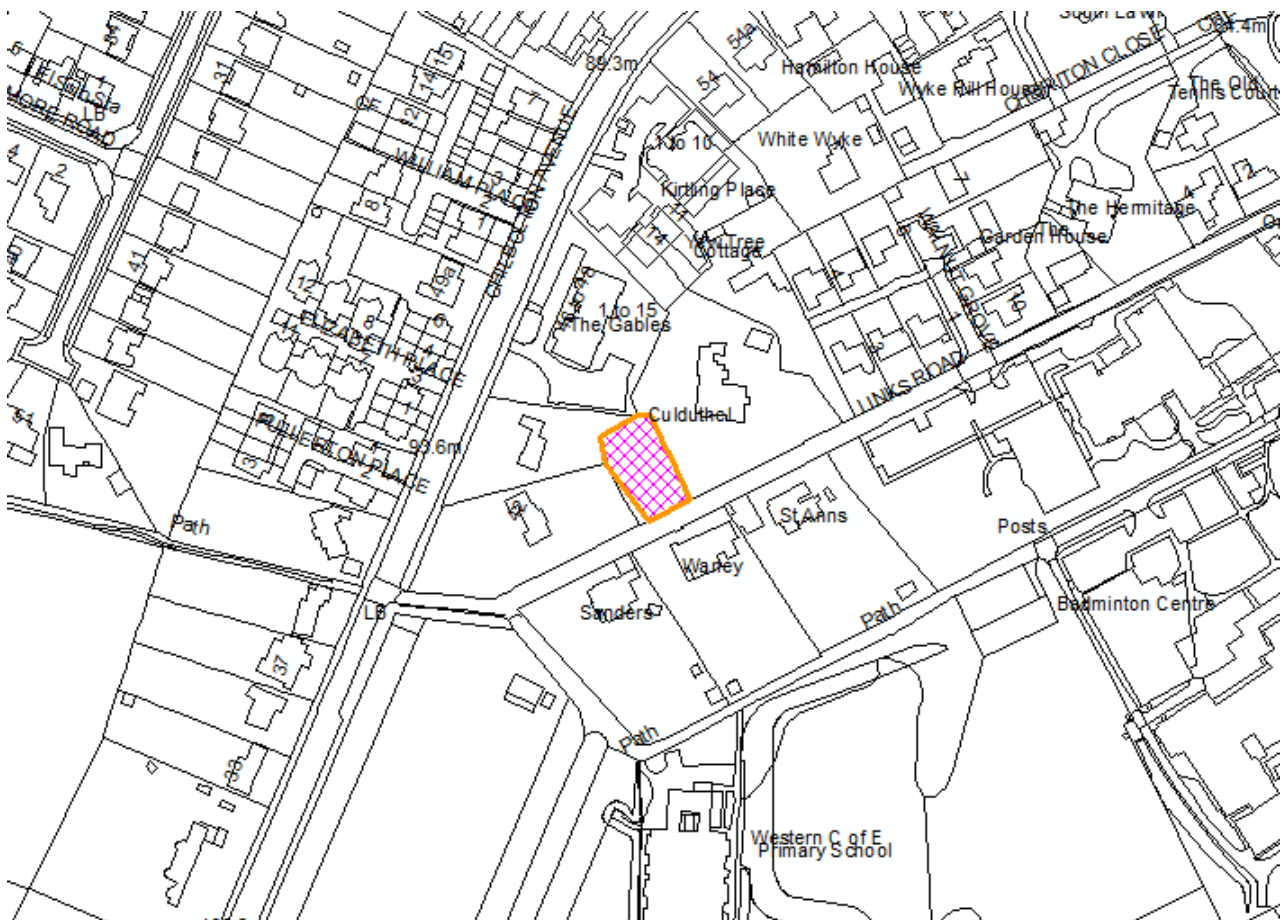


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 21/02016/FUL
Proposal Description: Erection of 1no. residential dwelling with associated landscaping, and parking within the curtilage of Culduthel, Links Road
Address: Culduthel House, Links Road, Winchester, SO22 5HP
Parish, or Ward if within Winchester City: St Paul
Applicants Name: Mr Richard Wickins
Case Officer: Mrs Megan Osborn
Date Valid: 3 August 2021
Recommendation: Application Permitted

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

Pre Application Advice: 18/00357/PRE – Two proposed dwellings



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General Comments

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

There was a previous planning application on this site for the erection of two dwellings within the garden area of Culduthel House (21/00130/FUL), this application was withdrawn following advice from the Conservation and Planning Officers as it was considered that the proposal for two dwellings projected too far into the site of Culduthel House and therefore resulted on impact onto the setting of this historical asset.

Site Description

The Culduthel House site comprises of one large dwelling house located relatively centrally within the site with a large garden area surrounding the dwelling mainly to the south east of the property.

The application site is located within the garden area of this dwelling to the south east and comprises of approx. 0.09ha of land. The dwelling benefits from an access from Links Road to the dwelling with ample parking on the site. The land slopes down from the south west and northern corners to the east.

Links Road, which this development is located within, is a quiet unmade road that links Chilbolton Avenue with Cheriton Road. This provides links with the school that is further down Links Road towards Cheriton Road. The surrounding area comprises of large dwellings in a verdant setting. Further down Links Road there is a small development of houses on Walnut Grove.

Proposal

The proposal is for one dwelling in the south western corner of the garden of Culduthel House. The dwelling is a large detached 5 bedroom property with integral garage and parking to the front. The application also proposes a new access off Links Road.

Relevant Planning History

21/00130/FUL - Erection of 2no. residential dwellings with associated landscaping, and parking within the curtilage of Culduthel, Links Road. Withdrawn 29th July 2021.

Consultations

Engineers: Drainage:

No objection, subject to condition regarding surface water disposal.

Engineers: Highways:

No objections

Head of Historic Environment:

Now this is an application for one dwelling and it is located further away from the main dwelling, there are no objections raised.

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Head of Landscape:

The current design is better suited to the site than the previous version, allowing more distance between it and Culduthel and therefore more green space around Culduthel which helps to maintain the setting. Concerns were raised regarding the space between the western boundary and the site, amended plans were submitted that removed the hard standing and therefore addresses this concern. No objection is raised.

Trees

No objections, subject to conditions

Southern Water

No objection

Representations:

City of Winchester Trust: No objections

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

- The architecture does not fit with the surrounding houses
- This dwelling would set a precedent
- Details of boundaries should be included
- Impact on road
- Loss of privacy
- Contrary to neighbourhood design statement and planning policy

1 letters of support received.

- This will provide much needed housing.

Relevant Planning Policy:

Winchester District Local Plan Part 1

DS1, MTRA1, MTRA3, CP2, CP3, CP11, CP12, CP13, CP14, CP16, CP17 CP20

Winchester District Local Plan Part 2

DM1, DM2, DM14, DM15, DM16, DM17, DM18, DM24, DM31

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Supplementary Planning Guidance

West Fulflood and Orams Arbour Neighbourhood Design Statement

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.

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The site is located within the built up area of Winchester, where the principle of development for additional housing units is considered acceptable subject to compliance with the development plan and material planning considerations.

Policy CP2 of the Local Plan Part 1 does not apply in this instance as the proposal is for one dwelling.

Design/layout

Culduthel House is a relatively well preserved example of a large, late-Victorian suburban detached villa, designed using traditional materials for a middle to upper-class owner / occupant. It forms part of a phase of speculative suburban expansion on the outskirts of Winchester, in the late-C19. The house enjoys considerable landmark value on Links Road, derived from its architectural scale and character, together with its prominent location and high degree of visibility on the north side of the road, framed by a large and verdant garden. A low level of interest is derived from the property's former ownership by the governors of the Royal Hampshire County Hospital. For these reasons (outlined in more detail in previous advice), Culduthel House has a degree of local architectural and historic interest, derived from its historical development, architectural character, group value, landmark qualities and, to a lesser degree, its historical associations. It is identified as a non-designated heritage asset.

Culduthel House is set back from the street edge, within a generous, landscaped garden. This setting amplifies an understanding of the privileged status of the property, as a substantial dwelling for middle- to upper-class owners / occupants. The spacious and detached setting also enhances the landmark value of the house, aiding the ability to appreciate its architectural character, especially now that the vegetation along the street edge has been removed. Key views are those from the south and south-west on Links Road, where the orientation of the house means that its south elevation is extremely prominent. Further along the road, remaining vegetation and the property's gated entrance mean that views of the house are more confined / glimpsed, and these give a good sense of the building's original role as a comparatively high-status and private residence. In those terms, the garden setting of the house makes a positive contribution to its local significance, and the ability to appreciate that significance.

The previous application was for two dwellings in a similar location. Officers objected to this application as it was considered to be overdevelopment of the site and although the fabric of Culduthel House would not have been effected, itself, it was considered that there would be impact on the significance of the non-designated heritage asset.

This amended scheme has reduced the quantum of development within the curtilage of Culduthel House, to the extent that the harm of overdevelopment identified as part of the scheme under application ref. 21/00130/FUL has been avoided. This application is now for one dwelling which means it is able to be more of a distance from the existing house, and encompasses a section of the garden which lends itself to being separated off from the whole.

The domestic use and design of the new development is also in keeping with the residential and spatial qualities of the surrounding street scene.

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The proposal is therefore in compliance with policy CP13 of the LPP1 and policies DM15, DM16, DM17 and DM31 of the LPP2.

Impact on character of area and neighbouring property

Although this is a large dwelling, it is located within an area of similarly larger dwellings and therefore a dwelling of this scale would not appear incongruous in relation to the surrounding dwellings. In addition this dwelling, as explained above, would not detract from the character of the main dwelling due to its location within the main site.

The design of the dwelling is traditional, which is in keeping with the surrounding dwellings. There is a mix of materials proposed, but again this is considered acceptable in relation to the character of the surrounding dwellings in the area.

This specific area is included in the 'West Fulflood and Oram's Arbour Neighbourhood Design Statement' where it states, '*The area has retained a strong sense of its rural origins, emphasised by the absence of pavements in Links Road. Footpath links connect Byron Avenue, Green Lane, Links and the Royal Winchester Golf Course. Mature hedges and traditional brick and flint walls maintain the original boundary lines and gaps between the houses. Mature gardens emphasise the historic pattern of the settlement. A high density of tree cover is a significant feature of the landscape, reinforcing the sense of a green, spacious, small city suburb, complemented by the open vista provided by the school playing fields.*' The introduction of this dwelling retains all of those features mentioned and is therefore found to be acceptable in relation to the character of the area. Additionally the addition of one extra driveway is considered acceptable in relation to the character of the area.

Regarding the assessment made on residential amenity, there are windows proposed on the front and rear elevations of the dwelling, however these are considered acceptable in relation to the front to front relationship between the dwelling opposite and there is an oblique angle to the rear properties on Chilbolton Avenue and this is a distance that an overlooking impact would be avoided.

There is a window on the side elevation (east) of the dwelling, however this is to a bathroom and therefore will be obscurely glazed and any overlooking will be avoided.

Due to the location of the dwelling and the distances away from neighbouring properties this development would not result in any material planning harm in terms of overbearing or overshadowing.

The dwelling to the west looks directly towards this development, however it is considered that due to the distances between these two dwellings this would not result in any material planning harm to these amenities.

It is considered therefore that the proposal would not result in an adverse impact in terms of impact to neighbouring amenities as a result on this application and is therefore acceptable in accordance with DM17 of the LPP2.

Landscape/Trees

Amendments have been made to the plans to allow for more space on the western
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boundary for vegetation to grow for a buffer between this and the boundary to the dwelling on Chilbolton Avenue. The overall scheme is acceptable in visual landscape terms and the area retains its verdant character.

An Arboricultural Impact Appraisal and Method Statement was submitted as part of the application, the council's tree officer has reviewed the site and supporting documents and raised no objection to the proposals.

The proposal therefore does not harm surrounding trees or cause future overshadowing of the development.

Therefore the proposal complies with policy DM24 of the LPP2.

Ecology

An Ecological Appraisal (Ecological Planning & Research Ltd, 26 July 2021) was submitted as part of this application. Various recommendations have been made within the report in terms of nesting birds, bats, hedgehogs, sparrows and swifts. The report has been conditioned.

The report also recommends opportunities to deliver biodiversity gains in line with National aspirations in the NPPF, this has also been conditioned.

Therefore this application is in accordance with planning policy CP16 of the LPP1 and DM15 of the LPP2 and Habitats Regulations.

Highways/Parking

Three parking spaces area required for a dwelling of this size and there is ample parking provided.

The applicant has provided visibility splay drawings showing 2m by 25m for the proposed new access. Given the nature of Links Road the Highway Authority believes these are suitable visibility splays for this access.

Therefore it is considered that the proposal provides sufficient parking provision and does not result in adverse harm to highway safety, in accordance with policy DM18 of the Winchester District Local Plan Part 2.

Nitrates

A nitrate calculation has now been completed by the developer and has been reviewed by Natural England. This confirms a positive contribution of 2.9 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

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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 16 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

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 accords with the Development Plan and the following policies: DS1, MTRA1, MTRA3, CP2, CP3, CP11, CP12, CP13, CP14 and CP16 of Winchester District Local Plan Part 1, DM1, DM2, DM14, DM15, DM16, DM17 and DM18 of Winchester District Local Plan Part 2 and The High Quality Places SPD.

Recommendation

Application Permitted subject to the following condition(s):

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 permitted shall be carried out in accordance with the plans listed below unless otherwise agreed in writing by the Local Planning Authority:

Proposed site plan 7640_D01_D
Proposed elevations 7640_D07_D
Proposed ground floor plan 7640_D03_E
Proposed first floor plan 7640_D04_D
Proposed second floor 7640_D05_D
Proposed roof plan 7640_D06_B

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Landscape Strategy Plan 121-102_A

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

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 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.

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 development commences.

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

5. Details of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences.

Such measures shall be retained for the duration of the construction period.

No lorry shall leave the site unless its wheels have been cleaned sufficiently to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

6. Details of provisions to be made for the parking and turning on site of operative and construction vehicles during the period of development shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences.

Such measures shall be retained for the construction period.

Reason: In the interests of highway safety.

7. A detailed scheme for hard and soft 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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8. No development 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 the dwellings hereby permitted are first occupied. Development shall be carried out in accordance with the approved details and thereafter retained.

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

9. 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.

Works must then continue in accordance with the approved details.

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

10. Prior to the commencement of the development 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 2012 and to accord with the requirement of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

11. The development shall be carried out in accordance with the measures set out within the recommendations made in the Ecological Planning & Research Ltd, 26 July 2021. Thereafter, the compensation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To provide adequate mitigation and enhancement for protected species.

12. Details of the biodiversity enhancement features shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This shall include the type and location of any bat boxes, bird boxes, hedgehog highways or native species planting. These biodiversity enhancements shall be sited prior to the development coming into its intended use and retained thereafter.

Reason: To ensure a net gain in biodiversity and to comply with CP16 and the NPPF 2019.

13. The first floor windows in the side elevations of the dwellings hereby permitted shall be glazed with obscure glass which achieves an obscuration level at least equivalent to

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Pilkington Obscure Glass Privacy Level 4, unless otherwise agreed in writing by the local planning authority, and the glazing shall thereafter be retained in this condition at all times.

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

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (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 east and south western elevations (side) of the development hereby permitted.

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

15. 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 requirement of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

16. 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.

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Informatives:

01. In accordance with paragraphs 186 and 187 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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this instance the applicant was updated of any issues after the initial site visit.

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, CP17 CP20 Local Plan Part 2 - Joint Core Strategy: Development Management and Site Allocations: DM1, DM2, DM14, DM15, DM16, DM17 and DM18, DM31

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 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>

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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.

08. A formal application for connection to the public sewerage system 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.