

**PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE****11 May 2009****Attendance:**

## Councillors:

Jefferies (Chairman)  
Huxstep (Vice-Chairman in the Chair) (P)

Barratt (P)  
Baxter (P)  
Busher (P)  
Fall

Johnston (P)  
Lipscomb (P)  
Pearce (P)  
Ruffell (P)  
Tait

**Officers in Attendance:**

Mr D Dimon (Team Manager, Planning)  
Mr B Lynds (Planning Barrister)  
Mr S Dunbar-Dempsey (Landscape Officer)  
Mr I Elvin (Highways Engineer)  
Mr S Tilbury (Corporate Director, Operations)

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**1. CHAIRMAN'S ANNOUNCEMENT**

The Sub-Committee met at Winchester Guildhall, where the Chairman welcomed to the meeting six members of the public.

**2. LAND AT TUDOR WAY (INCLUDING LAND AT 130-132 SPRINGVALE ROAD AND REAR OF 136-140 SPRINGVALE ROAD), KINGS WORTHY – CASE NUMBER 08/02347/OUT**  
[\(Report PDC801 Item 2 refers\)](#)

Councillor Busher declared a personal (but not prejudicial interest) in this item as she had realised from the site visit that she knew a local resident who lived near to the application site. She spoke and voted thereon.

By way of a personal statement, Councillor Johnston explained that, as a Ward Member and as a member of Kings Worthy Parish Council, he had been involved in the Milford exception site, which was a separate application, located to the rear of the current application. However, he did not consider that he had predetermined the application and spoke and voted thereon.

The application had been considered by the Planning Development Control Committee meeting held on 23 April 2009. At that meeting, Members agreed that the application should be determined by the Planning Development Control (Viewing) Sub-Committee, following a site visit. The Committee had

agreed that it was necessary to consider in greater detail the gradient; proposed access; its relationship with existing properties and a yet to be implemented development of exception housing and public open space to the rear and north-west of the site.

Therefore, immediately prior to the public meeting in the Guildhall, Winchester, the Sub-Committee visited the site. Councillor Howell (a Ward Member) had accompanied the site visit, but was not present at the subsequent public meeting.

At the site visit, the Sub-Committee assessed the proposals from Boyne Rise; from the access of the site onto Springvale Road; from within the site at Tudor Way; and from Top Field at the rear of the site.

At the subsequent public meeting in the Guildhall, Winchester, Mr Dimon reminded Members of the main issues regarding the application.

In summary, the application sought outline permission for the demolition of existing dwellings at Tudor Way and 130-132 Springvale Road and residential redevelopment to provide 62 dwellings, access roads, associated parking, garaging, a play area, open space and landscaping. The application site was 1.93 hectares and situated on the western side of Springvale Road opposite Boyne Rise. The site included 130-132 Springvale Road, the properties to the west in Tudor Way (five bungalows) and land to the rear of 134-140 and 124-128 Springvale Road.

The Sub-Committee had noted that, with the land rising both on the western and eastern sides of Springvale Road, it had the character of a valley in the context of the local topography. This enabled good views of the site from Boyne Rise opposite, from which the current green character of the area was evident. The rear gardens within Springvale Road and Tudor Way rose significantly towards Top Field to the west. Most of the properties had significant vegetation, which separated the more formal garden areas from the wooded and vegetated area that occurred beyond the site boundary.

Members noted that, following negotiations with officers, the applicant had proposed to provide the majority of the open space contribution off-site at Top Field, which was an area of land also within their ownership to the rear (west) of the site.

Top Field was a large area of agricultural land which was currently set aside. The applicant, Gleeson Developments LTD, had owned this field in its entirety, but had sold an area to the north and east (including an area bordering the rear of Tudor Way) to another developer, Milford. Milford had been granted planning permission to develop part of the northern end of the field adjoining Hookpit Farm Lane as an exception site for 25 affordable dwellings. However, construction work had not yet started on this permission and, in the meantime, Milford had gone into administration. Furthermore, the Local Plan and Open Space Strategy had identified a lack of public open space in the area and the Council were in negotiations with Gleesons to acquire the remainder of Top

Field (excluding the area to be developed as an exception site) as public open space.

However, a Member was concerned that because of the ownership issues, Gleasons would be unable to guarantee access across Milford's land to the proposed open space area to serve this application.

Mr Lynds explained that matters of private ownership and access rights were rarely material planning considerations. If outline planning permission was granted, a planning obligation would be imposed requiring that no dwellings be occupied until appropriate access to the Top Field open space area had been agreed. The extent to which the access was maintained through the current dense vegetation, which characterised this part of the Milford land, would also be specified by the Council.

A Member questioned the safety implications of providing open space for the development some distance away and that it was separated by thick vegetation from the application site. However, other Members observed that the existing scrubland in Milford's ownership, with its myriad of maze-like footpaths, would provide an excellent play opportunity for older children. Mr Dunbar-Dempsey confirmed that the applicant had not proposed to significantly alter the character of this area of land.

Mr Dimon added that the area of open space associated with the Tudor Way development was proposed as a general play area and would not be equipped. However, there was permission for an equipped area of play at the nearby Milford exception site and officers therefore considered it unnecessary to require the applicant to duplicate these facilities.

In response to a Member's question, Mr Dimon explained that the layout plans, which accompanied the outline application, were indicative only and had been submitted to demonstrate that the development of 62 dwellings on the site could be satisfactorily achieved. If granted, the detailed layout of the site would be considered as part of the reserved matters application.

In response to a Member's question, Mr Lynds explained that the Council's emerging new policy on back garden development in the Local Development Framework (LDF) required further public consultation and consideration by the Planning Inspector. Therefore, the Sub-Committee was advised that, at this early stage of the LDF process, although the emerging policy was a matter for the Sub-Committee, it should not attach much weight to the new policy.

Mr Dunbar-Dempsey explained that although when viewed from Boyne Rise the site currently appeared to be a well wooded area, on closer inspection much of this was garden shrubbery, which the owners could remove at any time. The remainder comprised several good quality trees of which 17 were protected by a Tree Preservation Order (TPO). Of these, it was proposed that four would be removed; two because of their poor condition and two to facilitate the development. Mr Dunbar-Dempsey explained that this was acceptable because their loss would not have a significant impact on the wider

landscape. It was also noted that a willow tree would be lost at the access and Mr Dunbar-Dempsey explained that this tree (one of the TPO trees to be removed) was of poor condition and not suitable for long-term retention.

To mitigate the effect of the development, the applicant had proposed the planting of semi-mature trees and had proposed a pedestrian access from Springvale Road to Top Field, which Mr Dimon likened to a green spine running through the centre of the site to the open space beyond.

Members noted the comments of the Arboricultural Officer within the Report. Amongst other things, this had raised concerns about the possibility of major level changes to facilitate the development and the effect this could have on the protected trees. However, Mr Dimon explained that this was not relevant to the outline application and that, in the unlikely event that major level changes were required, this would be addressed in considering the reserved matters application.

Similarly, Mr Dimon confirmed that the Arboricultural Officer's concerns about the provision of a pavement adjacent to the access road and its proximity to protected trees was also not relevant, as the applicant had not proposed any pavements within the site and that the access road would be a shared surface, the final design details of which would also be addressed in considering the reserved matters application.

Members noted that the development proposed a mixture of two storey and, in the case of the two blocks of flats, two and half storey dwellings (with the latter providing accommodation in the roof) and discussed the objections outlined in the Report regarding overlooking. Mr Dimon explained that the indicative plans submitted did not suggest that there would be any overlooking issues to existing properties because of their proposed location and the boundary screening. However, overlooking of both existing dwellings and within the site would be considered further in the reserved matters application.

The Sub-Committee also raised concerns regarding the proposed demolition of 130-132 Springvale Road which were characterful, flint cottages. Mr Dimon confirmed that these properties were possibly unique to Springvale Road, as most of the dwellings had been constructed after the 1940s. However, as the flint cottages were not listed, nor of list-able quality, the Council had no powers to require their retention.

During debate, the Sub-Committee noted that only the start of the access road had separate footpath provision and the remainder through the site would be a shared pedestrian/vehicular surface.

Members were concerned about what the effect of street lighting to the access road would be on views of the site from Boyne Rise and therefore agreed to minimise this through strengthening Condition 2 (section d). Mr Elvin advised that it might be appropriate for the access road to be lit by illuminated bollards.

Members discussed the transport contribution of £200,097, which had been requested by Hampshire County Council as referred to by clause 3 of the proposed legal agreement requirements. Mr Elvin explained that this was likely to be used to construct a footpath on the western side of Springvale Road to the immediate north of the access. The County Council had also referred to the desirability of continuing this footpath to the south of the development, if the necessary land could be acquired.

Following discussion, Members agreed that the wording of proposed Condition 3 should be strengthened to ensure that the contributions were spent on improvements relevant to the development and Kings Worthy. The Sub-Committee therefore agreed that the Condition be amended to read:

“That the transport contribution of £200,097 be spent by Hampshire County Council on transport infrastructure schemes to mitigate the effect of the development on Kings Worthy.”

In response to a question, Mr Elvin confirmed that the proposed on-site parking provided space for, on average, 1.75 vehicles per dwelling and that this was satisfactory and met the required guidance. Furthermore, many of the spaces would not be designated as this would maximise their use and provide the opportunity to accommodate visitor parking.

The Sub-Committee questioned the effect of the access onto Springvale Road and Mr Elvin commented that this had been considered by the Planning Appeal Inspector. In assessing a previous, larger application of 74 units on the site, the Inspector had concluded that Springvale Road had sufficient capacity to accommodate the additional traffic emanating from the development.

Members also raised concerns regarding visibility from the access onto Springvale Road. Mr Elvin explained that the County Council had required visibility splays of 2.4m x 83m to the north and 2.4m x 120m to the south. Although a Member had reported that this could not be achieved to the south of the site (as it required the consent of the owner of a neighbouring property), the ownership of this slither of land onto the highway was questionable. However, Mr Lynds confirmed that the visibility splay would be achieved via a Grampian Condition, which required the applicant achieve the visibility before construction could commence.

Following their site visit, the Sub-Committee were also concerned about the amount and speed of traffic along Springvale Road. Mr Elvin confirmed that the visibility splays were calculated on the speed, rather than the amount of traffic, and that a previous proposal to reduce the speed limit from 40mph to 30mph had been rejected by Kings Worthy Parish Council.

Linked to this, Members considered the high number of children that were likely to live in the development and discussed the applicant's proposals for a pedestrian crossing point to be provided to the immediate north of the access.

Mr Elvin explained that this would be through the provision of dropped kerbs and tactile paving.

Given that the area near to the application site had flooded in the past, Members were concerned what effect the proposed development might have on surface water run-off into Springvale Road. Mr Dimon explained that following detailed negotiations with the applicant, the Environment Agency had been satisfied that the revised flood risk assessment demonstrated that surface water could percolate through soakaways into the substrata sufficiently so as to not exacerbate the existing flood risk to the area.

The Sub-Committee noted that a previous outline application for the development of 74 dwellings on the site had been refused and subsequently dismissed at Appeal. Mr Lynds explained that the Planning Appeal Inspector had refused the appeal for the outline development of the site for 74 dwellings because the density of the development had too adverse an impact on the character of the area. The Inspector had concluded that other issues such as open space, affordable housing provision, the footpath and sustainable transport initiatives could be adequately dealt with by suitable conditions.

The revised outline application before Members of 62 dwellings equated to a density of 32 dwellings per hectare, which was in accordance with the Council's policies.

However, Mr Dimon conceded that this was significantly greater than the current density of the site, which was dominated by very large gardens. He explained that whilst the development would change the character of the site, this was the case of any development, especially brownfield development.

However, the Sub-Committee were mindful of PPS3 which required new developments to enhance the character of the area and concerns were raised that the application had failed to meet this criteria.

Several Members considered that there were a number of questions regarding the application which, at this stage, had not been answered satisfactorily. However, Mr Lynds reiterated that this was an outline application and the detailed concerns would be considered by the reserved matters application. The timeframe for the Local Authority to require that the outline application provide further information had passed.

At the conclusion of their debate, the Sub-Committee agreed that although the application had proposed a reduction in the number of dwellings on the site, it was still too dense. As a consequence, it would therefore still have an adverse effect on the character of the area through the loss of a significant proportion of the landscaping that currently covered the site.

The Sub-Committee therefore did not support the recommendation set out in the Report and instead agreed to refuse planning permission, with authority being delegated to the Head of Planning Management (in consultation with the Vice-Chairman) to agree the detailed wording of the reasons for refusal, based

on the Sub-Committee's view that the application did not accord with Policy DP3 ii and vii of the Winchester District Local Plan Review.

Furthermore, the Sub-Committee agreed to include reasons in regard to the failure to provide adequate open space provision, affordable housing, transport contribution and archaeological investigations, so that these matters could be secured in the consideration of any subsequent appeal.

RESOLVED:

That planning permission be refused.

The meeting commenced at 11.15am and concluded at 1.25pm.

Chairman