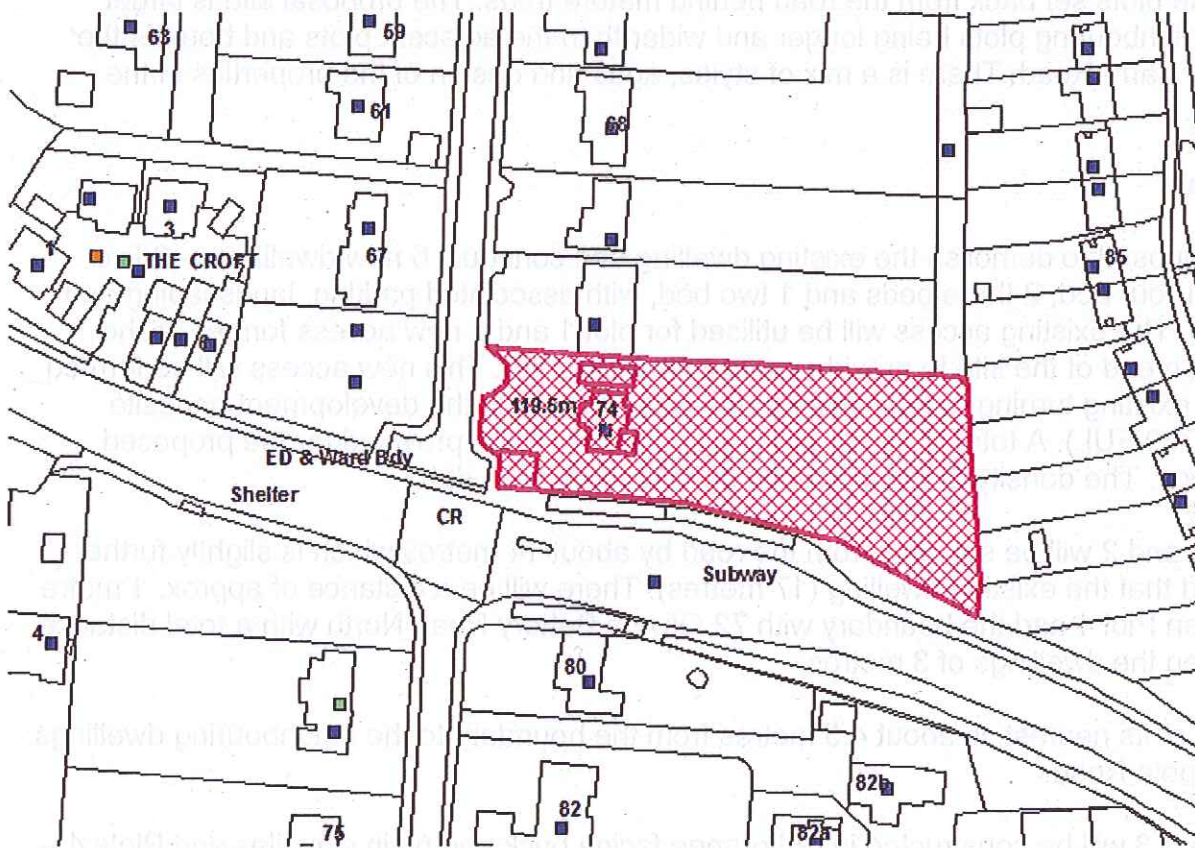


**Case No:** 18/01359/FUL  
**Proposal Description:** Development of six houses with garages and parking; new access road. Demolition of existing.  
**Address:** 74 Olivers Battery Road North Olivers Battery SO22 4JB  
**Parish, or Ward if within Winchester City:** St Luke  
**Applicants Name:** Colten Developments  
**Case Officer:** Mrs Katie Nethersole  
**Date Valid:** 31 May 2018  
**Site Factors:** Eternal TPO 20

**Recommendation:** Application Permitted



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## **General Comments**

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

Amended plans have been submitted to reduce plot 5 to a 2 bed to ensure that the scheme complies with the housing mix policy CP2.

## **Site Description**

The site is located within the settlement boundary of Winchester and in the area of Olivers Battery. It is currently occupied by a large detached dwelling set within a spacious plot. It is situated at the end of Olivers Battery Road North where the road terminates in a hammer head. The character of the area is predominantly large detached houses in sizeable plots set back from the road behind mature trees. The proposal site is larger than neighbouring plots being longer and wider than the adjacent plots and bounds the Badger Farm Road. There is a mix of styles, ages and design of the properties in the vicinity.

## **Proposal**

It is proposed to demolish the existing dwelling and construct 6 new dwellings – 2 five beds, 1 four bed, 2 three beds and 1 two bed, with associated parking, landscaping and access. The existing access will be utilised for plot 1 and a new access formed to the southern end of the site to provide access for plots 2 – 6. This new access will be formed off the existing turning head, similar to the arrangement in the development opposite (16/01769/FUL). A total of 14 car parking spaces are to be provided for the proposed dwellings. The density of the proposed development is 24 dph.

Plots 1 and 2 will be set back from the road by about 14 metres which is slightly further forward than the existing dwelling (17 metres). There will be a distance of approx. 1 metre between Plot 1 and the boundary with 72 Olivers Battery Road North with a total distance between the dwellings of 3 metres.

Plot 6, at its nearest, is about 4.5 metres from the boundary to the neighbouring dwellings in Walpole Road.

Plots 1 – 3 will be constructed in red/orange facing brick and plain clay tiles and Plots 4 – 6 will be constructed in red/orange facing brick with natural slate tiles. This reflects the character of the area.

## **Relevant Planning History**

87/01388/OLD - House, garage and vehicular access. REF 9th February 1987.

88/01354/OLD - First floor side extension and double garage. PER 27th April 1988.

## **Consultations**

Engineers: Drainage: No objection subject to conditions

Engineers: Highways: No objection subject to conditions

Head of Landscape: No objection

Southern Water: No objection subject to conditions

Trees: No Objection subject to condition

### **Representations:**

Olivers Battery Parish Council

- No comments received

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

- Overdevelopment
- Increase in traffic
- High density development
- Out of character
- Safety of access
- Insufficient parking
- Loss of open views

0 letters of support received.

### **Relevant Planning Policy:**

Winchester Local Plan Part 1 – Joint Core Strategy

MTRA1, CP2, CP11, CP13, CP16.

Winchester Local Plan Part 2 – Development Management and Site Allocations

DM1, DM15, DM16, DM17, DM18, WIN1, WIN3.

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Supplementary Planning Guidance

High Quality Places Supplementary Planning Document 2015

Other Planning guidance

None

### **Planning Considerations**

Principle of development

MTRA1 of the LPP1 allow for new development within the settlement boundaries provided that it is appropriate in scale and design and conserves the settlement's identity.

CP2 of the LPP1 seeks to ensure that new residential development should meet a range of community housing needs and deliver a wide choice of homes. The majority of homes should be in the form of 2 and 3 bedroom homes. As this development is for 6 dwellings with three (50%) being 2 and 3 bedrooms, this policy requirement has been met.

CP13 of the LPP1 sets out that new development should meet the highest standards of design.

CP14 of the LPP1 seeks to ensure the effective use of land. This allows for higher density development on sites which have good access to facilities and public transport, particularly within urban areas. The development potential of all sites should be maximised and will be balanced against the need to promote high quality design. The site is located within the built up area of Winchester and has good access to a range of facilities so is capable of taking a higher density development whilst still providing high quality design.

WIN1 of the LPP2 allows for new development within the defined settlement boundary provided it accords with the development plan.

DM16 of the LPP2 seeks to ensure that new development should respond positively to the character, appearance and variety of the area in terms of its scale, design and layout. It also seeks to ensure that high quality materials that are appropriate in its context and design.

DM17 of the LPP2 seeks to ensure that new development does not have an unacceptable adverse impact on adjoining land, uses or property by reason of overlooking, overshadowing or by being overbearing.

DM18 of the LPP2 sets out that new development makes adequate provision for parking and access. The proposal includes a total of 14 car parking spaces which is in line with the parking standards.

#### Design/layout

It is proposed to construct 6 new dwellings with new access, parking and landscaping. Plots 1 and 2 are designed as semi detached properties but could be read as a single dwelling with the access to plot 1 at the front and the access to plot 2 to the side. This will emulate the recent development that has been built out on the site opposite (69 Olivers Battery Road North). The existing access will be retained and utilised for plot 1 with a new access proposed to the south of the site to serve plots 2 and 6.

Plot 3 is a detached dwelling with a detached double garage shared with plot 2. Plots 1 – 3 will be constructed in red brick and brown concrete tiles which reflects the material palette of the surrounding properties.

Plot 4 is also a detached dwelling with an attached single garage. Plots 5 and 6 are semi detached with plot 5 having an attached single garage and plot 6 will have a detached single garage.

Plots 4 – 6 will be constructed in red brick with a slate roof to add some variation to the material palette.

Plots 2 – 6 will be orientated to front onto Badger Farm Road with Plot 1 facing onto Olivers Battery Road North.

The layout is considered to be acceptable in terms of the size of plots and the amount of amenity space provided for each dwelling.

#### Impact on character of area

The area within Olivers Battery Road North is largely characterised by detached dwellings set back from the road with mature trees along the frontages. Immediately opposite the site is a recent development of two semi detached dwellings that have been designed to read as one detached dwelling. Plots 1 and 2 are semi detached and designed in a similar way with plot 1 fronting onto Olivers Battery Road North and Plot 2 fronting onto Badger Farm Road. Plots 3 and 4 are detached dwellings to reflect the general characteristics of the area and Plots 5 and 6 are semi detached, all of which will front on to Badger Farm Road. The existing trees to the front of the site are to be retained and protected in order to retain the tree lined characteristics of the road.

The proposal for six dwellings will result in development to the rear of the existing property. Whilst the character of the area is predominantly that of frontage development there are examples of development in depth which demonstrates that such development does not have an adverse impact on the character of the area. The dwellings are sited such that they address the views into the site.

The design and scale of the dwellings are considered to reflect the existing character of the area with simple pitched roofs and gable ends. The materials proposed – red brick, brown concrete tiles and slate, are considered to be sympathetic to the character of the area and reflective of the surrounding properties.

Street scenes have been provided to show how the proposed dwellings will fit in to the context of the area and demonstrate that they will not have an adverse impact on the overall character of the area.

#### Impact on neighbouring property

It is considered that the most affected neighbour is no. 72 Olivers Battery Road North which is situated to the north of the site. Plot 1 is positioned away from the boundary and the attached garage will be to the closest part of the built form to this boundary. There are no windows proposed to this elevation to ensure that there will be no overlooking to no. 72. Plots 3 – 6 are angled away from the rear elevation of no. 72 so that there is no direct overlooking to the rear of this property or to the private amenity space. The first floor windows of Plot 3 facing towards the rear garden of no. 72 are to be obscurely glazed as they serve bathrooms and a landing so there will be no overlooking from this plot. As no. 72 is situated to the north of the proposed development there will be no loss of light as a result of the new dwellings.

The properties to the rear of the site in Walpole Road are at a significant distance so as not to be adversely impacted by the new dwellings. Furthermore there is mature planting along the rear boundary which will provide screening and is proposed to be retained as well as additional tree planting to the rear gardens of plots 5 and 6. Condition 6 is recommended to ensure that a robust landscaping plan is submitted and approved.

To the north boundary there is an existing boundary hedge which is to be retained which will provide some mutual screening both to no. 72 and the proposed dwellings. It is also proposed to plant trees along this boundary to provide an even greater level of screening for both no. 72 and the proposed dwellings. Condition 10 is recommended to ensure the retention of the northern boundary hedge.

It is therefore considered that the proposed development will not have any adverse impact on the amenities of the neighbouring properties by virtue of overlooking, loss of light or overbearing.

### Landscape/Trees

To the front of the site are two existing mature trees, both of which will be retained and protected during construction. It is important that these are retained to continue the tree lined characteristic of the road. To the north boundary is a mature hedge which is to be retained as noted above, which will provide mutual screening for no. 72 and the proposed dwelling. Additional tree planting is proposed along this boundary too to provide an even greater level of screening. To the eastern boundary, with the properties in Walpole Road, there is existing planting which is to be retained and additional tree planting is proposed along this boundary too. It is also proposed to plant further additional tree planting to the frontages of plots 3 – 6. Condition 6 is recommended to ensure that a robust landscape plan is submitted and approved to ensure the appropriate amount and type of planting is provided.

It is considered that the level of landscaping on site will help retain the leafy nature of the site and ensure that there is an acceptable balance between hard and soft landscaping.

The existing trees to the front of the site are subject of a TPO and are to be retained and protected during construction. Conditions 15 – 21 are recommended to ensure their protection and retention.

### Highways/Parking

The existing vehicular access is to be retained to be used for Plot 1 which will lead to a driveway and give access to the attached garage. A new access is proposed to the south of the site to give access to Plots 2 – 6. A total of 14 spaces are provided for the development which is in accordance with the adopted parking standards. The new access will be set back to ensure that the existing turning head can still be utilised.

### Ecology

An ecological appraisal has been submitted with the application to demonstrate how the development will not adversely impact ecology on site.

### Conclusion

In conclusion it is considered that the proposed development is in accordance with the development plan and the relevant planning policies and will not have an adverse impact on the character of the area nor on the amenities of the neighbouring properties and is therefore recommended for approval.

### Recommendation

Application Permitted subject to the following condition(s):

### Conditions

01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

01 Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

02 No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the dwellings 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.

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

03 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 can begin.

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

04 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.

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

05 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 occupation. Development shall be carried out in accordance with the approved details.

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

06 A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

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

07 No development 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:

- hard surfacing materials:
- minor artefacts and structures (eg. street furniture, refuse or other storage units, signs, lighting etc):
- means of enclosure, including any retaining structures:
- existing and proposed finished levels or contours:

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

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

08 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.

09 The recommendations as listed in Section 5.0 of the submitted Ecological Assessment written by Peach Ecology dated 31<sup>st</sup> May 2018 shall be adhered to.

09 Reason: In the interests of promoting, protecting and enhancing ecology

10 The existing hedge on the northern boundary shown to be retained on the proposed site plan drawing no. 14 Rev D shall be retained and maintained at a minimum height of 1.5 metres. If within a period of 5 years from the date of permission, any part of the hedge is removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, a replacement hedge 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.

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

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

11 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.

12 The proposed access and drive, including shall be laid out and constructed in accordance with specifications to be first submitted to and approved in writing by the Local Planning Authority.

NOTE: A licence is required from Hampshire Highways Winchester, Central Depot, Bar End Road, Winchester, SO23 9NP prior to the commencement of access works.

12 Reason: To ensure satisfactory means of access.

13 Before the development hereby approved is first brought into use, a minimum of 14 car parking spaces shall be provided within the curtilage of the site and thereafter maintained and kept available.



13 Reason: To ensure adequate car parking provision within the site in accordance with the standards of the Local Planning Authority.

14 The development hereby approved shall be carried out in accordance with the following plans:

Drawing no. 14 Rev D Proposed site plan

Drawing no. 103 Rev B Block Plan

Drawing no. 33 Rev A Proposed garages

Drawing no. 30 Rev A Proposed Plans and Elevations Plots 1 and 2

Drawing no. 105 Location Plan

Drawing no. 31 Rev A Proposed Plans and Elevations Plots 3 and 4

Drawing no. 32 Rev B Proposed Plans and Elevations Plots 5 and 6

Drawing no. 16276-BT2 Tree Protection Plan

14 Reason: For the avoidance of doubt and in the interests of proper planning

15 Protective measures, including fencing and ground protection, in accordance with the Arboricultural Assessment and Method Statement – Barrell Consultancy ref. 16276-AA-CA dated 6<sup>th</sup> October 2017, and submitted to the Local Planning Authority shall be installed prior to any demolition, construction or groundwork commencing on the site.

15 Reason: To ensure the protection and retention of trees on site

16 The Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with Ref: 16276-AA-CA dated 6<sup>th</sup> October 2017 Telephone - Principal Tree Officer. 01962 848403

16 Reason: To ensure the protection and retention of trees on site

17 The Arboricultural Officer shall be informed prior to the commencement of construction of special surfacing under tree canopies so that a pre commencement site visit can be carried out. Telephone 01962 848403

17 Reason: To ensure the protection and retention of trees on site

18 No arboricultural works shall be carried out to trees other than those specified and in accordance with the Arboricultural Assessment ref. 16276-AA-CA dated 6<sup>th</sup> October 2017.

18 Reason: To ensure the protection and retention of trees on site

19 Any deviation from works prescribed or methods agreed in accordance with the Arboricultural Assessment and Method Statement Ref: 16276-AA-CA dated 6<sup>th</sup> October 2017 shall be agreed in writing to the Local Planning Authority.

19 Reason: To ensure the protection and retention of trees on site

20 No development, or site preparation prior to operations which has any effect on compacting, disturbing or altering the levels of the site, shall take place until a person suitably qualified in arboriculture, and approved as suitable by the Local Planning Authority, has been appointed to supervise construction activity occurring on the site. The

arboricultural supervisor will be responsible for the implementation, of protective measures, special surfacing and all works deemed necessary by the approved arboricultural method statement. Where ground measures are deemed necessary to protect root protection areas, the arboricultural supervisor shall ensure that these are installed prior to any vehicle movement, earth moving or construction activity occurring on the site and that all such measures to protect trees are inspected by the Local Planning Authority Arboricultural Officer prior to commencement of development work.

20 Reason: To ensure the protection and retention of trees on site

21 A pre-commencement meeting will be held on site before any of the site clearance and construction works begins. This will be affected by the site manager, the Arboricultural consultant and the LPA tree officer.

21 Reason: To ensure the protection and retention of trees on the site

### **Informatives:**

01 In accordance with paragraph 38 of the National Planning Policy Framework (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 pre-application advice was given

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:-

Winchester Local Plan Part 1 - Joint Core Strategy: MTRA1, CP2, CP11, CP13

Local Plan Part 2 - Joint Core Strategy: Development Management and Site Allocations: DM15, DM16, DM17, 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 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, please refer to the Construction Code of Practice

<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-ofconsiderate-practice>



**Planning Viewing Sub Committee – 5 September 2018**

**Update Sheet – 16 August 2018 - EXTRACT**

<b>Item No</b>	<b>Ref No</b>	<b>Address</b>	<b>Recommendation</b>
8	17/01359/FUL	74 Olivers Battery Road North Winchester	PERMIT

**Officer Presenting: Katie Nethersole**

**Public Speaking**

**Objector:** Sylvia Conway-Jones

**Parish Council representative:**

**Ward Councillor:** Cllr Derek Green

**Supporter:** Stephen Sherlock-Agent

**Update**

Additional conditions, as follows:

22 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 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 cleared sufficiently to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

23 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.

24 The proposed access and drive, including the footway crossing shall be laid out and constructed in accordance with specifications to be first submitted to and approved in writing by the Local Planning Authority.

NOTE – A licence is required from Hampshire Highways Winchester, Bishops Waltham Depot Botley Road, Bishops Waltham, SO32 1DR prior to commencement of access works.

Reason: To ensure satisfactory means of access.

25 The existing wall situated along the southern boundary adjoining Badger Farm Road for a distance of 5 metres from the proposed shared private access shall be

lowered to and at no time be more than 0.6 metres above the level of the carriageway.

Reason: In the interests of highway safety.

26 The parking areas including the garages shall be provided in accordance with the approved plans before the dwellings are 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 houses as a residences.

Reason: To ensure the permanent availability of parking for the property.

INFORMATIVE NOTE - The minimum internal dimensions of the garage must be 3m by 6m and the minimum width of the entrance door to the garage should be a 2.44m (8ft) -

Reason:- In order that the garage can be used and accessed by modern cars, several of which now have larger vehicle dimensions.

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

Reason: To protect the amenities of the locality and to maintain a good quality environment.

## Planning (Viewing) Sub Committee – Wednesday 5 September 2018

### Draft Minute Extract from 16 August 2018

Item 8: Development of six houses with garages and parking; new access road.

Demolition of existing.

74 Olivers Battery Road North, Olivers Battery, SO22 4JB

Case number: 18/01359/FUL

The Head of Development Management drew the Committee's attention to the Update Sheet which set out additional Conditions 23 – 27.

During public participation, Sylvia Conway-Jones spoke in objection to the application and Stephen Sherlock (Agent) spoke in support of the application and all answered Members' questions thereon.

During public participation, Councillor Green spoke on this item as a Ward Member.

In summary, Councillor Green highlighted concerns of safety of pedestrians and traffic on the already busy Olivers Battery Road North. This would be from traffic generated by the new development and also from creating new hazards associated with the underpass located at the end of the road. The new access road was to be located in the existing hammerhead which was already located at a blind corner close to the underpass. The underpass was a busy pedestrian and cycle route and the proposed access to the new development close to the underpass would be dangerous. Cars currently were only allowed to reverse into this. There were already parking issues along the road at school drop-off time.

In conclusion, Councillor Green suggested that the application had been rushed through for determination when residents may have been on holiday.

The Committee agreed to defer the decision to a meeting of the Planning (Viewing) Sub Committee to be held on Wednesday, 5 September 2018 at 12 noon. The Planning (Viewing) Sub Committee would visit the site in order to assess the proposed access route in the context of its setting, specifically with regard to the concerns raised of the safety of pedestrians and traffic.

