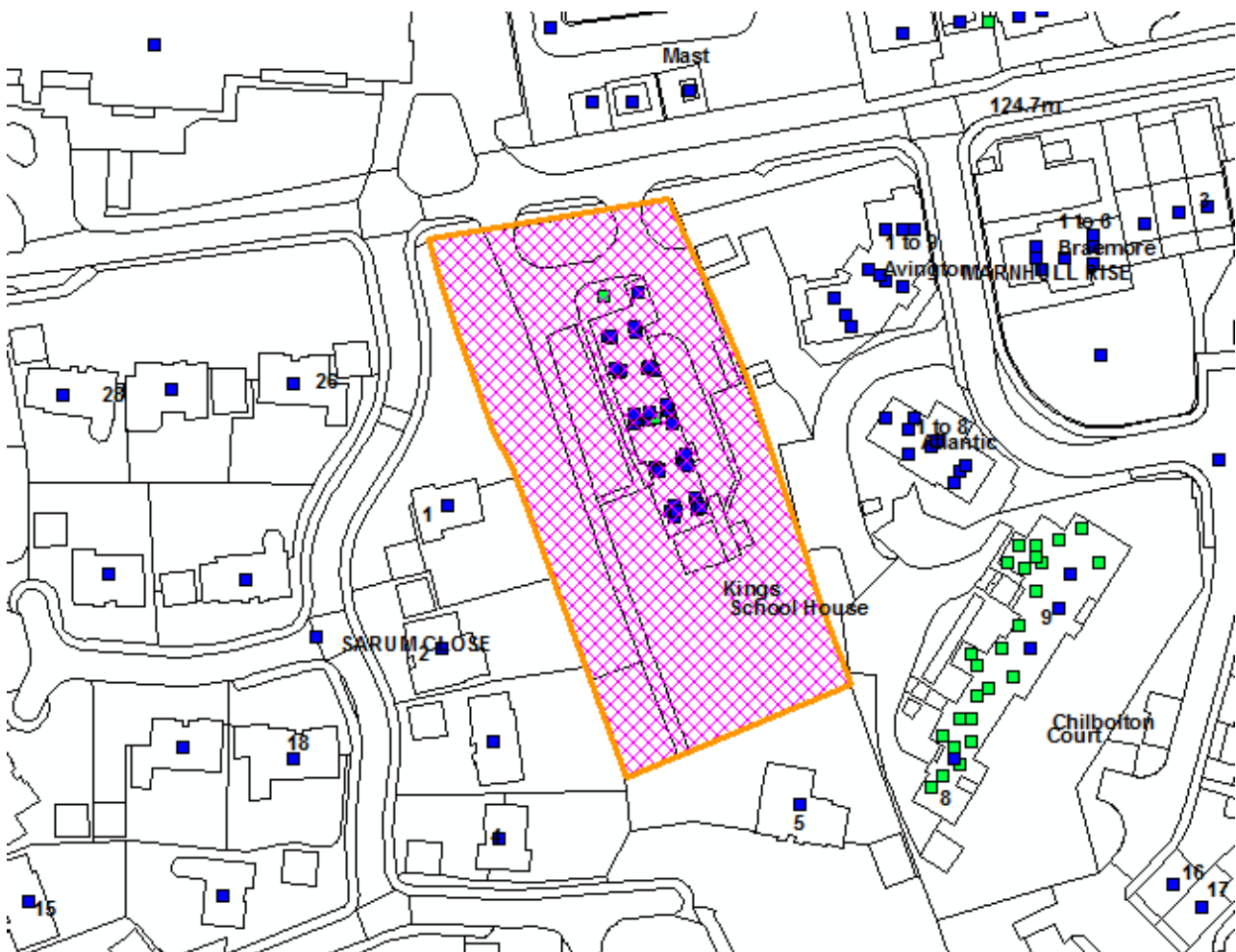


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 21/01382/FUL
Proposal Description: Amendment of condition 2 (plans condition) on application 17/00798/FUL, and subsequent Non material amendments made in applicaiton 18/01768/FUL, to change the approved landscaping plan. The new landscaping plans reference propsoed would be SAR-UBU-XX-XX-DR-L-0300
Address: Kings School House Sarum Road Winchester Hampshire SO22 5HA
Parish, or Ward if within Winchester City: St Paul
Applicants Name: Christine McNulty
Case Officer: Mrs Megan Osborn
Date Valid: 17 June 2021
Recommendation: Application permitted

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

Pre Application Advice:



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Case No: 21/01382/FUL

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General Comments

Application is reported to Committee due to the number of comments received contrary to officer recommendation.

To place the application in context, planning permission was first granted in January 2018 for a development of 29 sheltered apartments, (17/00798/FUL).

In 2018 a minor material amendment was sought, (18/01768/FUL) to increase the number of apartments to 33, contained within the original building volume. This was approved in 2019.

Following that approval a review of the site layout was undertaken that resulted in the submission of a Non Material Amendment application to amend the above ground parking layout, remove a timber buggy store and amend the refuse store. In support of that application a revised 'Proposed Site Plan' was submitted with an arrangement entirely consistent with the landscape SAR-UBU-XX-XX-DR-L-300, contained within this application.

The NMA was approved on 19 July 2019.

It has now come to light that in obtaining permission for the various amendments and condition discharge that an inconsistency exists between the plans as approved under 17/00798/FUL and the development under construction.

In order to address this inconsistency this application has been submitted.

Site Description

This 0.4 hectare site falls within the built up area of the city on the former Kings School Boarding house which was two storeys in height. The use of the original building ceased on 1 August 2015. Two accesses serve the site off Sarum Road. The site benefits from mature trees to the north, west and southern boundaries. The site is currently under construction and nearly complete for apartments for the elderly.

Proposal

This application is a Section 73 (material minor amendment) to vary condition 2 of application 17/00798/FUL and 18/01768/FUL to change the approved landscaping plans.

Condition 2 on application 18/01768/FUL reads as follows:

02 The proposed development shall be undertaken in accordance with the following plans and particulars submitted with the earlier application and the current amended submission;

- Amended Plans under this submission

5527-03-AC-100 Rev C: Location & Block Plan

5527-03-AC-101 Rev B: Site Plan

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5527-03-AC-120 Rev B: Car Park Plan

5527-03-AC-121 Rev C: Ground Floor Plan

5527-03-AC-122 Rev C: First Floor Plan

5527-03-AC-123 Rev C: Second Floor Plan

5527-03-AC-124 Rev D: Mezzanine Floor Plan (Third Floor)

5527-03-AC-125 Rev C: Roof Plan

5527-03-AC-128 Rev C: Elevation Sheet 1 of 2

5527-03-AC-129 Rev D: Elevation Sheet 2 of 2

5527-03-AC-130 Rev B: Sections

5527-03-AC-132 Rev B: Street Scene

Retained Plans under the earlier permission 17/00798/FUL dated 05 January 2018

- P001 Rev 02 Landscape Plan

- PP003 01 Planting Schedule

- Planting Plan Area 01 - 02 PP001 Rev 01

- Planting Plan Area 03-06 PP002 Rev

- PP001 Rev 01 Tree Plan and Schedule

- TP001 Planting and Maintenance Schedule

- 16347/BT2 Reference Barrell

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.

This application wishes to update the approved landscaping plans to bring them in line with the approved plans under the 18/01768/FUL application. Therefore the new condition would read:

Previously approved plans:

5527-03-AC-100 Rev C: Location & Block Plan

5527-03-AC-101 Rev B: Site Plan

5527-03-AC-120 Rev B: Car Park Plan

5527-03-AC-121 Rev C: Ground Floor Plan

5527-03-AC-122 Rev C: First Floor Plan

5527-03-AC-123 Rev C: Second Floor Plan

5527-03-AC-124 Rev D: Mezzanine Floor Plan (Third Floor)

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5527-03-AC-125 Rev C: Roof Plan

5527-03-AC-128 Rev C: Elevation Sheet 1 of 2

5527-03-AC-129 Rev D: Elevation Sheet 2 of 2

5527-03-AC-130 Rev B: Sections

5527-03-AC-132 Rev B: Street Scene

Updated plans under application 21/01382/FUL:

- Landscape General Arrangement Plan - SAR-UBU-XX-XX-DR-L-0100 Rev I
- Planting Plan Marketing Area - SAR-UBU-XX-XX-DR-L-0301 Rev E
- Planting Plan (Planting schedule growing medium) SAR-UBU-XX-XX-DR-L-0300 Rev F
- Landscape Management Plan 1608/MP/600, May 2019
- 16347/BT2 Reference Barrell

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.

Relevant Planning History

See above.

Consultations

Head of Landscape:

Re-submitted plans were received and showed the additional trees and shrubs as discussed at the site meeting on 20th July.

The trees shown along the west perimeter are acceptable. The shrubs do not appear to have been named on the plan as to species, but something able to tolerate competition from surrounding trees and shrubs and a certain amount of shade will be required, as well as tall enough to screen views from neighbouring gardens.

It is understood that an irrigation system will be installed for the planting. This will be necessary for the successful establishment of the plants, in particular beneath the canopy of existing trees.

Further clarification has been received from the applicant regarding the above:

With regards to the landscape officer's comment, he raised the question of species being proposed. These are identified in the top right hand corner of the drawing number 'SAR-UBU-XX-XX-DR-L-0300-REVF'

I can also confirm that an irrigation system will be installed as part of these proposals.

Representations:

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City of Winchester Trust: The Trust has 'no comment' to make on this application.

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

- The new landscaping plan should provide proper screening with the boundaries of the neighbouring sites.
- The building is high and needs screening along the boundaries.

Relevant Planning Policy:

Winchester Local Plan Part 1 - Joint Core Strategy (LPP1)

DS1: Development Strategy and Principles;

CP1: Housing Provision;

CP2: Housing Provision and Mix;

CP3: Affordable Housing Provision on Market Led Housing Sites;

CP6: Local Services and Facilities;

CP10: Transport;

CP11: Sustainable Low and Zero Carbon Built Development;

CP13: High Quality Design;

CP14: The Effective Use of Land;

CP16: Biodiversity;

CP17: Flooding, Flood Risk and the Water Environment;

WT1: Development Strategy for Winchester Town;

Winchester District Local Plan Part 2 - Development Management and Site Allocations (LPP2)

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;

WIN1: Winchester Town;

Supplementary Planning Guidance

High Quality Places Planning Document - adopted March 2015

Residential Parking Standards SPD 2009

Affordable Housing SPD 2008

Other legislation and documentation

National Planning Policy Framework

National Planning Practice Guidance

Planning Considerations

Since receiving this application, changes have been made to the landscaping on the southern and western boundaries of the site. These are considered acceptable by the landscape officer after a site meeting was held and these changes were requested.

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The trees shown along the west perimeter are acceptable. The shrubs are able to tolerate competition from surrounding trees and shrubs and a certain amount of shade, as well as being tall enough to screen views from neighbouring gardens.

It is understood that an irrigation system will be installed for the planting. This will be necessary for the successful establishment of the plants, in particular beneath the canopy of existing trees.

It is therefore considered that the proposed changes to the landscaping plans bring this application in line with the already approved plans in the 2018 application and, with the amendments made to the landscaping, are acceptable in relation to surrounding neighbours and the existing development.

This application is acceptable in line with relevant planning policies.

Affordable housing

Planning permission was first granted on this site in January 2018 for a development of 29 sheltered apartments, (17/00798/FUL). As S106 was agreed for the contribution of £514,000 for affordable Housing.

Then in 2018 a minor material amendment was sought, (18/01768/FUL) to increase the number of apartments to 33, contained within the original building volume. This was approved in 2019. This application included a deed of variation for an uplift of the original amount to £584,896 for affordable housing.

The works have started on site and therefore 10% of the contributions have been paid (£58,489.60).

This is a further application for a Material minor amendment for changes to the base landscaping plan. Therefore a deed of variation will be needed for the amount left to pay, £526,406.40.

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.

Planning Obligations/Agreements

In seeking the planning obligation(s) and/or financial contributions for £526,406.40, 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.

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Recommendation

Permit 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 undertaken and maintained in accordance with conditions 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, of permission 18/01768/FUL, and in accordance with the details approved, so far, in respect of these conditions of planning permission 18/01768/FUL.

Reason: To ensure that the development complies with the approved details of the original application which have been found to be acceptable and to ensure a high quality development.

The following is the change to condition 2:

2. The development hereby permitted shall be carried out in accordance with the following approved plans and particulars: -

5527-03-AC-100 Rev C: Location & Block Plan

5527-03-AC-101 Rev B: Site Plan

5527-03-AC-120 Rev B: Car Park Plan

5527-03-AC-121 Rev C: Ground Floor Plan

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-Planting Plan (Planting schedule growing medium) SAR-UBU-XX-XX-DR-L-0300 Rev F

-Landscape Management Plan 1608/MP/600, May 2019

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-16347/BT2 Reference Barrell

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.

Informatives:

1. In accordance with paragraphs 186 and 187 of the NPPF, 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 pre application discussions were undertaken.

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

Winchester Local Plan Part 1 - Joint Core Strategy (LPP1)

DS1: Development Strategy and Principles;

CP1: Housing Provision;

CP2: Housing Provision and Mix;

CP3: Affordable Housing Provision on Market Led Housing Sites;

CP6: Local Services and Facilities;

CP10: Transport;

CP11: Sustainable Low and Zero Carbon Built Development;

CP13: High Quality Design;

CP14: The Effective Use of Land;

CP16: Biodiversity;

CP17: Flooding, Flood Risk and the Water Environment;

WT1: Development Strategy for Winchester Town;

Winchester District Local Plan Part 2 - Development Management and Site Allocations (LPP2)

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;

WIN1: Winchester Town

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

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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.

5. 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.

6. 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, please refer to the Construction Code of Practice
<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

7. Please be advised that Building Regulations may be required for this development. Please contact WCC Building Control Department for more information (T: 01962 848176, E: buildingcontrol@winchester.gov.uk)

8. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

9. The presence of European protected species, such as bats, is a material consideration in the planning process and the potential impacts that a proposed development may have on them should be considered at all stages of the process. Occasionally European protected species, such as bats, can be found during the course of development even when the site appears unlikely to support them. In the event that this occurs, it is advised that the developer stops work immediately and seeks the advice of the local authority ecologist and/or the relevant statutory nature conservation organisation (e.g. Natural England). Developers should note that it is a criminal offence to deliberately kill, injure or capture bats, or to deliberately disturb them or to damage or destroy their breeding sites and resting places (roosts). Further works may require a licence to proceed and failure to stop may result in prosecution.

10. The applicant's attention is drawn to the provisions of both the Wildlife and Countryside Act 1981, and the Countryside & Rights of Way Act 2000. Under the 2000 Act, it is an offence both to intentionally or recklessly destroy a bat roost, regardless of whether the bat is in the roost at the time of inspection. All trees should therefore be thoroughly checked for the existence of bat roosts prior to any works taking place. If in doubt, the applicant is advised to contact the Bat Conservation Trust at Quadrant House, 250 Kennington Lane, London, SE11 5RD. Their telephone number is 0845 1300 228.

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11. 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.

If you need information in a different format e.g. large print, Braille, electronically or a translation, contact our Customer Service Centre on 01962 840 222 or by email customerservice@winchester.gov.uk

12. It is important to ensure that the long-term maintenance and responsibility for Sustainable Drainage Systems is agreed between the Local Planning Authority and the applicant before planning permission is granted. This should involve discussions with those adopting and/or maintaining the proposed systems, which could include the Highway Authority, Planning Authority, Parish Councils, Water Companies and private management companies.

For SuDS systems to be adopted by Hampshire Highways it is recommended that you visit the website at:

<https://www.hants.gov.uk/transport/developers/constructionstandards> for guidance on which drainage features would be suitable for adoption. 3

Where the proposals are connecting to an existing drainage system it is likely that the authorities responsible for maintaining those systems will have their own design requirements. These requirements will need to be reviewed and agreed as part of any surface water drainage scheme.