

Date of Meeting	16/06/11		
Application Number:	S/2011/0502		
Site Address:	Site next to Rose & Crown, High Street, Bulford, SP4 9DS		
Proposal:	Variation of condition 2 of planning permission S/2010/1750 - Addition of 2 no. windows		
Applicant/ Agent:	Mr Patrick Oetiker - Sixteen Twenty Eight		
Parish:	Bulford		
Grid Reference:	416806.93 143523.974		
Type of Application:	S73		
Conservation Area:		LB Grade:	
Case Officer:	Charlie Bruce-White	Contact Number:	01722 434682

Reason for the application being considered by Committee:

Councillor Smale has requested that this item be determined by Committee due to issues relating to the development's relationship to adjoining properties.

1. Purpose of report

To consider the above application and the recommendation of the Case Officer that planning permission be GRANTED subject to conditions.

2. Report summary

The main issues in the consideration of this application are as follows:

1. The impact on the character and appearance of the area, including the effect on the setting of adjacent listed buildings and the nearby Conservation Area;
2. The impact of residential use on adjacent uses and vice-versa;
3. Highway considerations.

3. Site Description

The application site consists of vacant land between the Rose and Crown pub, a residential dwelling and a church hall, situated off the Bulford High Street. A public footpath runs to the rear of the site.

In planning terms, the site is within Bulford's Housing Policy Boundary but outside of the Conservation Area (which starts beyond the public house). It is also within an Area of Archaeological Significance.

4. Relevant Planning History

10/0869 Proposed detached dwellinghouse and new access REF 06.09.10

5. Proposal

Amendments are sought to alter design aspects of the previously approved dwelling, including:

- The insertion of 2 additional ground floor windows in the south elevation to serve a kitchen and utility room;
- Minor alterations to the proposed internal layout;
- A change in facing material to the east (side) elevation from flint to render;
- Minor fenestration alterations to the ground floor of the front elevation;
- Minor alterations to the positioning of roof lights;
- Minor alterations to the proposed landscaping / car park layout

6. Planning Policy

Local Plan: policies G1, G2, D2, H16, CN11, CN21, R2, TR11, TR13, TR14

Central government planning policy: PPS1, PPS3, PPS5, PPG24

7. Consultations

Parish Council

STRONG OBJECTION.

Council considers that this proposed variation to conditions is no more than a cynical attempt to manipulate the planning system. In the first instance, the applicant submits a plan with no fenestration on three sides in order to avoid the environmental objections that have always been raised in the past history of applications on this site (by the same applicant); no sooner has this been approved than an application is submitted to vary the permission by inserting windows on the south side on the grounds that the "rooms will be dark" - a fact that was obvious from the outset.

MATERIAL OBJECTIONS:-

1. **OVERLOOKING** The Manse, the grounds within the curtilage of The Manse, and the Chapel Hall.

a. **REASON:** As is by now well known to the Planning Office, the grounds of this Chapel property (adjacent to and on the south side of the application site) is used for a number of Chapel activities including the provision of organised activities for unruly and often destructive youth in this Parish. This is a sensitive and difficult task and, in the considered and expert opinion of the Chapel Pastor, this very valuable service would be jeopardised if the site were to be overlooked by a neighbouring property. It is not in this Council's interest for this activity to be jeopardised in this way and there is substantial anxiety that this variation, if approved, will put the activity at risk.

2. **CONFLICT OF USAGE** with the Chapel Hall and grounds.

a. **REASON:** The activities explained in para 1a above, by their nature, are noisy and Council would not wish to see them jeopardised by complaint from the new residential property on this site. Council rejects the Environmental Health statement that the application is acceptable on the grounds that the main living areas of the new approved residential property do not lie on the south side of the house. The south side includes the kitchen and in these modern times the kitchen is one of the areas of maximum utilisation; additionally, the new house is small in area and noise will carry beyond the rooms on the south side.

Conservation Officer **No objection**

Environmental Health **No objection**

8. Publicity

The application was advertised by site notice and neighbour consultation.

No letters of representation were received.

9. Planning Considerations

9.1 Principle of development

The principle of a new dwelling has already been agreed and there have be no significant material alterations to planning policy or the characteristics of the site and its surroundings in the intervening period. The main considerations are therefore limited to the following:

9.2 *The impact on the character and appearance of the area, including the effect on the setting of adjacent listed buildings and the nearby Conservation Area*

In visual terms the proposed fenestration alterations are considered to be of a minor nature, not significantly altering the appearance of the proposed dwelling. The side elevation which is subject to the change in materials is predominantly obscured from public view and it is not considered that the change from flint to render on this elevation would harm the overall appearance of the dwelling. In summary it is considered that the amendments would have a neutral impact in visual terms.

9.3 *The impact of residential use on adjacent uses and vice-versa*

It is not considered that the fenestration alterations would introduce any new overlooking issues. Consideration has been given to whether the two new windows within the south (side) elevation would result in future occupiers being affected by noise disturbance from surrounding uses, notably including the Chapel Hall which is sited immediately to the south of the site. Given the nature of the rooms served by the two windows, a utility room and kitchen, and the fact that suitable acoustic double glazing can be fitted, it is not considered that the proposed dwelling would suffer from unreasonable levels of noise. The Environmental Health Officer confirms no objection.

9.4 Highway considerations

The alterations to the car parking layout would be minor in nature and would not affect the general turning and parking arrangement previously approved.

10. Conclusion

The proposed amendments would not have a significant impact upon the design merits of the scheme or upon the living environment of the dwelling's future occupiers. The car parking and turning space would still be acceptable.

11. Recommendation

Planning Permission be GRANTED for the following reason:

The principle of a new dwelling has already been agreed and there have be no significant material alterations to planning policy or the characteristics of the site and its surroundings in the intervening period. The proposed amendments would not have a significant impact upon the design merits of the scheme or upon the living environment of proposed accommodation, and car parking and turning space would still be acceptable. The proposal would therefore accord with the aims and objectives of the development plan, having particular regard to Local Plan policies G1, G2, D2, H16, CN11, CN21, R2, TR11, TR13, TR14 and PPS1, PPS3, PPS5, PPG24.

And subject to the following Conditions:

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) The development shall only be undertaken in accordance with the following approved plans:

Plan Ref....927 110 Rev. F...	Date Received....29.03.11....
Plan Ref....927 111 Rev. I...	Date Received....29.03.11...

Reason: For the avoidance of doubt.

- 3) The development shall be carried out in accordance with the recommendations of the submitted Noise Survey Report (JTEC Environmental dated 12th – 17th July 2010) and passive wall vent details submitted by the agent on 07/12/10.

Reason: To ensure acceptable internal noise levels to the new dwelling.

Policy: G2

- 4) No development shall commence on site until details of the acoustic specification of the glazing to be fitted to the ground floor kitchen and utility room windows within the south elevation of the dwelling hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details and maintained as such thereafter.

Reason: In the interests of the amenity of the proposed accommodation.

Policy: G2

- 5) No development shall commence on site until written details of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the local planning authority. Where so requested by the local planning authority, samples of materials shall be provided on site for further written agreement. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the character and appearance of the area.

Policy: D2

- 6) No works to externally face the new dwelling shall commence until a sample panel of flintwork, not less than 1 metre square, constructed using flints hand laid in a random pattern (with no preformed panels to be used), has been erected on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample panel, using flints hand laid in a random pattern with no preformed panels.

Reason: In the interests of visual amenity and the character and appearance of the area.

Policy: D2

- 7) No development shall commence on site until details of the finish to external timber, including any paint or stain to be used on the external walls and window joinery have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first occupied.

Reason: In the interests of visual amenity and the character and appearance of the area.

Policy: D2

- 8) No works shall commence on site until details of the proposed rooflights (including size, manufacturer and model number) have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be of the 'conservation' type with a single vertical glazing bar and mounted flush with the roof slope. The works shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the character and appearance of the area.

Policy: D2

- 9) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;

- (c) details of new trees and hedgerows including species, planting sizes and densities;
- (e) means of enclosure;
- (f) car park layouts;
- (h) hard surfacing materials;
- (i) minor artefacts and structures (e.g. refuse and other storage units);

Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

Policy: G2

- 10) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

Policy: G2

- 11) Prior to the commencement of development a scheme for the provision, use, retention and maintenance of the proposed turning circle shall be submitted to and approved, in writing, by the Local Planning Authority. The turning circle shall remain clear and available for use at all times and shall be operated and maintained in accordance with the approved details.

Reason: In the interests of highway safety

Policy: G2

- 12) The development hereby permitted shall not be occupied until the first 5 metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

Reason: In the interests of highway safety

Policy: G2

- 13) Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

Reason: To ensure that the development can be adequately drained

Policy: G2

14) No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.

Reason: To ensure that the development can be adequately drained

Policy: G2

15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the north, east and south elevations of the development hereby permitted.

Reason: In the interests of residential amenity and privacy, and to ensure adequate living conditions for the occupiers of the proposed dwelling.

Policy: G2

16) No construction works shall take place outside of the hours of 08:00 to 18:00 Mondays to Fridays, 08:00 to 13:00 Saturdays or at all on Sundays or Bank Holidays.

Reason: in the interests of the amenities or nearby properties

Policy: G2