual for Streets. To ensure that sufficient parking is retained condition 8 is recommended.

It is therefore considered that the proposal accords with policy DM18, the Residential Car Parking SPD and the Manual for Streets.

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Drainage

The site is within flood zone 1 and therefore is at low risk of flooding. Soakaways are proposed for disposal of surface water however no infiltration tests have been submitted. No details of foul drainage have been proposed. As such condition 4 is required to ensure an adequate drainage scheme is agreed and implemented. It is therefore considered that the proposal accords with policy DM17 of the LPP1.

Contaminated Land

Concerns were raised regarding the previous use of the land. The site was used for the storage and maintenance of motorbikes. There are records of a fire on the site in 2011 that may have resulted in asbestos fragments on the site and contamination. Therefore a number of conditions have been recommended (conditions 6, 10 and 14). The Environmental Health Officer raised no objection subject to these conditions. It is therefore considered that the proposal accords with policy DM21 of the LPP2.

Nitrates

The proposed development is within Winchester District where foul water is distributed into the European designated areas Solent SPAs/Ramsar sites via water treatment plants. In accordance with advice from Natural England and as detailed in Policy CP16 of the Winchester City Council Local Plan Part 1 Joint Core Strategy a net increase in housing development within Winchester District is likely to result in impacts to the integrity of those sites through a consequent increase in Nitrates. A nitrate calculation has been conducted in relation to this. It has been demonstrated that the proposal would generate a surplus of nitrates and therefore mitigation is required. As such a Grampian condition (condition 7) in line with the Winchester City Council Position Statement on Nitrate Neutral Development has been agreed to secure appropriate mitigation prior to occupation. It is therefore considered that the proposal accords with policy CP16 of the LPP2.

Recreational Disturbance on the Solent Special Protection Areas

The Solent coastline provides feeding grounds for internationally protected populations for overwintering waders and wildfowl, and is also extensively used for recreation. Natural England has concluded that the likelihood of a significant effect in combination arising from new housing around the Solent cannot be ruled out. Applications for residential development within 5.6 km of the Solent SPAs will need to propose measures to mitigate the direct impacts of their development on the Solent SPA. This can be done by the provision of a financial contribution either before planning permission is granted or by entering into an s106 agreement before planning permission is granted with an undertaking that the payment will be made before the development is implemented. The proposal would provide 2, three bed dwellings and 1 four bed dwelling requiring a payment of £2131 to comply with policy CP16 as it has failed to mitigate the recreational harm to the Solent SPAs.

Other Matters

Equality

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination,

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equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

Conclusion

The proposal is considered and effective use of vacant land for new housing within the settlement boundary of Waltham Chase. The proposed numbers, layout and design are considered appropriate to the area and the development is not considered to give rise to harmful impacts on neighbouring amenity, the environment or highway safety. The development therefore accords with the Development Plan and the following policies DS1, MTRA2, CP11, CP13, CP16 of the LPP1 and policies DM1, DM2, DM15, DM16, DM17 of the LPP2 and the Residential Car Parking SPD, the Manual for Streets and the High Quality Places SDP.

Recommendation Permit 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 The development hereby approved shall be constructed in accordance with the following plans:
JD-044 Gar.pe,
JD-044 P3.pe,
HBD203 LSP,
JD-044 SL01 Rev F,
JD-044 P1-2.p Rev A,
JD-044 P1-2.e Rev A,

Reason: For the avoidance of doubt, to ensure that the proposed development is carried out in accordance with the plans and documents from which the permission relates to comply with Section 91 of the Town and Country Planning Act 1990.

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

- 4 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 occupation of the building.

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

- 5 Prior to the commencement of the development hereby permitted detailed information (in the form of SAP design stage data and a BRE water calculator) demonstrating that all homes meet the equivalent of Code 4 standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these findings.

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2018 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.,

- 6 No development shall take place unless otherwise agreed in writing until 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 BS10175:2011+A1 2013 Investigation of potentially contaminated sites - code of practice;
CLR 11 - Model procedures for the management of land contaminations; or, other supplementary guidance and include the following phases, unless identified as unnecessary by the preceding stage and agreed in writing by the LPA:;
- 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.

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

- 7 The development hereby permitted shall NOT BE OCCUPIED until:
- a) A water efficiency calculation which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to and approved in writing by the Local Planning Authority
 - b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European sites by the development and be implemented in full prior to first occupation and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and,
 - c) All measures forming part of that mitigation have been secured and submitted to the Local Planning Authority.

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Reason: To accord with the Conservation of Habitats and Species Regulations 2017, and Policy CP11, CP16 and CP21 of the Winchester District Local Plan Part 1.

- 8 The parking spaces as shown in the approved plans shall be implemented prior to the occupation of the development hereby approved and thereafter retained in accordance with the approved plan.

Reason: In the interests of highway safety and to safeguard the amenities of the neighbouring residents.

- 9 Prior to the occupation of the dwelling hereby permitted detailed information (in the form of SAP "as built" stage data and a BRE water calculator) demonstrating that all homes meet the equivalent of Code 4 standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall occupied in accordance with these findings.

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2018 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

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

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

- 11 The hedge to the north of the proposed access within the curtilage of Jubilee Cottage shall be retained at a height of 0.8m.

Reason: In the interests of highway safety.

- 12 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.

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

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13 Trees with a minimum trunk diameter of 5cm, shall be planted between plots 1 and 2 and plot 3 as shown on plan HBD203 LSP. If, within a period of 5 years from the date of planting, any of the replacement trees 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.

Reason: To protect the privacy of the adjoining property and to prevent overlooking.

14 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.

Informatives:

1. 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 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:-

Local Plan Part 1 Joint Core Strategy: DS1, MTRA2, CP11, CP13, CP16,
Local Plan Part 2: DM1, DM2, DM15, DM16, DM17

3. In accordance with paragraph 38 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

-offering a pre-application advice service and,

-updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

4. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

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> For further advice on this please refer the Construction Code of Practice
<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

5. The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works can commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with. If works commence on site before all of the pre-commencement Conditions are discharged then this would constitute commencement of development without the benefit of planning permission and could result in Enforcement action being taken by the Council.

6. During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

7. 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 0800 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.