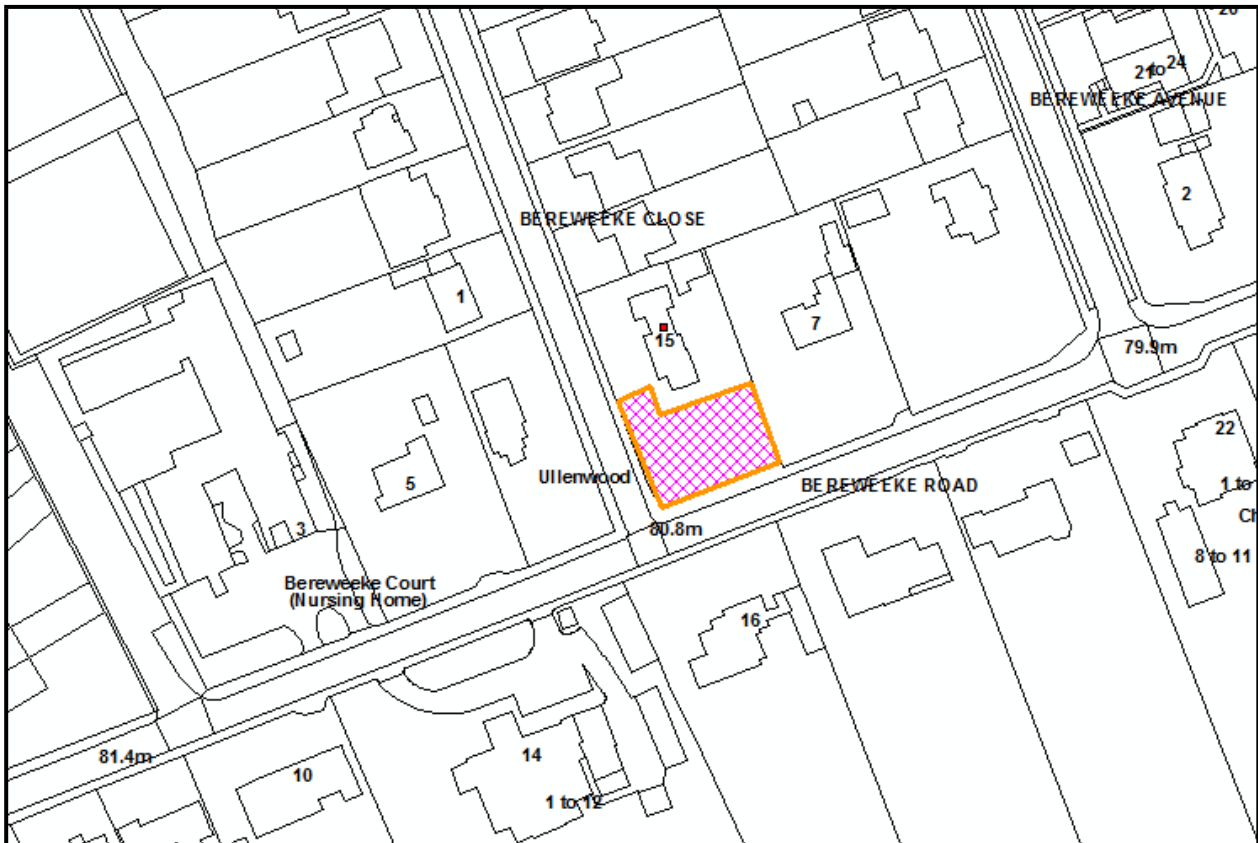


Case No: 18/01432/FUL
Proposal Description: Revisions to the new dwelling permitted by Appeal ref. APP/L1765/W/18/3193896 to include a basement storey, light wells and access.
Address: The Corner House 15 Bereweek Close Winchester SO22 6AR
Parish, or Ward if within Winchester City: St Barnabas
Applicants Name: Mr Nick Petford and Mrs Gina Cherrett
Case Officer: Pat Aird
Date Valid: 5 July 2018

Recommendation: Application Permitted



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Case No: 18/01432/FUL

General Comments

Link to Planning Documents : <https://planningapps.winchester.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PA5LMCBPHHP00>

Application is reported to Committee due to the number of objections received 22.

This application for a 3 bed dwelling follows the refusal of application 17/02356/FUL for a two storey two bedroomed dwelling with new access from Bereweeke Road which was refused on 14.12.2017 but allowed on appeal on 18.05.2018 (ref APP/L1765/W/18/3193869).

The principle change is the addition of a basement to accommodate a third bedroom and a studio.

Amended plans were received on 16.08.18 showing the removal of a pillar supporting the upper storey and on 05.09.2018 with the garage and lift removed from the basement.

Site Description

The application site is part of the garden on the southern side of 15 Bereweeke Close, a two storey four bedroom detached property at the junction of Bereweeke Close and Bereweeke Road. It is screened to all boundaries with fencing, mature trees and shrubs. There is an access to the north of the existing dwelling with a drive which provides parking and access to the garage at the rear.

The site is located within a residential area of Winchester characterised by large detached properties set back from the road in relatively spacious plots behind mature landscaped boundaries. The area has a verdant character with mature landscaping within the surrounding gardens.

Proposal

Permission to construct a two bedroomed, two storey detached dwelling in a contemporary design has been granted on appeal. The new dwelling would be 3 m from the existing and set back 13.3 m from Bereweeke Road and 5.7 m from Bereweeke Close, retaining the existing mature planting with pedestrian access from Bereweeke Close and a new vehicular access off Bereweeke Road. It would be constructed in facing brick and timber cladding with a zinc trimmed flat roof.

This application is to add a basement within the same footprint apart from a light well and access steps.

There would be two parking spaces at ground level. In order to resolve issues raised by objectors the additional space in the proposed basement accessed via a vehicle lift has now been omitted from the proposal. Storage for 4 bicycles and waste bins would also be provided within the basement. Turning on the site can be accommodated without the need for the turntable proposed in the appeal scheme.

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Relevant Planning History

7/00152/FUL New two storey three bedroomed dwelling refused 25.05.17 for the following reasons:

1 The proposed development is considered to have a harmful impact on the spatial characteristics of the area due to the scale, size, spread (across the site), bulk and position (in relation to the existing dwelling) resulting in a cramped and incongruous form of development in the street scene. The proposed development is therefore harmful to the visual amenities of the character of the area and contrary to policies CP13 of the Local Plan Part 1, DM15 and DM16 of the Local Plan Part 2, and general principles GP1 and GP4 of the High Quality Places SPD.

2 The proposed development is considered to be unacceptable and contrary to policy DM17 and DM18 of the Local Plan Part 2 in that the parking proposed relies on a Section 106 to be entered into in order to bind the proposed spaces to the new dwelling in perpetuity. In the absence of a S106 agreement being put forward the proposal is unacceptable in highway terms failing to provide adequate parking giving rise to parking pressure on the surrounding highway contrary to DM 18 of the Local Plan Part 2 and HQS4 of the High Quality Places SPD. It is also considered that even if this parking could be provided it would result in an unacceptable arrangement harming the amenities of the adjoining property contrary to policy DM17 of the Local Plan Part 2.

17/02356/FUL New two storey two bedroomed dwelling with new access from Bereweek Road refused 14.12.2017 for the following reason:

1 The proposed development is considered to have a harmful impact on the spatial characteristics of the area due to the scale, size, spread (across the site), bulk and position (in relation to the existing dwelling) resulting in a cramped and incongruous form of development in the street scene. The proposed development is therefore harmful to the visual amenities of the character of the area and contrary to policies CP13 of the Local Plan Part 1, DM15 and DM16 of the Local Plan Part 2, and general principles GP1 and GP4 of the High Quality Places SPD.

Appeal ref APP/L1765/W/18/3193869 allowed 18.05.2018

TPO 2211T1 made

Consultations

Engineers: Drainage:

No objection

Engineers: Highways:

No objection.

Tree officer

Arboricultural report addresses potential impact of basement construction.

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Southern Water:

No objection subject to conditions and informatives

Representations:

Cllr Anne Weir

Object: difficult access off busy congested road; unsustainable increase in accommodation; parking not sensible and inappropriate; need for a basement shows location unsuitable for family home

City of Winchester Trust

No comment

20 letters of objection

- Out of character - basement and car lift more suitable for inner city development
- Increase in scale - additional 100sq m floor space with increased occupancy level resulting in over development demonstrated by need for basement
- Different to the proposal allowed on appeal
- Outside the building line - exacerbated by basement light-well
- Materials out of character
- Amenity space too small for 3 bed house will lead to pressure to remove vegetation
- Amenity space will be used for turning area
- Plans unclear as to whether cantilevered or supported by pillars - if pillars the parking spaces are compromised, if the former will require more excavation for a counter ballast
- Front, back and east walls not delineated
- Height of parapet not clear on plans
- Use of impermeable surface will increase run off and cut water off from tree roots
- Southern Water requirements will prevent tree planting
- Impact on privacy from overlooking and outlook
- Highway safety concerns over access lack of space to turn a car
- Removal of spoil from basement excavation will result in more traffic - needs transport assessment
- Increase in traffic and impact on highway safety and pollution exacerbated by removal of vegetation
- Safe operation of underground car parking unclear
- Loss of vegetation and damage to TPO tree from the excavation works and impact on verdant character and biodiversity including bird species
- Need to monitor no higher than surrounding houses

Non planning

- Modifications to achieve original proposal
- New application not revision
- Appeal process and WCC role in decision making
- Modifications to the existing house will be required in future
- Query on whether CIL exemption requirement will be enforced

Relevant Planning Policy:

Case No: 18/01432/FUL

Winchester District Local Plan Part 1

DS1, WT1, CP1, CP2, CP10, CP11, CP13, CP14 and CP17

Winchester Local Plan Part 2

WIN 1, DM1, DM15, DM16, DM17, DM18

National Planning Policy Guidance/Statements:
National Planning Policy Framework

Planning Considerations

Principle of Development

The site is within the built-up area of Winchester where Policies DS1, WT1 and CP1 of the Winchester District Local Plan Part 1 and Policies WIN1 and DM1 of the Winchester District Local Plan Part 2 support residential development. Moreover a dwelling of the same height and width on the same footprint and the same design has been permitted on the site. Therefore in principle the development is acceptable subject to compliance with other policies in the development plan.

The density would increase from 8.3 units to 16.6 units per hectare. The proposal is therefore considered to be an effective use of land in compliance with Policy CP14 of the Winchester District Local Plan Part 1, subject to an appropriate layout and design.

The proposal is for a 3 bed dwelling and therefore meets the requirements of Policy CP2 of the Winchester District Local Plan Part 1 which seeks a range of dwelling types, tenures and sizes with the majority of homes 2 and 3 bed houses.

Design and Impact on the Character of the Area

The Appeal Inspector considered the proposed dwelling would not appear over large relative to the plot size, would close the gap between the existing dwelling and Bereweek Road and the existing mature vegetation on the boundaries would screen the development so the new dwelling due to its proximity to the existing would appear as a continuous frontage and the visual effect would be similar to that of other properties in the road. The Inspector also considered the height and depth of the proposed dwelling would be similar to the existing, the cantilevered design would break up the mass and the varied palette of materials would be in keeping with those used on other buildings in the vicinity. Details of the materials would be agreed by condition 2. He found the innovative design acceptable and thought it would add to the character of the street scene. He therefore concluded that the proposal complied with Policy CP13 of the Winchester District Local Plan Part 1 and Policies DM15, DM16 and DM17 of the Winchester District Local Plan Part 2.

The external appearance of the dwelling the subject of this application would be almost the same as that of the dwelling allowed on appeal when viewed from outside the site and there would be no additional impact on the character of the area in terms of the design.

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The pillar shown on the plans originally submitted was an error as the addition of the basement will make the cantilever self supporting.

Residential Amenity

There will be approximately 15 metres between the proposed dwelling and no. 7 Bereweke Road. There will be one window on the elevation facing number 7 at first floor which serves a bedroom and but due to the position of the proposed dwelling forward of the building line the window will overlook the front garden of number 7 and there is mature planting on the boundary therefore the impact on privacy will not be significant.

There will be approximately 24 metres between the front of the proposed dwelling and Ullenwood in Bereweke Close and 30 metres to 16 Bereweke Road but the properties are separated by public roads.

Therefore, the amenity of existing and future residents was not considered to be significantly reduced in the permitted scheme and there are no additional windows proposed in the current application.

There is a potential impact on the amenities of neighbours as a result of the spoil removal for the basement but this can be addressed by condition 3 which requires the submission of a Construction Management Plan prior to the commencement of development to comply with Policy DM17 of the Winchester District Local Plan Part 2.

Sustainability

The new property will include a combined heating strategy to meet Code of Sustainable Homes Level 4. Domestic water use will be designed to achieve a standard equivalent to 110 litres/day. Conditions 6 and 7 require details to be submitted and agreed by the LPA prior to commencement of the works and subsequent implementation to comply with Policy CP11 of the Winchester District Local Plan Part 1.

Trees

Of the 19 trees and tree groups on site 4 will be removed – one because it is dead and 3 - a holly, Norway Maple and Indian Bean Tree - which are within the footprint of the proposed dwelling as permitted on appeal. Some of the laurel hedging on the south boundary will be removed to construct the access. Minor works including crown lifting and crown reduction are proposed to a Lime, a group of Birches and a Maple to clear the building and in the interests of future management. Although new dwelling would be within close proximity to the retained trees, the amended Arboricultural report shows it is possible to construct the proposed basement without damaging the trees provided sheet piling is used to prevent collapse of the trench walls. The proposed boundary wall and the access and car parking area will be marginally within the root protection area therefore the arboriculturalist has recommended that these will be constructed without excavation using a surfacing material which is porous and prevents root compaction with interim surfacing during construction to prevent damage to the tree roots. Condition 12 will ensure works are carried out in accordance with the recommendations in the report. As such the proposal will comply with Policy DM15 of the Winchester District Local Plan Part 2.

Highways and access

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The access has been approved in relation to the previous permission. Parking is in accordance with adopted standards and condition 4 requires the parking to be provided. Therefore the proposal accords with Policy CP10 of the Winchester District Local Plan Part 1 and Policy DM18 of the Winchester District Local Plan Part 2.

Biodiversity

An assessment of the potential impact on site ecology was been carried out and is re-submitted with this application. The ecology report recommends that a landscaping scheme be submitted, including external lighting proposals, and that the new development include bird and bat boxes as part of the proposals. The previous scheme was approved on this basis. The basement now proposed is within the same footprint therefore subject to condition 11 the proposal is considered to comply with Policies CP15 and 16 of the Winchester District Local Plan Part 1.

Flood risk and drainage

The site is in Flood Zone 1 therefore the risk of flooding is low. A SuDs scheme is proposed and details will be required by condition 5. It is proposed to connect to the public sewer and details will be secured through condition 8.. As such the proposal complies with Policy CP17 of the Winchester District Local Plan Part 1 and Policy DM17 of the Winchester District Local Plan Part 2.

Recommendation

Application Permitted subject to the following conditions:

Conditions

01 The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

02 No development shall take place on site 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 appearance of the development is satisfactory to comply with Policies CP and Policies DM15, DM16 and DM17 of the Winchester District Local Plan Part 2.

03 No work, including clearance of vegetation, shall commence on site until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:

- Development contacts, roles and responsibilities
- Public communication strategy, including a complaints procedure.
- Dust suppression, mitigation and avoidance measures.
- Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
- Use of fences and barriers to protect adjacent land, footpaths and highways.

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- Details of provisions to be made for parking and turning on site of operative and construction vehicles traffic management measures including .
- Details of measures to be taken to prevent mud from leaving the site during construction works being deposited on the public highway
- Avoidance of light spill and glare from any floodlighting and security lighting installed.
- Pest Control

Thereafter, the approved Construction Management Plan shall be implemented fully throughout the construction period or other period as agreed through the plan and in writing by the Local Planning Authority.

Reason: in order to ensure that the construction process is undertaken in a safe and convenient manner that limits impact on local roads and the amenities of nearby occupiers, the area generally and in the interests of highway safety and in accordance with Policies DM17, DM18, DM19 and DM20 of the of the Winchester District Local Plan Part 2.

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

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

05 No development shall take place on site until a detailed surface water drainage strategy has been submitted to and approved by the Local Planning Authority in writing. The surface water drainage strategy shall contain the following elements:

- Information evidencing that the correct level of water treatment exists in the system in accordance with the Ciria SuDS Manual C753
- Maintenance regimes of entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element. Evidence that those responsible/adopting bodies are in discussion with the developer and evidence of measures taken to protect and ensure continued operation of drainage features during construction.
- Detailed drainage layout including calculations and flow control device information

The development shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory provision of surface water drainage and to prevent any pollution which would harm the integrity of the River Itchen which is a Special Area of Conservation and a Site of Special Scientific Interest to comply with Policies CP16 and CP17 of the Winchester District Local Plan Part 1 and Policy DM17 of the Winchester District Local Plan Part 2.

06 No development shall take place on site until detailed information (in the form of SAP design stage data and a BRE water calculator) demonstrating that the dwelling shall meet the Code 4 standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these findings.

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2018 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1.

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

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2018 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy

08 No development shall take place on site until details of the proposed means of foul drainage have been submitted to and approved by the Local Planning Authority in writing. The development shall be constructed in accordance with the approved details.

Reason: To ensure satisfactory provision of foul drainage to comply with Policy DM17 of the Winchester District Local Plan Part 2.

09 No development shall commence on site until a scheme of hard and soft landscaping, including details of boundary treatment, has been submitted to and approved in writing by the Local Planning Authority in writing. The development shall be in accordance with the details agreed.

Reason: To ensure the verdant appearance of the site is retained and in the interests of biodiversity to comply with Policies CP15 and CP16 of the Winchester District Local Plan Part 1 and Policies DM15 and DM16 of the Winchester District Local Plan Part 2.

10 Prior to the commencement of the development a lighting plan shall be submitted and approved in writing by the Local Planning Authority.

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

11 The development shall be carried out in accordance with the recommendations as set out in Section 5 of the submitted Ecological Report ref 0109 issue no. 1 dated 11th January 2017 by Peach Ecology and shall be adhered to in perpetuity.

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

12 The development shall be carried out in accordance with the measures set out in the Arboricultural Impact Assessment and method statement report by Sapling Arboriculture Ltd dated September 2018, ref. J971.03 unless otherwise approved in writing by the Local Planning Authority. Thereafter, the compensation measures shall be permanently maintained and retained in accordance with the approved details.

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Reason: To ensure that the trees to be retained are not damaged during construction in the interests of biodiversity and to maintain local distinctiveness and green infrastructure to comply with Policies CP15 and CP16 of the Winchester District Local Plan Part 1 and Policy DM 15 of the Winchester District Local Plan Part 2.

13 The development shall be carried out in accordance with the following plans:

833.11D

833.12C

833.13C

833.14D

833.15C

83316C

218BC01

OS01000317673

Reason: For the avoidance of doubt and in the interests of proper planning and in the interests of visual and residential amenity to comply with Policies DM 15, DM16 and DM17 of the Winchester District Local Plan Part 2.

Informatives:

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

- offer a pre-application advice service and,

- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance the applicant was kept informed and an Extension of Time was agreed.

2. 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.

3. Foul drainage is to be disposed of via the foul sewer. Confirmation that there is capacity available in the sewer network is required.

4. 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. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>

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

Winchester Local Plan Part 1

DS1, WT1, CP1, CP2, CP10, CP11, CP13, CP14 and CP17

Winchester Local Plan Part 2

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WIN 1, DM1, DM15, DM16, DM17, DM18

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 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>.

7. 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.

8. 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.

9. 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.

10. No excavation mounding or tree planting should be carried out within 4 metres of the public water main without consent from Southern Water. For further advice, the applicant is advised to contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel 0330 303 0119) or www.southernwater.co.uk.

11. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore should any sewer be found during construction works an investigation of the sewer will be required to ascertain its condition, the number of properties served and potential means of access before any further works commence on the site. The applicant is advised to discuss the matter further with Southern Water on the contact details above.

12. In order to prevent the disturbance of nesting birds all development needs to be completed outside the nesting season or where that is not feasible vegetation needs to be inspected by a suitably qualified ecologist and if there are active nests a buffer zone needs to be kept free of works until the young have fledged.

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