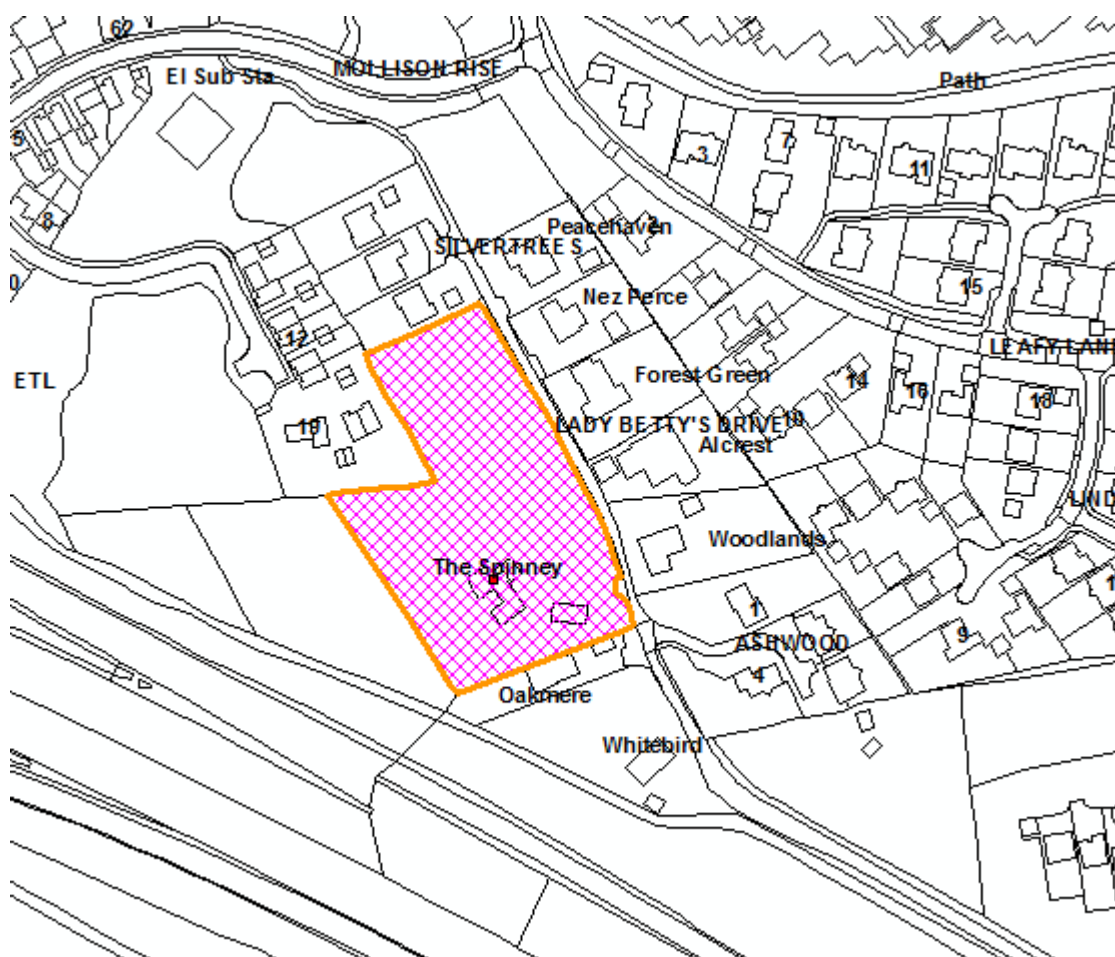


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Case No: 19/02483/FUL
Proposal Description: Proposed Erection of a Replacement Detached Dwelling with Carports, Parking and Landscaping following demolition of existing bungalow and garage
Address: The Spinney, Lady Bettys Drive, Whiteley, PO15 6RJ
Parish, or Ward if within Winchester City: Whiteley
Applicants Name: Mr Ridge
Case Officer: Robert Green
Date Valid: 11 November 2019
Recommendation: Permit

Pre Application Advice: Yes



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General Comments

The application is reported to Committee due to the number of comments received contrary to the Officer's recommendation.

As detailed further in 'Planning History', the site has a number of previous applications. Application 18/02835/FUL ('the 2018 application') was submitted in December 2018 with the following description:

'Proposed Erection of 7 Detached and Semi Detached Dwellings with Carports, Parking and Landscaping following demolition of existing bungalow and garage'

During consideration of the application, Natural England issued advice to Local Planning Authorities in regards to the input of Nitrates into the Solent region which is likely to result in a significant effect on internationally designated sites. The calculation to assess the amount of nitrate contribution for the 2018 application returned a positive result. At time of writing, the application has been placed on hold whilst appropriate mitigation to the Nitrate issue is found.

The applicant has submitted this application for the demolition of the existing dwelling and construction of a replacement dwelling. This application is separate to the 2018 application and requires its own individual assessment. The case has therefore been assessed on its own individual merits and the recommendation to Committee has been formed on these grounds.

The 2018 application, if recommended for approval by Officers, will be referred to Committee for decision and assessed on its own individual merits at that time.

Site Description

The application site is 0.7hectares in size and currently contains a single dwelling which has been unoccupied for some time and is currently in a dilapidated condition. As such, the large garden which surrounds the site has become overgrown and heras fencing has been placed at the entrance to the site. The site contains strong natural boundary treatment on all sides.

The site is located toward the end of a no-through route. Lady Bettys Drive is adopted by the Highways Authority to a point 70m to the south of the access point to the site, the road then becomes a private road beyond this point and continues beyond the application site. The M27 carriageway is in close proximity to the site on its western boundary.

The character of the area is varied. On the eastern side of Lady Bettys Drive large dwellings are set within equally sized plots whilst Mollison Rise and Silvertrees uses a denser development form to the north. Currently, The Spinney plot is unique in containing a large garden space.

Proposal

The proposal is to demolish the existing dwelling and construct a 2 storey replacement in a similar location. The plans also include proposals for highway resurfacing and provision of a turning area to the front of the access of the site on Lady Bettys Drive.

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The replacement dwelling is a 2 storey dwelling which has two angular visual elements and a detached double car port at the end of a long driveway. The dwelling contains living accommodation on the ground floor and 4 bedrooms on the upper level.

External materials consists of a red stock brick base, ivory render, grey windows and a roof containing low eaves and dormer windows.

Parking is provided in both the car port and surrounding driveway space.

Relevant Planning History

- 13/02869/OUT - Demolition of existing buildings and redevelopment comprising 3no. two bedroom dwellings, 3no. three bedroom dwellings and 15no. four bedroom dwellings (OUTLINE - considering access, layout and scale) – Refused 06.05.2014

The above application for 21 dwellings on the site was refused due to lack of housing mix, affordable housing, sustainability measures, being cramped and overdeveloped, highways grounds and ecology.

- 15/00353/OUT - Demolish existing buildings and erect 17 houses (RE-SUBMISSION) – Withdrawn 29.04.2015
- 15/02705/FUL - Proposed redevelopment by the erection of 11 houses (two with two bedrooms, four with three bedrooms, two with four bedrooms and three with five bedrooms), following demolition of the existing house and garage – Refused 04.03.2016

The above application for 11 dwellings on the site was refused for being cramped and overdeveloped without landscaping, highways grounds, lack of affordable housing and lack of drainage and ecology information.

- 18/02835/FUL - Proposed Erection of 7 Detached and Semi Detached Dwellings with Carports, Parking and Landscaping following demolition of existing bungalow and garage – Pending Consideration

Consultations

WCC Service Lead – Environment (Drainage)

- The site is in Flood Zone 1 and is at very low risk of surface water flooding.
- Attenuated discharge to the surface water sewer is an acceptable way of draining surface water and the system will accommodate the 1 in 100 year storm event plus an allowance for climate change.
- Foul drainage will connect to the foul sewer which is the most sustainable option.
- Maintenance details have been provided, however the applicant should provide a statement on who is responsible for maintenance.
- The drainage strategy itself is acceptable.
- The comment requests a condition and advises on the information which is

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required for the submission of details to satisfy this condition in the future (condition 4).

WCC Service Lead – Public Protection (Environmental Protection)

- Provided the recommendations contained within the submitted Noise reports are followed (including the 2m fence along the site perimeter to reduce traffic noise from the M27), no adverse comments are made.

Representations:

Whiteley Town Council

- No comment received (as of 09.12.2019)

9 letters from 7 addresses received objecting to the application for the following reasons:

- Application is for services of 7 properties
- Location of new access is dangerous
- Private road alongside the Spinney boundary is dangerous
- Application documents are not clear
- Design is not in keeping with properties on the road
- Insufficient parking for visitors
- Drainage issues from existing site
- Application pre-empts 7 unit scheme

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

- Legal responsibility of private road
- Lack of contribution to private road from previous site owners.

Relevant Planning Policy:

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

- MTRA1 – Development Strategy Market Towns and Rural Area
- CP2 – Housing Provision and Mix
- CP11 – Sustainable Low and Zero Carbon Built Development
- CP13 – High Quality Design
- CP16 – Biodiversity
- CP17 – Flooding, Flood Risk and the Water Environment

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

- DM1 – Location of New Development
- DM2 – Dwelling Sizes
- DM15 – Local Distinctiveness
- DM16 – Site Design Criteria
- DM17 – Site Development Principles
- DM18 – Access and Parking
- DM20 – Development and Noise

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National Planning Policy Guidance/Statements:

National Planning Policy Framework

Supplementary Planning Guidance

Winchester High Quality Places Supplementary Planning Document (2015)

Design Guidance (2019)

Car Parking Standards Supplementary Planning Document (2009)

Planning Considerations

Principle of development

The application site is within the defined settlement boundary of Whiteley. In this area, policy DM1 of the LPP2 allows development which is in accordance with the development plan and material planning considerations.

The principle of constructing a replacement dwelling on the site is therefore acceptable.

Layout/Design

The replacement dwelling and car ports are located within the same area as the dwelling which is to be replaced. The dwelling continues to use the same access point as the existing dwelling which, as discussed further in the highways section, is to be widened and improved to include a turning area and resurfaced. From this point, a paviour driveway curves and leads toward the car port.

The layout of the scheme and location of the replacement dwelling is acceptable as it respects the current location of the existing dwelling. The development therefore complies with policy DM16 of the LPP2.

In terms of design, the applicant has undertaken a contextual analysis of the site and its surroundings. This analysis assesses the varied architecture and built form which surrounds the site and notes the variety of materials, roof forms and building sizes in the area.

The analysis has identified the key positive factors which contribute to the characteristics of the area such as varied materials and low eaves roof forms and applied these to the design of the replacement, in compliance with guideline UC1 of the High Quality Places SPD. The angular appearance of the dwelling also adds interest to the overall design and appearance of the site from the public realm.

The design of the replacement dwelling is therefore acceptable and complies with policy DM16 of the LPP2 and High Quality Places SPD.

Impact on character of area and neighbouring property

As discussed previously, the applicant has undertaken a contextual analysis to guide the design of the replacement dwelling and this is acceptable.

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The application retains the strong boundary treatment which surrounds the site including the important examples along the Lady Bettys Drive frontage. This supports the replacement dwelling in integrating into the characteristics of the surrounding area.

The development therefore complies with the characteristics of the surrounding area and accords with policies DM15 and DM16 of the LPP1.

Regarding residential amenity, Silvertrees sits to the north of the application site and a number of properties sit to the opposite side of Lady Bettys Drive. Sufficient distance exists between these dwellings and the replacement dwelling and there is no harm to residential amenity.

Oakmere sits to the south and received consent in 2015 for a replacement dwelling under 15/00553/FUL. Sufficient distance and boundary treatment is retained between the two properties to prevent an overbearing or overshadowing impact. Regarding overlooking, 3 windows on the side elevation of the replacement would face this property. 2 are located on the ground level which, due to the distance and boundary treatment, do not cause an overlooking impact. Whilst 1 window is on the upper level, this serves an en-suite and will be obscured glazed as per condition 08.

The development does not therefore result in a negative neighbourhood impact and complies with policy DM17 of the LPP2.

Landscape/Trees

The trees and landscaping surrounding the site play an important role both in upholding the semi-rural characteristics of the surrounding area and reducing noise from the M27. The trees are not protected by Tree Preservation Orders.

Arboricultural assessments have previously been undertaken on the site and have identified a number of defective trees which are proposed for removal. These are all categorised as 'C' or 'U' which is the lowest quality.

A plan has also been submitted which shows the protection measures which will be in place to ensure the trees are not harmed during the demolition of the existing buildings and reconstruction of the property. This plan has been secured under condition 06.

Highways/Parking

The existing dwelling is accessed from Lady Bettys Drive which is adopted by the Highways Authority to a point 70m to the south of the access to the site. The replacement dwelling would not result in an increase in the number of trips made to and from the site when compared to the existing dwelling.

The development does include a revised access including a turning space which enables a vehicle to undertake a 3-point manoeuvre. This has previously been assessed by the applicant's highway engineer and the WCC Highway officer who confirm that adequate visibility is to be provided.

The replacement dwelling also contains sufficient parking provision in accordance with
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the Residential Parking Standards Document.

The development does not therefore result in an adverse highways impact. The proposal is therefore in compliance with policy DM17 of the LPP2.

Drainage

The existing dwelling is not connected to mains drainage, with surface water from the existing building currently being collected and discharged to the ground and foul waste going to a cesspit.

As part of the replacement dwelling operations, the applicant intends to upgrade the drainage of the site to connect to the mains. Surface water will be attenuated within the permeable paving areas and then discharged to the Southern Water network and foul water is being connected to the foul sewer which is the most sustainable option.

The details have been reviewed by the Council's Drainage Engineer who confirms the drainage strategy is acceptable. Advice is provided in the Engineer's response (such as the requirement for details on future management) and this has been reflected in condition 04, which asks for the finer details of the drainage scheme prior to construction.

Southern Water's previous comments on the site have also been reviewed in light of this replacement dwelling application and their recommended conditions have been included within condition 04.

Comments have been raised regarding the submitted drainage information which continued to reference the previous scheme and the site layout which retained part of the infrastructure for the 7 dwelling scheme. This was discussed with the agent of the application and an updated statement was requested. This statement confirms that the drainage principles of the 2018 application would be honoured in this case and the overall site layout plan was amended to remove other drainage infrastructure which was not related to the replacement dwelling scheme.

The drainage proposals for the site are therefore accepted and further details will be obtained prior to the commencement of development. The proposal therefore complies with policy DM17 of the LPP2.

Ecology

Ecological and bat surveys have been previously undertaken on the site. Given the length of time since these reports were produced, an updated statement was requested.

The report concludes that a European Protected Species Licence will be required from Natural England prior to the commencement of works and informative 09 has been included to remind the applicant of this.

The report continues to identify mitigation and enhancement techniques to prevent harm to the ecology of the site and this is reflected in condition 07. In addition, condition 09 requests details of external lighting on the replacement property and the location, direction and specification of this lighting will be assessed from an ecological viewpoint prior to its installation.

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The proposed development therefore considers and responds to the ecology of the site and is in compliance with policy CP16 of the LPP1.

Environmental Health

Due to the site's proximity to the M27 motorway, development on the site must consider the potential noise impacts arising from vehicles passing on the carriageway. Noise assessments have therefore been submitted and reviewed by the Council's Environmental Health specialists.

The submitted information notes that existing properties in the area, including on the application site, are in a similar proximity to the carriageway and proposes the construction of a 2m fence running the length of the site to act as a noise barrier. This has been assessed by the Environmental Health Officer who confirms that provided this fence is constructed (as per condition 05), no adverse comments are made.

An addendum statement was also requested which confirms the previous recommendations continue to apply to the scheme and meet the associated British Standards.

The development is therefore acceptable from a noise perspective and complies with policy DM20 of the LPP2.

Nitrates

Natural England have raised concern regarding the continued construction of residential units in the Solent region which is resulting in a harmful impact to European Protected Sites.

As this application is for a replacement dwelling only and no additional units, this application does not increase the level of accommodation on the site. It is acknowledged that the current property uses a cesspit and the replacement would use mains drainage. The output taken from the cesspit enters the Waste Water Treatment Works via a different method to mains drainage. However, the waste output from the site remains the same and ultimately both routes terminate at the same location. There is therefore no material increase in waste output from the site. As a result, an assessment on the impact on Nitrates is not required.

Recommendation

Application Approved 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.

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

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2 The development hereby approved shall be constructed in accordance with the following plans:

- Location Plan [drawing DNC/507/LP1] dated November 2019 and received 13.11.2019,
- Site Layout [drawing DNC/507/12] dated November 2019 and received 05.12.2019,
- Proposed Elevations [drawing DNC/507/13] dated November 2019 and received 11.11.2019,
- Tree Protection Measures [drawing BJH 01/02/03/04, as annotated by Officer and posted 06.12.2019],
- Section 6.0 and no other sections of the Arboricultural Method Statement received 11.11.2019,
- Ecology Addendum Note by Ecosupport dated December 2019 and received 05.12.2019,
- Acoustic Testing Report received 29.11.2019 in conjunction with Addendum Letter received 05.12.2019,
- Drainage & Highways Addendum Statement dated 05.12.2019 and received 05.12.2019.

2 Reason: In the interests of proper planning and for the avoidance of doubt.

3 Prior to the installation of brickwork, roof tiles and render, details and samples of these materials must be submitted to and approved in writing by the Local Planning Authority. Development must then continue in accordance with the approved details.

3 Reason: To ensure a high quality development is achieved.

4 Detailed proposals for the disposal of foul and surface water must be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water prior to the commencement of development.

The details must include:

- Plans to demonstrate the finalised location of pipework and infrastructure;
- Future maintenance programmes, including funding and responsibilities;
- Details of surface water discharge points, rates and volumes.

The approved details shall be fully implemented before development commences.

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

5 Prior to the occupation of the dwelling hereby approved, a plan showing the construction of a 2m fence on the western boundary of the site in accordance with the submitted noise assessments must be submitted to and approved in writing by the Local Planning Authority.

The fence must be completed prior to the occupation of the replacement dwelling.

5 Reason: To protect future occupants from noise generated by the M27 carriageway.

6 Prior to the commencement of development, Tree Protection Measures in accordance with Tree Protection Measures [drawing BJH 01/02/03/04 as annotated by Officer and posted 06.12.2019 and Section 6.0 and no other section of the Arboricultural Method

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Statement received 11.11.2019 must be in place for the duration of the construction period.

6 Reason: To ensure the protection of surrounding trees during construction of the development.

7 The recommendations and mitigation within the Ecology Addendum Note by Ecosupport dated December 2019 and received 05.12.2019 must be adhered to

7 Reason: To protect and enhance the ecological interest of the site in accordance with policy CP16 of the LPP1.

8 The window on the upper floor of the southern elevation serving the en-suite must be obscure glazed to Pilkington Privacy Level 4 and thereafter retained in this condition in perpetuity.

8 Reason: To protect the neighbouring amenity of the neighbouring property at Oakmere.

9 Prior to installation, details of external lighting (including specification, beam orientation and luminance) must be submitted to and approved in writing by the Local Planning Authority.

Development must then continue in accordance with the approved details.

9 Reason: To protect and enhance the ecological interest of the site in accordance with policy CP16 of the LPP1 and to retain the semi-rural characteristics of the area.

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 a site meeting was carried out with the applicant.

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)

- o MTRA1 - Development Strategy Market Towns and Rural Area
- o CP2 - Housing Provision and Mix
- o CP11 - Sustainable Low and Zero Carbon Built Development
- o CP13 - High Quality Design
- o CP16 - Biodiversity

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- o CP17 - Flooding, Flood Risk and the Water Environment

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

- o DM1 - Location of New Development
- o DM2 - Dwelling Sizes
- o DM15 - Local Distinctiveness
- o DM16 - Site Design Criteria
- o DM17 - Site Development Principles
- o DM18 - Access and Parking
- o DM20 - Development and Noise

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

8.

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

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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.

9.

The applicant is reminded that a European Protected Species Licence (EPSL) is required prior to the commencement of development.