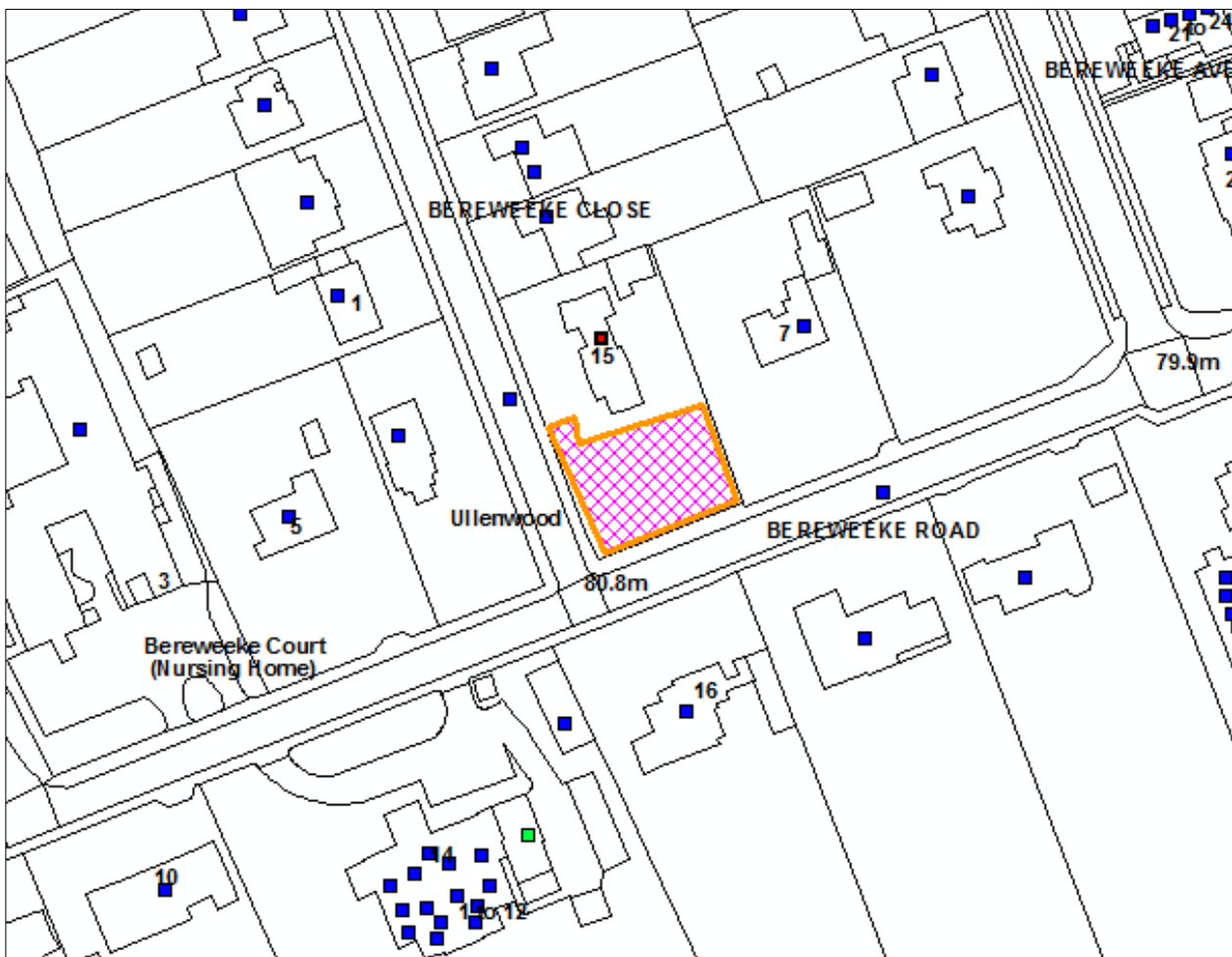


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 20/00949/FUL
Proposal Description: Material amendments to application no 18/01432/FUL to amend condition nos: 9 - landscaping; 12 - arboricultural impact assessment; 13 - approved plans. (AMENDED PLANS).
Address: The Corner House, 15 Bereweek Close, Winchester, SO22 6AR
Parish, or Ward if within Winchester City: St Barnabas
Applicants Name: Mr Nick Petford and Ms Gina Cherrett
Case Officer: Catherine Watson
Date Valid: 11 June 2020
Recommendation: Application Permitted

Link to Planning Documents : <https://planningapps.winchester.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QA63A7BPKH500>

Pre Application Advice: None.



© Crown Copyright and database rights Winchester City Council License 100019531

Case No: 20/00949/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

General Comments

Application is reported to Committee due to the number of objections received, contrary to the officer's recommendation to permit.

Site Description

The application site is part of the garden on the southern side of Bereweeke Close, a two storey, four bedroom detached property at the junction of Bereweeke Close and Bereweeke Road. The site is located within a residential area of Winchester which is characterised by large, detached properties set back from the road in spacious plots with mature landscaped boundaries.

Proposal

The application is for material amendments to the scheme approved under 18/01432/FUL and 17/02356/FUL. The development is currently under construction and a number of changes to the approved plans have been implemented on site. This application seeks to regularise these changes.

Relevant Planning History

17/02356/FUL - New two storey, two bedroom house with new access from Bereweeke Road. REFUSED, APPEAL ALLOWED 18.05.2018.

18/01432/FUL - (Amended Plans 05/09/18) Revisions to the new dwelling permitted by Appeal ref. APP/L1765/W/18/3193896 to include a basement storey, light wells and access. PERMITTED 19.10.2018

Consultations

Landscape:

The new paving appears to encroach on the root protection zone of tree T8. A cellular confinement system if proposed with a porous pavement. This is not ideal and should be verified by a tree officer to make sure of its effectiveness in protecting the health of the tree.

Southern Water:

No comments to make.

Representations:

15 letters received from 14 addresses objecting to the application for the following reasons:

- Trees have been felled, contrary to the approved plans;
- It is not clear what the three replacement trees along the boundary with 7 Bereweeke Road will be and where they will be planted;
- The new vehicle entrance off Bereweeke Close is too close to the junction and negatively impacts on highway safety;
- Visibility for cars emerging onto Bereweeke Close/Road will be poor;

Case No: 20/00949/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

- The access is too near to the current parking bays in Bereweeke Close;
- Impact on neighbour amenity.

0 letters of support received.

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy
CP13 – High Quality Design

Winchester Local Plan Part 2 – Development Management and Site Allocations

DM1 – Location of New Development

DM15 – Local Distinctiveness

DM16 – Site Design Criteria

DM17 – Site Development Principles

DM18 – Access and Parking

DM24 – Special trees, Important Hedgerows and Ancient Woodlands

National Planning Policy Guidance/Statements:

National Planning Policy Framework

National Planning Practice Guidance.

National Design Guide.

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 application site is located within the settlement boundary of Winchester where the principle of new residential development is accepted provided it is in accordance with the relevant policies of the development plan.

Design/layout

The approved scheme is for a contemporary style dwelling consisting of a single storey, with a smaller, cantilevered first floor box element above. Materials include vertical cedar cladding at first floor level, as well as facing brickwork at ground floor level. The cantilevered first floor has a large feature window facing south-east towards Bereweeke Road. The approved access for the new dwelling is on Bereweeke Road and a gated pedestrian access was to be situated to the side, on Bereweeke Close.

At the beginning of the construction process, a vehicular access was created on Bereweeke Close in order to allow access for construction traffic. It was anticipated that this would be blocked up to form the pedestrian access after the build was complete. The proposal is to retain this as permanent vehicular access on Bereweeke Close and have a pedestrian access on Bereweeke Road. This has necessitated some internal rearrangement within the dwelling and associated site. The key changes are the repositioning of the rear (north-west) boundary of the development 1.5m closer to the existing property at 15 Bereweeke Close, the rearrangement of the parking and turning areas to the front of the new dwelling necessitated by the amended access location, the reconfiguration of the proposed basement, which will largely be invisible above ground,

Case No: 20/00949/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

and the removal of some trees in the site which were marked for retention on the approved scheme. The materials and form of the dwelling remain as approved. This is in line with policy CP13 of LPP1, as well as DM16 and DM17 of LPP2.

Impact on character of area and neighbouring property

The main visual impact of the amended development would be as a result of the repositioning of the vehicular access from Berewecke Road to Berewecke Close. In the successful appeal, the inspector did not specifically state that the vehicular access from Berewecke Road was a key factor in his determination, although he does note that there would be limited glimpsed views of the building from the street into the site. To facilitate the revised access, a small tree and shrubs have been removed from the western part of the site however, a new hedge will be planted along this boundary and the trees along the southern boundary which were to be removed under the existing consent, will now be retained and supplemented by hedging. It is not therefore considered that there would be any significant additional harm caused by the amendments to the character of the surrounding area, in line with policy DM15 of LPP2.

Concerns have been raised with regards to the impact on the amenities of the residents of Ullenwood, across Berewecke Close to the south-west. There is no change in either the position of the building or the number and positioning of the windows, on the facing elevation and there is a distance of approx. 19m between the side of the new dwelling and the facing boundary of Ullenwood.

The existing dwelling at 15 Berewecke Close lies to the north-west. The boundary between the two plots has now been moved closer to no 15 by approx. 1.5m. The boundary treatment is in the form of a 1.8m fence which runs along the extent of the northern boundary. There are no first floor windows in the new dwelling and whilst there is a bedroom window in the facing elevation, it is obscure glazed and there will be no significant impact on the amenities of 15 Berewecke Close. This therefore complies with policy DM16 and DM17 of LPP2 and it is considered that there will be no demonstrable harm on to any neighbouring amenities.

Landscape/Trees

Three trees have been removed along the boundary with 7 Berewecke Road, to the north-east. These trees were to have been retained and were in good condition. Their removal is considered to have had a detrimental impact on the amenities of no 7 as they removed part of the characterful and mature treed boundary. Accordingly, and to mitigate this, the trees are required to be replaced with similar species which will grow to a similar height and have a similar leaf coverage. This will be controlled by condition and would be in line with policy DM15 of LPP2.

There is a large beech tree in the south-east corner of the site which is subject to a TPO. A garden shed with hardstanding is proposed under the canopy of this tree. This extends across approx. 18% of the root protection area and is therefore considered not to cause significant harm to the health and condition of the tree. Across the rest of the site, particularly to the east, south and south-west, specialist surfacing and ground protection measures are to be installed to ensure the good health of the other existing trees and shrubs. This is considered to be compliant with policy DM24 of LPP2.

Highways/Parking

The key concern of the majority of local residents is that of the impact on highway safety
Case No: 20/00949/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

and parking of the relocated vehicular access.

Bereweeke Close is a small cul-de-sac and the new access is situated approx. 8.5m away from its junction with Bereweeke Road. As the site is adjacent to a classified road (Bereweeke Road – B3044), Hampshire County Council Highways were consulted with regards to potential impact on highway safety.

HCC advised that the proposed sliding gates onto Bereweeke Close would not be acceptable as they were required to be set back at least 6m from the edge of the highway in order to allow cars to pull off the road when accessing the site. Given the current site layout, it would not have been possible to place the gates further back and therefore these were removed from the proposal and the access remains open. Notwithstanding this, there were still neighbour concerns over the proximity of the access to the junction and how this may impact on emerging traffic. A HCC Highways Engineer visited the site and undertook a survey, measuring the distance to the junction and assessing the level of impact on highway safety. The outcome of this was that whilst the access was closer to the junction than might be permitted on other roads, the fact that Bereweeke Close is considered to be a relatively quiet, low traffic road, means that the risk to safety is not so significant as to justify a refusal of this part of the development.

Additionally, the two existing on-street parking spaces are situated immediately adjacent to the access and therefore may be blocked from use on some occasions. The addition and maintenance of on-street parking bays such as these falls under the remit of HCC Highways and not the City Council. If the applicant or another party wishes to move them, an application to do this must be made to HCC. There are two on-site parking spaces which is the required number for a two bed dwelling as specified in the Parking Standards SPD and in accordance with DM18 of LPP2.

Other Matters

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, 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 as statutory planning authority for the council.

Recommendation

It is therefore recommended that the Application should be permitted subject to the following condition(s):

(Note: If the Legal Agreement is not completed within 6 months then the application may be refused without further reference to Committee)

Conditions

1. The development hereby approved shall be constructed in accordance with the following plans:
Location Plan submitted 11.05.2020

Case No: 20/00949/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Block Plan As Proposed Dwg No 833.16F submitted 14.08.2020
Basement and Ground Floor Plan As Proposed Dwg No 833.11J received
18.11.2020
First Floor Plan As Proposed Dwg No 833.12H received 18.11.2020
Roof Plan As Proposed Dwg No 833.13J received 18.11.2020
West Elevation and Section As Proposed Dwg No 833.14G received 14.08.2020
S & E Elevations As Proposed Dwg No 833.15 F received 11.05.2020
Tree Protection Plan Dwg No J971.04 A dated September 2020

Reason: In the interests of proper planning and for the avoidance of doubt.

2. The parking areas shall be provided in accordance with the approved plans before the dwelling is first occupied and thereafter permanently retained and used only for the purpose of accommodating private motor vehicles or other storage purposes incidental to the use of the dwelling house as a residence.

Reason: To ensure the permanent availability of parking for the property to comply with Policy CP10 of the Winchester District Local Plan Part 1 and Policy DM18 of the Winchester District Local Plan Part 2.

3. Prior to the occupation of any dwelling hereby permitted detailed information (in the form of SAP "as built" stage data and a BRE water calculator) demonstrating that the dwelling meets the 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 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.

4. Prior to the occupation of the development a lighting plan shall be submitted and approved in writing by the Local Planning Authority. The lighting shall be implemented in accordance with the approved plans and no additional lighting shall be installed without the agreement in writing of the Local Planning Authority.

Reason: In the interest of biodiversity and to comply with Policies CP15 and CP16 of the Winchester District Local Plan Part 1.

5. The development shall be carried out in accordance with the measures set out in the Arboricultural Impact Assessment and method statement report by Sapling Arboriculture Ltd dated September 2020, ref. J971.04 unless otherwise approved in writing by the Local Planning Authority. Thereafter, the compensation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To ensure that the trees to be retained are not damaged during construction in the interests of biodiversity and to maintain local distinctiveness and green infrastructure to comply with Policies CP15 and CP16 of the Winchester

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

District Local Plan Part 1 and Policy DM 15 of the Winchester District Local Plan Part 2.

6. The new trees A, B and C as shown on approved plan 833.11J, shall be planted in accordance with the specifications given on the approved plan and associated technical note prior to occupation of the development hereby permitted. If within a period of five years after planting any tree 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 the trees which replace those removed on the north-eastern boundary, in accordance with the approved designs.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C and E, of Schedule 2, Part 1 of the Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenity of the area having regard to the proximity to the immediate neighbouring properties to comply with Policy DM17 of the Winchester District Local Plan Part 2.

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Informatives:

1.

In accordance with paragraph 38 of the NPPF (July 2018), Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance a site meeting was carried out with the applicant.

2.

The Local Planning Authority has taken account of the following development plan policies and proposals:-

Local Plan Part 1 - Joint Core Strategy: DS1, CP13

Local Plan Part 2 – Development Management and Site Allocations: DM1, DM15, DM16, DM17, DM18, DM24

High Quality Places SPD

Parking Standards SPD

3.

This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out above, 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.

4.

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.

Flexibility of hours may be acceptable due to the Covid-19 emergency in line with the Business and Planning Bill 2019-21 [https://services.parliament.uk/Bills/2019-](https://services.parliament.uk/Bills/2019-21/businessandplanning.html)

[21/businessandplanning.html](https://services.parliament.uk/Bills/2019-21/businessandplanning.html)

5.

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. Where construction site working hours are limited by a planning condition you can apply under Section 74B of the Town and Country Planning Act 1990 which provides a temporary fast track to vary existing conditions.

<https://www.gov.uk/government/publications/construction-working-hours-draft-guidance/draft-guidance-construction-site-hours-deemed-consent>