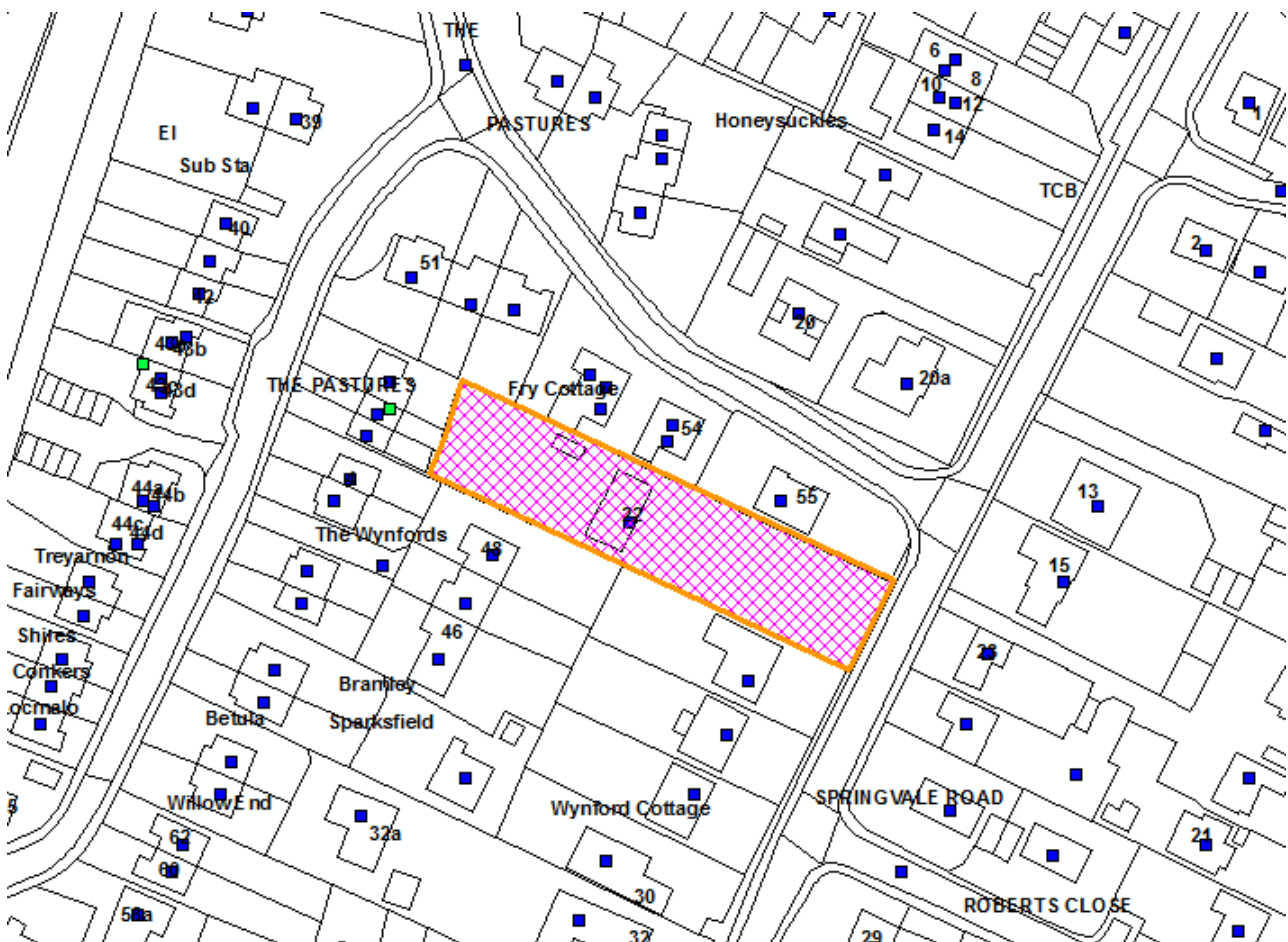


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 20/02225/FUL
Proposal Description: Development of 2 detached and 2 semi detached dwellings following demolition of existing bungalow
Address: 22 Springvale Road Kings Worthy SO23 7LZ
Parish, or Ward if within Winchester City: Kings Worthy
Applicants Name: Mr Andrew Burgess
Case Officer: Mrs Megan Osborn
Date Valid: 12 October 2020
Recommendation: Application Permitted

Link to Planning Documents : <https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple&searchType=Application>

Pre Application Advice:



© Crown Copyright and database rights Winchester City Council License 100019531

Case No: 20/02225/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

General Comments

Application is reported to Committee as the number of objections, received 8 objections

This application has been amended twice and re-advertised both times. The final changes show the same amount of dwelling proposed (4) with changes made to the dormer windows at the front and rear of all of the properties. Details of the changes are highlighted within the report.

Site Description

The application site is located on the western side of Springvale Road within the northern part of the village of Kings Worthy. The area in which it is located is a predominantly residential area of a mix of dwelling types and sizes.

The site slopes down from north-west to south-east with a change in levels across the site of approx. 5m.

This is a long linear site with an existing bungalow located relatively centrally within the site. The dwelling has a long front garden with an access drive to the dwelling and a large rear garden. There is some existing vegetation within the site with a dense hedge along the front boundary with Springvale Road. The site is surrounded by neighbouring properties on all sides, apart from the frontage of the site onto Springvale Road. To the north and west there are houses on 'The Pastures', which back on to the site, and to the south west there is a property in a small development of three dwellings called 'The Wynfords'.

Proposal

The proposal is to demolish the existing bungalow on the site and replace with four dwellings. They will all be constructed in a buff brick with a zinc roof and zinc cladding. The dwelling at the front (plot 1) will be a two bedroom dwelling with two dormers to the rear, plot 2 will be a three bedroom dwelling with two dormers to the front and two dormers to the rear and plots 3 and 4 to the rear of the site will both be two bedroom dwellings with two dormers to the front (one on each dwelling).

Relevant Planning History

There is limited planning history on this site, but there was planning given to the site to the rear of this property on 'Land to the rear of 22 Springvale Road' (03/01456/FUL). This was for three, two storey dwellings fronting on to the road to the rear, The Pastures.

Consultations

Engineers: Drainage:
No objections

Engineers: Highways:
No objections, subject to evidence of the visibility splays. This has been provided and is acceptable.

Case No: 20/02225/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Southern Water:

No objection.

Head of Landscape:

No fundamental objection to this proposal, further information is required through conditions.

Natural England

No objections, subject to Grampian condition

Ecology

A reptile survey of the receptor area will need to take place to establish the carrying capacity before the translocation takes place.

A formal agreement (in the form of a S106 agreement) is required between the applicants/developers and the Parish Council. This is necessary to ensure the slow worms can be translocated according to the mitigation plan. 'Lovedon fields' will need to be managed in perpetuity for reptiles.

Representations:

Kings Worthy Parish Council

- Acknowledges that the applicant has made some improvements to the design.
- Still has issues with the amount of visitor parking spaces
- The roofing materials are not in keeping with the surrounding properties
- Small changes to landscaping proposed.
- Would like some further conditions on this application.

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

- The rear windows on 55 The pastures look directly onto the front garden area of the existing dwelling and the proposed driveway of the development.
- This will result in loss of light from the boundary treatment.
- The proposed building to the front is too high
- Ecological impacts
- Loss of privacy and visual amenity.
- Cramped
- Overlooking
- Impact on swift population

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

- The proposal would de-value properties.

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy

DS1, MTRA1, MTRA3, CP2, CP3, CP11, CP12, CP13, CP14, CP16

Winchester Local Plan Part 2

DM1, DM2, DM14, DM15, DM16, DM17 and DM18.

Case No: 20/02225/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

National Planning Policy Guidance/Statements:
National Planning Policy Framework

Supplementary Planning Guidance

Kings Worthy and Abbot Worthy Village Design Statement
High Quality Places, Design Guidance

Planning Considerations

This application has been amended a number of times due to officer input. One concern was the amount of overlooking the proposed dwellings would have on the neighbouring properties to the rear of the site on The Pastures. The dormers on the rear elevation of plots 3 and 4 were removed as a direct result of these concerns. The second concern was the size and scale of the dormers proposed not only to the front dwelling on the road but throughout the site. This result in the removal of the dormer on the front elevation of plot 1 entirely and the reduction in size of the dormers on the remaining elevations, splitting them from one large dormer to two, much less dominant, dormers. The assessment of this application is on the latest plans submitted.

Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and 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 does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

The site is located within the built up area of Kings Worthy, where the principle of development for housing is considered acceptable.

Policy CP2 of the Local Plan Part 1 considers housing mix. The policy requires that there should be a majority of 2 & 3 bed dwellings, unless local circumstances indicate an alternative approach should be taken. This application is for four dwellings, 3 of which are two bedroom dwelling and one is a three bedroom dwelling. This provides a mix of both 2 and 3 bedroom dwellings and therefore meets the mix required of policy CP2 and as a result the development complies with this policy.

Design/layout

The proposal presents a traditional form when viewed from the street scene, with a single storey dwelling which is in keeping with the neighbouring dwellings on Springvale Road and therefore respects the street scene. The materials are contemporary in nature, but it is considered these would not appear alien in this location given the mix of materials in other developments in the area and the form of the proposed dwellings responds well with its neighbouring properties.

The reduction in the number of dormers is a welcome change to the proposal, with no dormer to the front elevation of plot 1 and smaller dormers on the other dwellings this respects the form of the dwellings in the surrounding areas in a much more cohesive way.

Case No: 20/02225/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Impact on character of area and neighbouring properties

The layout of the site is considered acceptable and the spacing of the buildings relates to neighbouring sites with sufficient space to the front and rear of all the properties.

Dwellings will be glimpsed up the hill from the front of the site, but it is considered that this would not result in an incongruous feature in the surrounding area.

The changes made to the front dwelling, by removing the dormer, respects the low rise nature of the dwellings on this part of Springvale Road.

The section drawing (7709_D02_REV C) shows, on section BB, the proposed street scene with plot 1 shown on the plan. There is a difference of approx. 0.55m in height between number 24 and the new dwelling which is comparative to the immediate neighbouring dwellings on Springvale Road and in turn would not result in any significant harm on the character of the surrounding area.

There is a distance of approx. 2.89m from the side wall of plot 1 with the side wall at 24 Springvale Road. It is considered that this is an acceptable distance in, this instance, as to not result in any material planning harm to this neighbouring dwelling. There is 1 small first floor window proposed on the southern/side elevation of this dwelling, however this is to be obscure glazed. There is a window on the northern elevation at ground floor level however this is considered acceptable in relation to any neighbouring amenities as it will be looking directly into the side wall of this neighbouring dwelling.

Plot 2 also has 1 window on the northern side elevation at ground floor level which is acceptable and the building will be a sufficient distance away from neighbouring amenities to ensure that it will not result in any material planning harm on neighbouring amenities.

Plots 3 and 4 don't have any windows on the first floor side elevations, although they have dormers on the front, the dormers on the rear have been removed and replaced with roof lights. Drawings show that the rooflights would look up and out and not towards the neighbours to the rear. There is a proposed boundary treatment of high level planting along this boundary, which has been conditioned. As a result it is considered that this would not result in any unacceptable material planning harm on the amenities of neighbouring properties.

Due to the movement of the sun, none of the proposed dwellings would result in an unacceptable overshadowing effect on neighbouring properties.

Concerns have been raised regarding the neighbours along the northern boundary of the site, especially in relation to number 55 The pastures as this dwelling is directly on the boundary with the site. Hedging is proposed along this boundary, details of which will be submitted via a condition. This is something that could be planted at any time without the need for a planning application and therefore, although this could be a high hedge along the boundary with number 55, this is not something that would warrant the refusal of the application.

Highways/Parking

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

The driveway proposed is of adequate width for the development and there is sufficient turning space within the site to ensure that all vehicles can enter and exit in a forward gear.

The bin stores appear to be suitably placed.

Each property has adequate parking for the size of the dwellings proposed (changes has been made to the parking layout in line with HCC's original comments). The Parish did comment on the application regarding the amount of visitor parking proposed, a layby has been inserted into the side of the access driveway to provide one visitor parking space on site, which is considered sufficient in this instance and meets the parking standards for a development of this size.

Cycle stores have been provided in the rear garden of each dwelling.

The site access have been moved to accommodate adequate visibility splays onto Springvale Road.

This development is acceptable in relation to development plan policy DM18 of the LPP2.

Landscaping

Concerns were raised regarding the landscaping and hard standing proposed, but this is covered by the conditions proposed within this recommendation (conditions 5 and 6). It is also important to look at the boundary treatments between new dwellings and existing neighbours, this is something that is conditioned as well (condition 4).

Nitrates

A nitrate calculation has now been completed by the developer and has been reviewed by Natural England. This confirms a positive contribution of 8.67 kg/TN/year will occur as a result of the development.

Excess levels of nitrates can damage freshwaters and the marine environment by a process known as 'eutrophication', promoting excessive growth of algae that chokes other life and leading to harmful effects on the SPA. Development within Winchester District that would result in overnight accommodation or excessive amounts of nitrates, such as dwellings, require nitrate calculations to demonstrate a deficit, neutral or surplus of nitrates being generated on site. Developments that would result in a surplus of nitrates therefore require mitigation to prevent harm to the SPAs in the district. As such a Grampian condition in line with the Winchester City Council Position Statement on Nitrate Neutral Development has been agreed to secure appropriate mitigation prior to occupation. The Planning Authority has undertaken updated Appropriate Assessment in line with the adopted Position Strategy for Nitrates and condition 12 has been included to obtain mitigation measures. Following this process, the Council can demonstrate it has undertaken an Appropriate Assessment in accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017 and policy CP16 of the Local Plan Part 1.

Ecology

An Ecological Assessment (Peach Ecology, August 2020) was submitted as part of this application. No bats were recorded roosting within the existing building although there were occasional pipistrelle bats commuting through the site and foraging in the garden.

Case No: 20/02225/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

A peak count of 13 adult slow worms were recorded on site which could represent between 10-20% of the total population. Therefore a good population of between 65-30 may be present on site. It is recommended that these are translocated to a nearby receptor site. A mitigation plan has been set out in section 5 and this states that a suitable receptor site has been agreed in principle from The Parish Council in Kings Worthy to allow the reptiles to be moved to the meadow at 'Lovedon Fields', Lovedon Lane.

A reptile survey of the receptor area will need to take place to establish the carrying capacity before the translocation takes place.

A formal agreement (in the form of a S-106 agreement) is required between the applicants/developers and the Parish Council. This is necessary to ensure the slow worms can be translocated according to the mitigation plan. 'Lovedon fields' will need to be managed in perpetuity for reptiles.

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, 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.

Conclusion

The application accordance with planning policy DS1, MTRA1, MTRA3, CP2, CP3, CP11, CP12, CP13, CP14 of the LPP1 and policies DM1, DM2, DM14, DM15, DM16, DM17 and DM18 of the LPP2.

Planning Obligations/Agreements

In seeking the planning obligations for the mitigation of the translocation of slow worms, the Local Planning Authority has had regard to the tests laid down in para 204 of the NPPF 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 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

01 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).

Case No: 20/02225/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

02 The development hereby permitted shall be carried out in accordance with the approved drawings unless otherwise agreed in writing by the local planning authority:

Location plan

Site plan 7709_D01_D

Site section 7709_D02_C

Plot 1 Proposed floor plans 7709_D03_D

Plot 1 Elevations 7709_D04_D

Plot 2 Proposed floor plans 7709_D05_E

Plot 2 Elevations 7709_D06_E

Plot 3 and 4 Proposed floor plans 7709_D07_E

Plot 3 and 4 Elevations 7709_D08_E

Reason: To ensure the development is built in accordance with the plans approved.

03 No development above DPC level 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.

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

04 No development above DPC level 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 treatment to be erected. The boundary treatment shall be completed before occupation. Development shall be carried out in accordance with the approved details.

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

05 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 above DPC level. 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.

06 No development above DPC level shall take place until details of hard 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:

- vehicle and pedestrian access and circulation areas
- hard surfacing materials

Case No: 20/02225/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Development shall be carried out in accordance with the approved details before the occupation of the dwellings hereby approved.

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

07 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.

08 Prior to the commencement of the development above DPC level hereby permitted, detailed information demonstrating that the development will achieve a dwelling emission rate (DER) at least 19% lower than the 2013 Part L Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and no more than 105 Litres per person per day predicted internal water use (110 Litres per person per day total) (Equivalent of Code for Sustainable Homes Level 3 / 4) in the form of a 'design stage' Standard Assessment Procedure (SAP) calculation and a water efficiency calculator shall be submitted to and approved in writing by the Local Planning Authority.

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.

09 Prior to the occupation of the dwelling hereby permitted detailed information demonstrating that the development will achieve a dwelling emission rate (DER) at least 19% lower than the 2013 Part L Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and no more than 105 Litres per person per day predicted internal water use(110 Litres per person per day total) (Equivalent of Code for Sustainable Homes Level 3 / 4) in the form of an 'as built' stage SAP calculation and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval. The development shall be occupied in accordance with the approved details.

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2012 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

10 Before the occupation of the development, areas for access, car parking and turning shall have been constructed and laid out made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site car parking provision for the approved development.

11. The development shall be carried out in accordance with the measures set out within the Ecological survey carried out by Peach Ecology, August 2020. Thereafter, the compensation measures shall be permanently maintained and retained in accordance with the approved details.

Case No: 20/02225/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Reason: To ensure improved connectivity of the site for the additional development.

12. 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.

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.

13. 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 windows; other than those expressly authorised by this permission shall, at any time, be constructed in the north or south/side elevations of development hereby permitted.

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

14. No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan shall include the following details:

- i. Construction Method Statement, including demolition activities.
- ii. Code of Construction Practice for all works and operations on the site.
- iii. Measures to be undertaken to minimise impacts on surrounding land.
- iv. Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
- v. Dust suppression, mitigation and avoidance measures.
- vi. Measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway.
- vii. Provisions to be made for the parking and turning of operative and construction vehicles during the period of development including times of movement so as to avoid peak period traffic, neighbour notification, use of pointsmen etc.

The Construction Traffic Management Plan, Construction Method Statement, and Code of Construction Practice shall be adhered to throughout the duration of the construction period.

Case No: 20/02225/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Note to applicant: Further information and guidance for developers on the bullet points above can be found on the Winchester City Council website:

<http://www.winchester.gov.uk/environment/pollution/construction-sites/>

Reason: To ensure that all demolition and construction work in relation to the application does not cause materially harmful effects on nearby land, properties and businesses.

15. No machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or dispatched from the site during the construction stage except between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on Saturdays and at no time on Sundays and recognised public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of nearby properties.

16. Detailed proposals for the disposal of foul and surface water, including infiltration testing results and a management plan if appropriate, 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 development commences.

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

Informatives:

01. 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 the applicant was provided with pre-application advice.

02. 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.

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

Local Plan Part 1 - Joint Core Strategy: DS1, MTRA1, MTRA3, CP2, CP3, CP11, CP12, CP13, CP14, CP16

Local Plan Part 2 - Joint Core Strategy: Development Management and Site Allocations: DM1, DM2, DM14, DM15, DM16, DM17 and DM18.

04. 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

Case No: 20/02225/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

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.

05. 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.

06. 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.

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>

07. 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.

The submitted details should be clearly marked with the following information:

- The name of the planning officer who dealt with application
- The application case number
- Your contact details
- The appropriate fee.

Further information, application forms and guidance can be found on the Council's website - www.winchester.gov.uk.