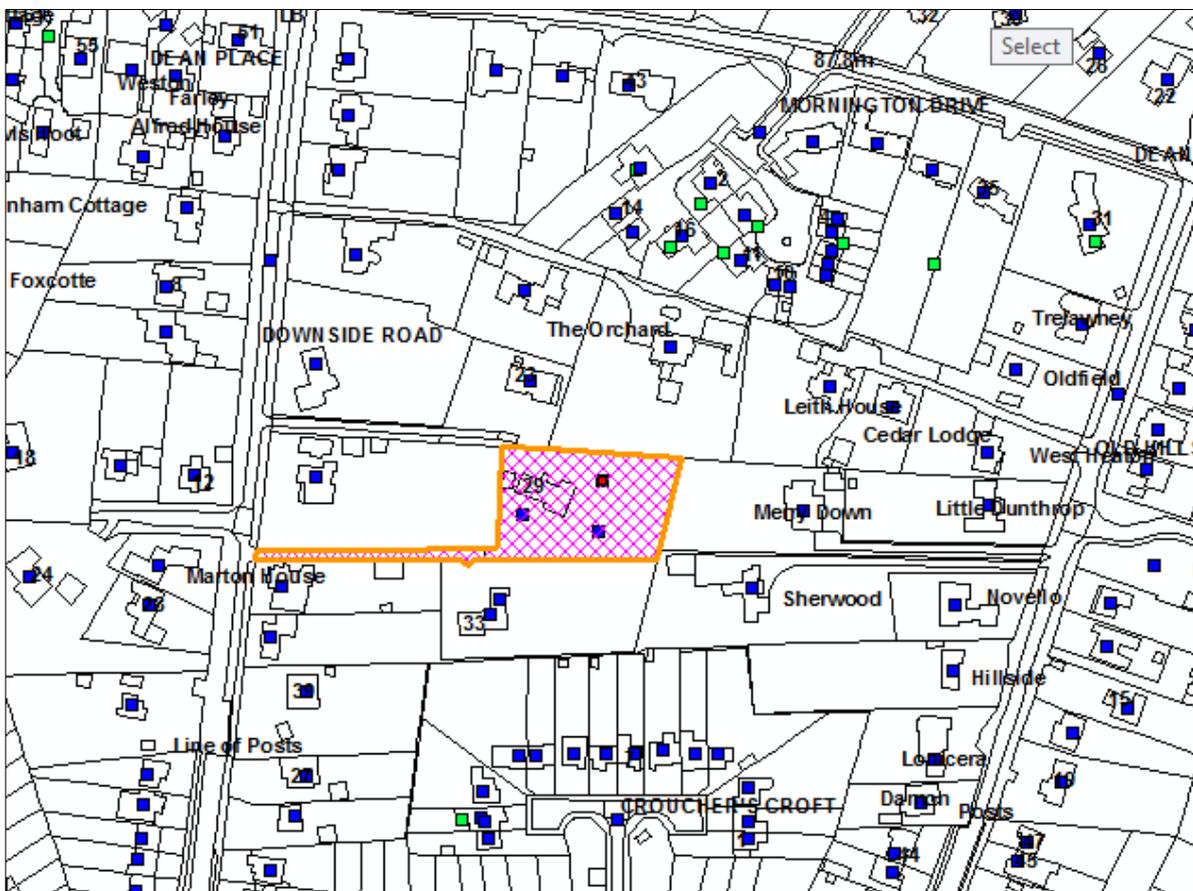


WINCHESTER CITY COUNCIL
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Case No: 20/01597/FUL
Proposal Description: Application Reference Number: 19/02046/FUL Date of Decision: 17/07/2020
Condition 2 (Approved Plans): Condition to be updated to reflect approved drawings.
Address: Hazelwood, 29 Downside Road, Winchester, SO22 5LT
Parish, or Ward if within Winchester City: St Barnabas
Applicants Name: Mr Richard Wickins
Case Officer: Catherine Watson
Date Valid: 13 August 2020
Recommendation: Application Permitted

Link to Planning Documents : <https://planningapps.winchester.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QE4DHJBPLQR00>

Pre Application Advice: None



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General Comments

The application is reported to committee due to the number of objections received, contrary to the officer's recommendation to permit.

The application is for amendments to the approved scheme under Section 73 of the Town and Country Planning Act 1990.

Site Description

The site is a large residential plot situated on Downside Road, a cul-de-sac within the settlement boundary of Winchester. Permission has been granted for three dwellings - 1no 2 bed (Dwelling 3), 1no 3 bed (Dwelling 2), 1no 4 bed (Dwelling 1) and associated development. Construction is at an advanced stage.

Proposal

The application has been submitted in order to make amendments which take account of comments made by the Planning Inspector when he allowed an appeal for application 19/02046/FUL, which was in turn a Section 73 application to amend the approved plans condition for 19/00922/FUL. The Inspector acknowledged the additional amendments but did not consider it appropriate to substitute them for the original refused plans during the appeal process as this would not enable members of the public to review them and make comments. The original consent for the redevelopment of the site is to provide three new dwellings.

Relevant Planning History

19/02046/FUL - Application Reference Number: 19/00922/FUL. Date of Decision: 22/07/2019. Condition Number(s): Condition 2 - Approved Plans, Condition 3 - Integral Parking Retention, Conditions(s) Removal. ALLOWED AT APPEAL 17.07.2020.

19/00922/FUL - Application Reference Number: 18/02454/FUL Date of Decision: 10/01/2019. Condition Number(s): Condition 2 (Approved Plans).

Amend approved plans condition to reflect proposed changes to some elevations and repositioning of dwellings within the plot. (AMENDED PLANS). APPROVED 22.07.2019

18/02454/FUL - Redevelopment of the site following the demolition of existing dwelling house at 29 Downside Road and the erection of 3no. dwellings with associated landscaping, and parking. (RESUBMISSION). APPROVED 10.01.2019

18/00629/FUL - Redevelopment of the site following the demolition of existing dwelling house at 29 Downside Road and the erection of 2no. dwellings with associated landscaping, and parking. REFUSED 22.06.2018

18/00630/FUL - Redevelopment of the site following the demolition of existing dwelling house at 29 Downside Road and the erection of 3no. dwellings with associated landscaping, and parking. REFUSED 22.06.2018

Consultations

Service Lead for Environment:

Engineers: Drainage:

No comment.

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Ecology:

Mix A (native hedging) should also be located between Plots 1 & 2 in line with the recommendations in the ecology report. New native bulb planting is included and conditioned within the ecology report but is not shown on the planting plan. Appendix E in the ecology report should be updated to show the new location for one of the bat and bird features.

Landscape:

No significant changes to the landscape plan since the approved submission, therefore no concerns are raised on landscape grounds.

Southern Water:

No objections to the variations of condition 2. Comments in the response dated 06.11.2018 remain unchanged and valid.

Representations:

City of Winchester Trust: No comment.

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

- It is not clear why the proposed store needs to be the same size as the approved garage;
- The installation of the obscured glazing in the first floor window needs to be implemented;
- Where is the mandatory bird/bat provision?
- Permitted development rights should be withheld;
- Plot 2 is too large and breaches policy CP2.

0 letters of support received.

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy

DS1 – Development Strategy and Principles;

CP13 – High Quality Design;

CP16 – Biodiversity.

Winchester Local Plan Part 2 – Development Management and Site Allocations.

DM1 – Location of New Development;

DM15 – Local Distinctiveness;

DM16 – Site Design Criteria;

DM17 – Site Development Principles

National Planning Policy Guidance/Statements:

National Planning Policy Framework

National Planning Practice Guidance

National Design Guide

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High Quality Places Supplementary Planning Document.

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. The application site is located within the settlement boundary of Winchester where the principle of new residential development is accepted provided it is in accordance with the relevant policies of the development plan.

Design/layout

The application is partly retrospective as development has commenced and is at an advanced stage. The application seeks to formalise alterations made to plans under 19/02046/FUL and which were put before the Planning Inspector following the refusal of that application. The Inspector allowed the appeal based on the originally submitted plans for the above application, which sought to amend the approved plans for 19/00922/FUL by substituting one of the parking spaces in Plot 2, for a single garage and converting the approved integral garage into a study/storage room. This application was refused on the basis that the garage would be cramped and it would be difficult to manoeuvre vehicles in and out. The second reason for refusal was that the study/store would be capable of conversion to an additional bedroom and therefore, would not comply with Policy CP2 of LPP1.

Following the applicant's successful appeal, additional amendments have been made and this current s73 application has been made to regularise them. The amendments include the removal of the detached garage from Plot 2, which will now revert back to a parking space. In order to accommodate the need for storage, a structure will be added to the rear of the northern (side) elevation. This will be accessed independently of the main dwelling and measures 3.15 x 5.3m. It will be set back from the front elevation by 5.2m.

Additional amendments are the addition of sun pipes, flues and vents, the addition of solar panels, widening of two ground floor windows on Plot 1 (WC and drawing room) and outlets added to flat roofs. Full details are provided on the submitted plans. Materials are to remain as approved.

Whilst there are a number of amendments, the majority of them are relatively minor in nature and are not considered to be significantly harmful to the character of the site in line with Policy CP13 of LPP1 and DM16 and DM17 of LPP2.

Impact on character of area and neighbouring property

The site is well contained and not widely visible within the public domain. It is therefore not considered to be significantly harmful to the character of the area, in line with DM15 of LPP2.

With regards to the impact on neighbour amenity, the alterations are not considered to have an additional harmful impact on 33 Downside Road, which is the nearest affected property. It is noted that the first floor window on the southern elevation of Plot 2 is not shown to be obscure glazed. The Inspector in Para. 30 of his decision considered this to be a reasonable request and there is no reason to divert from his judgement. Therefore,

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a condition will be included on the consent to require this window to be obscure glazed for the lifetime of the development. Notwithstanding this, it is not therefore considered that there would be any additional harm caused to the amenities of neighbouring properties.

Landscape/Trees

A detailed planting plan has been submitted to support the application. This shows the proposed soft landscaping on the site and shows the retention of several existing trees, as well as native species as well as ornamental species planting. The Council's ecologist raised a concern that the bulb planting is not shown on the plan however, it is labelled under Mix H on the plan and consists of native species, including daffodils and bluebells. A combination of native (holly and box) and ornamental (laurel) species hedging is proposed between Plots 1 and 2, as well as elsewhere on the site. It is therefore considered that the revised landscape plan is acceptable and appropriate for the scale and type of development. Hard landscaping for the parking and turning areas is to remain the same.

Ecology.

The submitted plans do not show the locations of the bat and bird boxes, along with the locations of the removed barge boards in fencing to enable hedgehogs to move through and out of the site. It is considered appropriate to impose a condition on the consent to require these to be installed prior to first occupation of the approved dwellings.

Highways/Parking

There are no additional highways issues. The detached garage has been removed from Plot 2 and the parking space reinstated, which complies with the Parking Standards SPD.

Other Matters

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.

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Recommendation

Application Permitted, subject to the following condition(s):

Conditions

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

Location Plan Dwg No L1 received 27.07.2020

Site Plan Dwg No 7462 D100 J received 14.12.2020

Plot 1 – Floor Plans Dwg No 7462 D101 D received 14.08.2020

Plot 1 – Elevations 01 Dwg No 7462 D110 D received 14.08.2020

Plot 1 – Elevations 02 Dwg No 7462 D111 C received 14.08.2020

Plot 1 – Garage Dwg No 7462 D112 B received 14.08.2020

Plot 2 – Floor Plans Dwg No 7462 D201 G received 14.08.2020

Plot 2 – Elevations 01 Dwg No 7462 D210 J received 14.08.2020

Plot 2 – Elevations 02 Dwg No 7462 D211 G received 14.08.2020

Plot 2 – Store Plans Dwg No 7462 D212 E received 14.08.2020

Plot 3 – Floor Plans Dwg No 7462 D301 B received 14.08.2020

Plot 3 – Elevations Dwg No 7462 D310 B received 14.08.2020

Planting Plan Dwg No 518-0104 Rev D received 27.08.2020

Tree Protection Plan Dwg No TSP-KC/DOWNSIDE/003 D received 27.08.2020

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

2. 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 development permitted by Classes A, B, and C of Part 1; of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To ensure that the development is proportionate to the site in order to protect the amenities of the locality and to maintain a good quality environment.

3. The first floor window in the south elevation of Plot 2 hereby permitted shall be glazed with obscure glass which achieves an obscuration level at least equivalent to 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 for the lifetime of the development hereby permitted.

Reason: To protect the amenity and privacy of the adjoining 33 Downside Road.

4. Any deviation from works prescribed or methods agreed in accordance with the Arboricultural Impact Appraisal and Method Statement Ref: AIA/AMSKC/SH/DOWNSIDE/003 Revision D dated August 2020 and the Addendum to Previous Arboricultural Information Note Ref AIA/AMSKC/SH/DOWNSIDE2/003/ADDENDUM shall be agreed in writing to the Local Planning Authority.

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

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5. All hard and soft landscape works shall be carried out in accordance with Planting Plan No 518-0104 Rev D dated August 2020. The works shall be carried out before the use hereby permitted is commenced and prior to the completion of the development or in accordance with the programme agreed with the Local Planning Authority. If within a period of five years after planting any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

6. 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 equivalent to 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 2012 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

7. The recommendations within section 5 of the Ecological Assessment (Peach Ecology, May 2019) shall be adhered to throughout the construction period and the enhancement provisions and planting will be sited prior to the development coming into its intended use and retained thereafter. A plan showing the locations of bird and bat boxes, as well as hedgehog access points, shall be submitted to and approved in writing by, the Local Planning Authority prior to first occupation of the development hereby permitted.

Reason: To safeguard protected species and maintain biodiversity.

8. The Proposed Lighting Strategy plan and technical details for the bollard LED mains and Eterna slice range LED lighting, shall be installed and operational prior to first occupation of the development hereby permitted. Details of any additional lighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the appearance of the area, the environment and protected species from light pollution.

9. Details of foul and surface water drainage layout in approved plans nos 151.5002.001 G and 151.5002.007 G shall be implemented prior to the first occupation of the development hereby permitted and shall be retained and maintained for the lifetime of the development hereby permitted.

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

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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:-

Local Plan Part 1 - Joint Core Strategy: DS1, CP13, CP20, MTRA1, MTRA2, MTRA3, MTRA4

Local Plan Part 2 – Development Management and Site Allocations: DM1, DM3, DM15, DM16, DM17, DM18, DM23, DM27, DM28, DM29

High Quality Places SPD

Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Parking Standards SPD

NPPF Section 16

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.

Flexibility of hours may be acceptable due to the Covid-19 emergency in line with the Business and Planning Bill 2019-21 <https://services.parliament.uk/Bills/2019-21/businessandplanning.html>

5.

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. Where construction site working hours are limited by a planning condition you can apply under Section 74B of the Town and Country Planning Act 1990 which provides a temporary fast track to vary existing conditions.

<https://www.gov.uk/government/publications/construction-working-hours-draft-guidance/draft-guidance-construction-site-hours-deemed-consent>

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.

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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>